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A HISTORY

OF THE

INQUISITION OF SPAIN

BY

HENRY CHARLES LEA, LL.D.

IN FOUR VOLUMES

VOLUME I.

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PREFACE.

In the following pages I have sought to trace, from the original sources as far as possible, the character and career of an institution which exercised no small influence on the fate of Spain and even, one may say, indirectly on the civilized world. The material for this is preserved so superabundantly in the immense Spanish archives that no one writer can pretend to exhaust the subject. There can be no finality in a history resting on so vast a mass of inedited documents and I do not flatter myself that I have accomplished such a result, but I am not without hope that what I have drawn from them and from the labors of previous scholars has enabled me to present a fairly accurate survey of one of the most remarkable organizations recorded in human annals.

In this a somewhat minute analysis has seemed to be indispensable of its structure and methods of procedure, of its relations with the other bodies of the State and of its dealings with the various classes subject to its extensive jurisdiction. This has involved the accumulation of much detail in order to present the daily operation of a tribunal of which the real importance is to be sought, not so much in the awful solemnities of the auto de fe, or in the cases of a few celebrated victims, as in the silent influence exercised by its incessant and secret labors among the mass of the people and in the limitations which it placed on the Spanish intellect—in the resolute conservatism with which it held the nation in the medieval groove and unfitted it for the exercise of rational liberty when the nineteenth century brought in the inevitable Revolution.

The intimate relations between Spain and Portugal, especially during the union of the kingdoms from 1580 to 1640, has rendered necessary the inclusion, in the chapter devoted to the Jews, of a brief sketch of the Portuguese Inquisition, which earned a reputation even more sinister than its Spanish prototype.

I cannot conclude without expressing my thanks to the gentlemen whose aid has enabled me to collect the documents on which the work is largely based—Don Claudio Pérez Gredilla of the Archives of Simancas, Don Ramon Santa María of those of Alcalá de Henares prior to their removal to Madrid, Don Francisco de Bofarull y Sans of those of the Crown of Aragon, Don J. Figueroa Hernández, formerly American Vice-consul at Madrid, and to many others to whom I am indebted in a minor degree. I have also to tender my acknowledgements to the authorities of the Bodleian Library and of the Royal Libraries of Copenhagen, Munich, Berlin and the University of Halle, for favors warmly appreciated.

HENRY CHARLES LEA.

PHILADELPHIA, OCTOBER, 1905.

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THE INQUISITION OF SPAIN

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BOOK I.

ORIGIN AND ESTABLISHMENT.

CHAPTER I.

THE CASTILIAN MONARCHY.

It were difficult to exaggerate the disorder pervading the Castilian kingdoms, when the Spanish monarchy found its origin in the union of Isabella of Castile and Ferdinand of Aragon. Many causes had contributed to prolong and intensify the evils of the feudal system and to neutralize such advantages as it possessed. The struggles of the reconquest from the Saracen, continued at intervals through seven hundred years and varied by constant civil broils, had bred a race of fierce and turbulent nobles as eager to attack a neighbor or their sovereign as the Moor. The contemptuous manner in which the Cid is represented, in the earliest ballads, as treating his king, shows what was, in the twelfth century, the feeling of the chivalry of Castile toward its overlord, and a chronicler of the period seems rather to glory in the fact that it was always in rebellion against the royal power.[1] So fragile was the feudal bond that a *ricohome* or noble could at any moment renounce allegiance by a simple message sent to the king through a hidalgo.[2] The necessity of attract-

[1] Romancero del Cid, pp. 12, 74, 77, 79, 87, 88, etc. (Frankofurto, 1828).—Crónica de Alfonso VII, 138–141 (Florez, España Sagrada, XXI, 403)—

"Castellæ vires per sæcula fuere rebelles:
Inclyta Castella ciens sævissima bella
Vix cuiquam regum voluit submittere collum:
Indomite vixit, cœli lux quandiu luxit."

[2] Fuero Viejo de Castiella, Lib. I, Tit. iii, § 3. Cf. Partidas, P. IV, Tit. XXV, ley 7.

ing population and organizing conquered frontiers, which subsequently became inland, led to granting improvidently liberal franchises to settlers, which weakened the powers of the crown,[1] without building up, as in France, a powerful Third Estate to serve as a counterpoise to the nobles and eventually to undermine feudalism. In Spain the business of the Castilian was war. The arts of peace were left with disdain to the Jews and the conquered Moslems, known as Mudéjares, who were allowed to remain on Christian soil and to form a distinct element in the population. No flourishing centres of industrious and independent burghers arose out of whom the kings could mould a body that should lend them efficient support in their struggles with their powerful vassals. The attempt, indeed, was made; the Córtes, whose co-operation was required in the enactment of laws, consisted of representatives from seventeen cities,[2] who while serving enjoyed personal inviolability, but so little did the cities prize this privilege that, under Henry IV, they complained of the expense of sending deputies. The crown, eager to find some new sources of influence, agreed to pay them and thus obtained an excuse for controlling their election, and although this came too late for Henry to benefit by it, it paved the way for the assumption of absolute domination by Ferdinand and Isabella, after which the revolt of the Comunidades proved fruitless. Meanwhile their influence diminished, their meetings were scantily attended and they became little more than an instrument which, in the interminable strife that cursed the land, was used alternately by any faction as opportunity offered.[3]

The crown itself had contributed greatly to its own abasement. When, in the thirteenth century, a ruler such as San Fernando III. made the laws respected and vigorously extended the bound-

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[1] See, for instance, the charter granted by Raymond Berenger IV of Barcelona, in 1108, to Olerdula, after a devastating Saracen inroad, and the charter of Lérida in 1148, after its capture from the Moors.—Marca Hispanica, pp. 1233, 1305. The same causes were operative in Castile.

[2] The cities entitled to send procurators to the Córtes were Burgos, Leon, Ávila, Segovia, Zamora, Toro, Salamanca, Soria, Murcia, Cuenca, Toledo, Seville, Córdova, Jaen, Valladolid, Madrid and Guadalajara.—Pulgar, Crónica, P. II, cap. xcv.

[3] Marina, Teoria de las Córtes, P. I, cap. xvi, xx. (Madrid, 1820.).—Siete Partidas, P. II, Tit. xvi, ley 4.—Modesto de Lafuente, Hist. Gen. de España, IX, 34.—J. Bernays, Zur inneren Entwicklung Castiliens (Deutsche Zeitschrift für Geschichtswissenschaft, 1889, pp. 381 *sqq.*).

aries of Christianity, Castile gave promise of development in power and culture which miserably failed in the performance. In 1282 the rebellion of Sancho el Bravo against his father Alfonso was the commencement of decadence. To purchase the allegiance of the nobles he granted them all that they asked, and to avert the discontent consequent on taxation he supplied his treasury by alienating the crown lands.[1] Notwithstanding the abilities of the regent, María de Molina, the successive minorities of her son and grandson, Fernando IV and Alfonso XI, stimulated the downward progress, although the vigor of the latter in his maturity restored in some degree the lustre of the crown and his stern justice re-established order, so that, as we are told, property could be left unguarded in the streets at night.[2] His son, Don Pedro, earned the epithet of the Cruel by his ruthless endeavor to reduce to obedience his turbulent nobles, whose disaffection invited the usurpation of his bastard brother, Henry of Trastamara. The throne which the latter won by fratricide and the aid of the foreigner, he could only hold by fresh concessions to his magnates which fatally reduced the royal power.[3] This heritage he left to his son, Juan I, who forcibly described, in the Córtes of Valladolid in 1385, how he wore mourning in his heart because of his powerlessness to administer justice and to govern as he ought, in consequence of the evil customs which he was unable to correct.[4] This depicts the condition of the monarchy during the century intervening between the murder of Pedro and the accession of Isabella—a dreary period of endless revolt and civil strife, during which the central authority was steadily growing less able to curb the lawless elements tending to eventual anarchy. The king was little more than a puppet of which rival factions sought to gain possession in order to cover their ambitions with a cloak of legality, and those which failed to secure his person treated his authority with contempt, or set up some rival in a son or brother as an excuse for rebellion. The work of the Reconquest which, for six hundred years, had been the leading object

[1] Crónica de Don Alfonso X, cap. clxxvi.—Barrantes, Ilustraciones de la Casa de Niebla, Lib. I, cap. xiv (Memorial histórico español, VIII).

[2] Crónica de Don Alfonso XI, cap. lxxx.—Barrantes, *op. cit.* Lib. I, cap. xxvi, lxxx.

[3] Ayala, Crónica de Pedro I, año XVII, cap. vii.

[4] Córtes de los antiguos Reinos de Leon y de Castilla, II, 330 (Madrid, 1863).

of national pride was virtually abandoned, save in some spasmodic enterprise, such as the capture of Antequera, and the little kingdom of Granada, apparently on the point of extinction under Alfonso XI, seemed destined to perpetuate for ever on Spanish soil the hateful presence of the crescent.

The long reign of the feeble Juan II, from 1406 to 1454, was followed by that of the feebler Henry IV, popularly known as El Impotente. In the Seguro de Tordesillas, in 1439, the disaffected nobles virtually dictated terms to Juan II.[1] In the Deposition of Ávila, in 1465, they treated Henry IV with the bitterest contempt. His effigy, clad in mourning and adorned with the royal insignia, was placed upon a throne and four articles of accusation were read. For the first he was pronounced unworthy of the kingly station, when Alonso Carrillo, Archbishop of Toledo, removed the crown; for the second he was deprived of the administration of justice, when Álvaro de Zuñiga, Count of Plasencia, took away the sword; for the third he was deprived of the government, when Rodrigo Pimentel, Count of Benavente, struck the sceptre away; for the fourth he was sentenced to lose the throne, when Diego López de Zuñiga tumbled the image from its seat with an indecent gibe. It was scarce more than a continuation of the mockery when they elected as his successor his brother Alfonso, a child eleven years of age.[2]

The lawless independence of the nobles and the effacement of the royal authority may be estimated from a single example. At Plasencia two powerful lords, Garcí Alvárez de Toledo, Señor of Oropesa, and Hernan Rodríguez de Monroy, kept the country in an uproar with their armed dissension. Juan II sent Ayala, Señor of Cebolla, with a royal commission to suppress the disorder. Monroy, in place of submitting, insulted Ayala, who as a "buen caballero" disdained to complain to the king and preferred to avenge himself. Juan on hearing of this summoned to his presence Monroy, who collected all his friends and retainers and set out with a formidable army. Ayala made a similar levy and set upon him as he passed near Cebolla. There was a desperate battle in which Ayala was worsted and forced to take refuge in Cebolla, while Monroy passed on to Toledo

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[1] Seguro de Tordesillas, Madrid, 1784.

[2] Castillo, Crónica de Enrique IV, cap. lxxiv.—Valera, Memorial de diversas Hazañas, cap. xxviii.—Pulgar, Crónica, p. 3 (Ed. 1780).

and, when he kissed the king's hands, Juan told him that he had sent for him to cut off his head, but as Ayala had preferred to right himself he gave Monroy a God-speed on his journey home and washed his hands of the whole affair.[1]

The *ricosomes* who thus were released from all the restraint of law had as little respect for those of honor and morality. The virtues which we are wont to ascribe to chivalry were represented by such follies as the celebrated *Passo Honroso* of Suero de Quiñones, when that knight and his nine comrades, in 1434, kept, in honor of their ladies, for thirty days against all comers, the pass of the Bridge of Orbigo, at the season of the feast of Santiago and sixty-nine challengers presented themselves in the lists.[2] With exceptions such as this, and a rare manifestation of magnanimity, as when the Duke of Medina Sidonia raised an army and hastened to the relief of his enemy, Rodrigo Ponce de Leon besieged in Alhama,[3] the record of the time is one of the foulest treachery, from which truth and honor are absent and human nature displays itself in its basest aspect. According to contemporary belief, Ferdinand was indebted for the crown of Aragon to the poisoning of his brother, the deeply mourned Carlos, Prince of Viana, while the crown of Castile fell to Isabella through the similar taking off of her brother Alfonso.[4]

A characteristic incident is one involving Doña María de Monroy, who married into the great house of Henríquez of Seville, and was left a widow with two boys. When the youths were respectively eighteen and nineteen years old they were close friends of two gentlemen of Seville named Mançano. The younger brother, dicing with them in their house, was involved in a quarrel with them, when they set upon him with their servants and slew him. Then, fearing the vengeance of the elder brother, they sent him a friendly message to come and play with them; when he came they led him along a dark corridor in which they suddenly turned upon him and stabbed him to death. When

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[1] Maldonado, Hechos de Don Alonso de Monrroy (Memorial histórico español, T. VI, p. 14).

[2] Juan de Pineda, El Libro del Passo Honroso, Madrid, 1784.—Pulgar, Claros Varones, Tit. xiv.

[3] Barrantes, Ilustraciones de la Casa de Niebla, Lib. VIII, cap. xxiv.

[4] Valera, Memorial de diversas Hazañas, cap. xix., xl.—Amador de los Rios, Historia de los Judíos, III, 205.

the disfigured corpses of her boys were brought to Doña María she shed no tears, but the fierceness of her eyes frightened all who looked upon her. The Mançanos promptly took horse and fled to Portugal, whither Doña María followed them in male attire with a band of twenty cavaliers. Her spies were speedily on the track of the fugitives; within a month of the murders she came at night to the house where they lay concealed; the doors were broken in and she entered with ten of her men while the rest kept guard outside. The Mançanos put themselves in defence and shouted for help, but before the neighbors could assemble she had both their heads in her left hand and was galloping off with her troop, never stopping till she reached Salamanca, where she went to the church and laid the bloody heads on the tomb of her boys. Thenceforth she was known as Doña María la Brava, and her exploit led to long and murderous feuds between the Monroyes and the Mançanos.[1]

Doña María was but a type of the unsexed women, *mugeres varoniles*, common at the time, who would take the field or maintain their place in factious intrigue with as much ferocity and pertinacity as men. Ferdinand could well look without surprise on the activity in court and camp of his queen Isabella, when he remembered the prowess of his mother, Juana Henríquez, who had secured for him the crown of Aragon. Doña Leonora Pimentel, Duchess of Arévalo, was one of these; of the Countess of Medellin it was said that no Roman captain could get the better of her in feats of arms, and the Countess of Haro was equally noted. The Countess of Medellin, indeed, kept her own son in prison for years while she enjoyed the revenues of his town of Medellin and, when Queen Isabella refused to confirm her possession of the place, she transferred her allegiance to the King of Portugal to whom she delivered the castle of Merida. At the same time the Moorish influence, which was so strong in Castile, occasionally led to the opposite extreme. The Duke of Najera kept his daughters in such absolute seclusion that no man, not even his sons, was permitted to enter the apartments reserved for the women, and the reason he alleged—that the heart does not covet what the eye does not see—was little flattering to either sex.[2]

[1] Maldonado, Hechos de Don Alonso de Monrroy, pp. 17–19.

[2] Maldonado, *op. cit.* pp. 65, 71, 72, 83.—Barrantes, Ilustraciones de la Casa de Niebla, Lib. viii, cap. iii.—Hazañas valerosas de Pedro Manrique de Lara

The condition of the common people can readily be imagined in this perpetual strife between warlike, ambitious and unprincipled nobles, now uniting in factions which involved the whole realm in war, and now contenting themselves with assaults upon their neighbors. The land was desolated; the husbandman scarce could take heart to plant his seed, for the harvest was apt to be garnered with the sword and thrust into castles to provision them against siege. As a writer of the period tells us, there was neither law nor justice save that of arms.[1] In a letter describing the universal anarchy, written by Hernando del Pulgar from Madrid, in 1473, he says that for more than five years there has been no communication from Murcia, where the family of Fajardo reigned supreme—it is, he says, as foreign a land as Navarre.[2] That the roads were unsafe for trade or travel was a matter of course; every petty hidalgo converted his stronghold into a den of robbers, and what these left was swept away by bands of Free Companions.[3] Disorder reigned supreme and all-pervading. The crown was powerless and the royal treasury exhausted. Improvident grants of lands and revenues and jurisdictions, to bribe the treacherous fidelity of faithless nobles, or to gratify worthless favorites, were made, till there was nothing left to give, and then Henry IV bestowed licenses for private mints, until there were a hundred and fifty of them at work, flooding the land with base money, to the unutterable confusion of the coinage and the impoverishment of the people.[4] The Córtes of Madrid, in 1467, and of Ocaña in 1469, called on Henry to resume his improvident grants, and those of Madrigal, in 1476, repeated the urgency to Ferdinand and Isabella, who had been forced to follow his example. To this the sovereigns replied thanking the Córtes and postponing the matter. They did not feel themselves strong enough until 1480, when at the Córtes of Toledo, they resumed thirty million maravedís of revenue which had been alienated during

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(Memorial histórico español, T. VI, pp. 123, 126).—Hernando del Pulgar, Crónica, P. I, cap. lxxxiii.

[1] Maldonado, *op. cit.*, pp. 23, 52, 71, 73.

[2] Clemencin, Elógio de Doña Isabel, p. 127.

[3] Castillo, Crónica de Enrique IV, cap. cliii.

[4] Pulgar, Claros Varones de España (Elzevir, 1670, p. 6).—Castillo, *op. cit.* cap. cxliii.—Saez, Monedas de Enrique IV, pp. 3, 7, 23 (Madrid, 1805). At the Córtes of Segovia, in 1471, Henry ordered the destruction of all the private mints,

the troubles, and this after an investigation which left untouched the gifts to loyal subjects and only withdrew such as had been extorted.[1] Respect for the crown had fallen as low as its revenues. A story told of the Count of Benavente shows how difficult it was, even after the accession of Isabella, for the nobles to recognize that they owed any obedience to the sovereign. He was walking with the queen when a woman came weeping and begging justice, saying that he had had her husband slain in spite of a royal safe-conduct. She showed the letter which her husband had carried in his breast, pierced by the blow which had ended his life, when the count jeeringly remarked "A cuirass would have been of more service." Piqued by this Isabella said "Count do you then not wish there was no king in Castile?" "Rather," said he, "I wish there were many." "And why?" "Because then I should be one of them."[2]

In such a chaos of lawless passion it is not to be supposed that the Church was better than the nobles who filled its high places with worthless scions of their stocks, or than the lower classes of the laity who sought in it provision for a life of idleness and licence. The primate of Castile was the Archbishop of Toledo, who was likewise *ex officio* chancellor of the realm and whose revenues were variously estimated at from eighty to a hundred thousand ducats, with patronage at his disposal amounting to a hundred thousand more.[3] The occupant of this exalted position, at the accession of Isabella, was Alonso Carrillo, a turbulent prelate,

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but it is not likely that he was obeyed (Córtes de Leon y de Castilla, III, 830, Madrid, 1866). Garcia López de Salazar, a contemporary, tells us that the gold Enriques were originally 23½ carats fine, but those struck in the royal mints gradually fell to seven carats, while the private mints made them what they pleased. —Saez, p. 418.

Spanish coinage is an intricate subject, and as some knowledge of it is necessary for the proper understanding of sums of money referred to hereafter, I have given a brief account of it in the Appendix.

[1] Córtes de los antiguos Reinos de Leon y de Castilla, IV, 59–68.—Novisima Recopilacion, Lib. III, Tit. v, ley 10, 11.—Barrantes, Ilustraciones de la Casa de Niebla, Lib. VIII, cap. xxii.—Garibay, Compendio Historial, Lib. XVIII, cap. xvi.—Don Clemencin (*op. cit.* p. 146).

At the death of Henry IV, in 1474, the royal revenue had fallen to about ten million maravedís. By 1477 it increased to 27,415,626, by 1482 to 150,695,288, and in 1504, at the death of Isabella, it was 341,733,597.—Clemencin, p. 153.

[2] Miscelánea de Zapata (Mem. hist. español, T. XI, p. 332).

[3] L. Marinæus Siculus de Reb. Hispan. (R. Beli Rer. Hispan. Scriptt, p. 774). —Damiani a Goes Hispania (Ibid. p. 1237).

delighting in war, foremost in all the civil broils of the period, who, not content with the immense income of his see, lavished extravagant sums in alchemy. Hernando del Pulgar, in a letter of remonstrance, said to him, "The people look to you as their bishop and find in you their enemy; they groan and complain that you use your authority not for their benefit and reformation but for their destruction; not as an exemplar of kindness and peace but for corruption, scandal, and disturbance." When, in 1495, the puritan Ximenes was appointed to the archbishopric, one of his first acts is said to have been the removal, from near the altar of the Franciscan church of Toledo, of a magnificent tomb which Carrillo had erected to his bastard, Troilo Carrillo.[1]

His successor in the see of Toledo has a special interest for us in view of his labors to purify the faith which culminated in establishing the Inquisition. Pero González de Mendoza was one of the notable men of the day, whose influence with Ferdinand and Isabella won for him the name of "the third king." While yet a child he held the curacy of Hita; at twelve he had the archdeaconry of Guadalajara, one of the richest benefices in Spain, which he retained during the successive bishoprics of Calahorra and Sigüenza and the archbishopric of Seville; the see of Sigüenza he kept during the whole tenure successively of the archiepiscopates of Seville and Toledo, in addition to which he was a cardinal and titular Patriarch of Alexandria. With his kindred of the powerful house of Mendoza he adhered to Henry IV, until they effected the sale of the hapless Beltraneja, who was in their hands, to her father, Henry, for certain estates and the title of Duke del Infantado for Diego Hurtado, the head of the family, after which Pero González and his kinsmen promptly transferred their allegiance to Isabella. His admiring biographer assures us that he was more ready with his hands than with his tongue, that he was a gallant knight and that there was never a war in Spain during his time in which he did not personally take part or at least have his troops engaged. Though he had no leisure

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[1] Pulgar, Claros Varones, Tit. xx; Letras No. iii.—Fléchier, Histoire du Cardinal Ximenes, II, 291 (Ed. 1693).

The Córtes of Toledo, in 1462, among their grievances, include the factious turbulence of the clergy—"bien sabe vuestra alteza commo algunos obispos e abades e otras eclesiasticas personas se han fecho y de cada dia se fazen de vandos, e algunos dellos tanto e mas escandalizan vuestras cibdades e villas que los legos dellas."—Córtes de Leon y de Castilla, III, 711 (Madrid, 1866).

to attend to his spiritual duties, he found time to yield to the temptations of the flesh. When, in 1484, he led the army of invasion into Granada he took with him his bastard, Rodrigo de Mendoza, a youth of twenty, who was already Señor del Castillo del Cid, and who, in 1492, was created Marquis of Cenete on the occasion of his marriage, amid great rejoicings, in the presence of Ferdinand and Isabella, to Leonor de la Cerda, daughter and heiress of the Duke of Medina Celi and niece of Ferdinand himself. This was not the only evidence of his frailty of which he took no shame, for he had another son named Juan, by a lady of Valladolid, who was married to Doña Ana de Aragon, another niece of Ferdinand.[1]

With such men at the head of the Church it is not to be expected that the lower orders of the clergy should be models of decency and morality, rendering Christianity attractive to Jew and Moslem. Alonso Carrillo, the archbishop of Toledo, can scarce be regarded as a strict disciplinarian, but even he felt obliged, when holding the council of Aranda in 1473, to endeavor to repress the more flagrant scandals of the clergy. As a corrective of their prevailing ignorance it was ordered that in future none should be ordained who could not speak Latin—the language of the ritual and the foundation of all instruction, theological and otherwise. They were forbidden to wear silk or gaily colored garments. As their licentiousness rendered them contemptible to the people, they were commanded to part with their concubines within two months. As their fondness for dicing led to perjuries, scandals and homicides, they were required thereafter to abstain from it, privately as well as publicly. As many priests disdained to celebrate mass, they were ordered to do so at least four times a year; bishops, moreover, were urged to celebrate at least thrice a year, under pain of severe penalties to be determined at the next council. The absurdities poured forth in their sermons by wandering priests and friars were to be repressed by requiring examinations prior to issuing licenses to preach, and the scandals of the pardon-sellers were to be diminished by subjecting them to the bishops. The bishops were also urged to make severe examples of offenders in the lower orders of the clergy, when delivered to them by the

[1] Francisco de Medina, Vida del Cardenal Mendoza (Mem. hist. español, T. VI, pp. 156, 190, 193–4, 255, 293–4, 297, 304).

secular courts, and not to allow their enormities to enjoy continued immunity. The bishops, moreover, were commanded to make no charge for conferring ordinations; they were exhorted, and all other clerics were required, not to lead a dissolute military life or to enter the service of secular lords excepting of the king and princes of the blood. As duels were forbidden, both laity and clergy were warned that if slain in such encounters they would be refused Christian burial.[1] That this effort at reform was, as might be expected, wholly abortive is evidenced from the description of the vices of the ecclesiastical body when Ferdinand and Isabella subsequently endeavored to correct its more flagrant scandals.[2] It was wholly secularized and only to be distinguished from the laity by the sacred functions which rendered its vices more abhorrent, by the immunities which fostered and stimulated those vices and by the intolerance which, blind to all aberrations of morals, proclaimed the stake to be the only fitting punishment for aberration in the faith. While powerless to reform itself it yet had influence enough to educate the people up to its standard of orthodoxy in the ruthless persecution of all whom it pleased to designate as enemies of Christ.

Yet in Spain the immunities and privileges of the Church were less than elsewhere throughout Christendom. The independence which the secular power in Castile had always manifested toward the Holy See and its disregard of the canon law are points which will occasionally manifest themselves hereafter and are worthy of a moment's consideration here. I have elsewhere shown that, alone among the Latin nations, Castile steadily refused to admit the medieval Inquisition and disregarded completely the prescriptions of the Church regarding heresy.[3] In the twelfth century the popular feeling toward the papacy is voiced in the ballads of the Cid. When a demand for tribute to the Emperor Henry IV is said to be made through the pope, Ruy Diaz advises King Fernando to send a defiance from both of them to the pope and all his party, which the monarch accordingly does. So when the Cid accompanies his master to a great

[1] Concil. Arandens. ann. 1473, cap. 3, 6, 9, 10, 11, 12, 13, 14, 15, 20, 25 (Aguirre, V, 344–50).

[2] L. Marinæi Siculi de Rebus Hispan. Lib. XIX.—Raynald. Annal. ann. 1483, n. 15; ann. 1485, n. 26.

[3] History of the Inquisition of the Middle Ages, Vol. II, pp. 180 *sqq.*

council in Rome and kicks over the chair prepared for the King of France, the pope excommunicates him, whereupon he kneels before the holy father and asks for absolution, telling him it will be the worse for him if he does not grant it, which the pope promptly does on condition of his being more self-restrained during the remainder of his stay.[1] There is no trace of the veneration for the vice-gerent of God which elsewhere was inculcated as an indispensable religious duty.

When such was the popular temper it is easy to understand that the prohibition to carry money out of the kingdom to the pope was even more emphatic than in England.[2] The claim to control the patronage of the Church, which was so prolific a source of revenue to the curia, met throughout Spain a resistance as sturdy as in England, though the troubled condition of the land interfered with its success. In Catalonia, the Córtes, in 1419, adopted a law in which, after alluding to the scandals and irreparable injuries arising from the intrusion of strangers, it was declared that none but natives should hold preferment of any kind and that all papal letters and bulls contravening this should be resisted in whatever way was necessary.[3] In Castile the Córtes of 1390 forcibly represented to Juan I the evils resulting from this foisting of strangers on the Spanish Church, but his speedy death prevented action. The remonstrance was renewed to the tutors of the young Henry III, who promptly placed an embargo on the revenues of foreign benefice-holders and forbade the admission of subsequent appointees. This led to a compromise, in 1393, by which the Avignonese curia secured the recognition of existing incumbents by promising that no more such nominations should be made.[4] The promise made by the Avignonese antipope was not binding on the Roman curia and the quarrel continued. Even if the recipient was a native there was little ceremony in dealing with papal grants of benefices when occasion prompted, as was shown in the affair

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[1] Romancero del Cid, pp. 245, 269 (Francofurto, 1828).

[2] Ordenanzas Reales, Lib. vi, Tit. ix, ley 21.—Villanueva, Viage Literario, XVII, 256.

[3] Constitutions de Cathalunya, Lib. i, Tit. v, cap. 1 (Barcelona, 1588, p. 18). Similar laws adopted in 1534 and 1537 show that meanwhile it had been impossible to prevent papal encroachments.—Ib. cap. 3, 4.

[4] Ayala, Crónica de Don Juan I, año x, cap. vii.—Crónica de Don Enrique III, año III, cap. xvi.

which first revealed the unbending character of the future Cardinal Ximenes. During his youthful sojourn in Rome Ximenes procured papal "expectative letters" granting him the first preferment that should fall vacant in the diocese of Toledo. On his return he made use of these letters to take possession of the *arciprestazgo* of Uceda, but it happened that Archbishop Carrillo simultaneously gave it to one of his creatures and, as Ximenes refused to surrender his rights, he was thrown into a tower in Uceda—a tower he subsequently, when himself Archbishop of Toledo, used as a treasury. As he continued obstinate, Carrillo transferred him to the Pozo de Santorcas, a harsh dungeon used for clerical malefactors, where he lay for six years, resolutely refusing to abandon his claim, until released at the intercession of the wife of a nephew of Carrillo.[1] Evidently the Castilian prelates had slender respect for papal diplomas. About the same time, during the civil war between Henry IV and his brother Alfonso, when Hernando de Luxan, Bishop of Sigüenza, died, the dean, Diego López, obtained possession of the castles and the treasure of the see, joined the party of Alfonso, and, with the aid of Archbishop Carrillo, caused himself to be elected bishop. Meanwhile Paul II gave the see to Juan de Maella, Cardinal-bishop of Zamora, but Diego López refused to obey the bulls and appealed to the future council against the pope and all his censures. He disregarded an interdict launched against him and was supported by all his clergy. Maella died and Paul II gave the bishopric to the Bishop of Calahorra, requesting Henry IV to place him in possession. So secure did Diego López feel that he rejected a compromise offering him the see of Zamora in exchange, but the possession of Sigüenza happened to be of importance in the war; by bribery a troop of royalist soldiers obtained admittance to the castle and carried off López as a prisoner.[2]

It was the same even with so pious a monarch as Ferdinand the Catholic. When, in 1476, the archiepiscopal see of Saragossa became vacant by the death of Juan of Aragon, Ferdinand, with his father, Juan II, asked Sixtus IV to appoint his natural son, Alfonso, a child six years of age. The claim of the papacy to archiepiscopal appointments, based on the necessity of the

[1] Alvar Gomez, De Rebus gestis a Francisco Ximenio, fol. 3 (Compluti, 1569). —Robles, Vida del Cardenal Ximenes, pp. 38–41.

[2] Castillo, Crónica de Enrique IV, cap. cv.

pallium, was of ancient date and had become incontestable. In the thirteenth century Alfonso X had admitted it in the case of the archbishops, but when Isabella appointed Ximenes to the see of Toledo in 1495 the proceedings showed that the post was considered to be in the gift of the crown and the papal confirmation to be a matter of course.[1] So in the present case the request was a mere form, as was seen when Sixtus refused. The defect of birth could be dispensed for, but the youth of Alfonso was an insuperable objection, and Sixtus appointed Ansias Dezpuch, then Archbishop of Monreal, thinking that the services rendered by him and by his uncle, the Master of the Order of Montesa, would induce the king to assent. Dezpuch accepted, but Ferdinand at once sequestrated all the revenues of Monreal and the priory of Santa Cristina and ordered him to resign. On his hesitating, Ferdinand threatened to seize all the castles and revenues of the mastership of Montesa, which was effectual, and Sixtus compromised by making the boy perpetual administrator of Saragossa.[2]

Isabella, despite her piety, was as firm as her husband in defending the claim of the crown in these matters against the papacy. When, in 1482, the see of Cuenca became vacant and Sixtus IV appointed a Genoese cousin to the position, Ferdinand and his queen energetically represented that only Spaniards should have Spanish bishoprics and that the selection should be made by them. Sixtus retorted that all benefices were in the gift of the pope and that his power, derived from God, was unlimited, whereupon they ordered home all their subjects resident in the papal court and threatened to take steps for the convocation of a general council. These energetic proceedings brought Sixtus to terms and he sent to Spain a special nuncio, but Ferdinand and Isabella stood on their dignity and refused even to receive him. Then the Cardinal of Spain, Pero González de Mendoza, intervened and, on Sixtus withdrawing his pretensions, they allowed themselves to be reconciled.[3] They alleged that what-

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[1] Memorial histórico español, T. I, p. 236; II, 22, 25.—Gomez de Rebus gestis a Fran. Ximenio, fol. 9–11.

[2] Zurita, Añales de Aragon, Lib. xx, cap. xxii.—Mariana, Historia de España, Lib. xxiv, cap. xvi.

[3] Pulgar, Crónica de los Reyes Catolicos, Lib. ii, cap. civ.

The right as to bishoprics was finally conceded in 1523 to Charles V by Adrian VI (Mariana, Lib. xxvi, cap. 5).

ever might be the papal rights in other countries, in Spain the patronage of all benefices belonged to the crown because they and their predecessors had wrested the land from the infidel.[1] So jealous, indeed, were they of the papal encroachments that among the subjects which they submitted to the national synod assembled by them in Seville, June, 1478, was how to prevent the residence of papal legates and nuncios, who not only carried off much money from the kingdom, but threatened the royal pre-eminence, to which the synod replied that this rested with the sovereigns to do as their predecessors had done[2] It is easy thus to understand why, in the organization of the Inquisition, they insisted that all appointments should be made by the throne.

In other ways the much-prized superiority of the canon over secular law was disregarded in Spain. The Córtes and the monarch had never hesitated to legislate on ecclesiastical affairs, and the jurisdiction of the ecclesiastical courts was limited with a jealousy which paid scant respect to canon and decretal. Nothing, for instance, was better settled than the spiritual cognizance of all matters respecting testaments, yet when, in 1270, the authorities of Badajoz complained of the interference of the bishop's court with secular judges in such affairs, proceeding to the excommunication of those who exercised jurisdiction over them, Alfonso X expressed surprise and gave explicit commands that such cases should be decided by the lay courts exclusively.[3] So little respect was felt for the immunity of ecclesiastics from secular law, in defence of which Thomas à Becket had laid down his life, that, as late as 1351, an *ordenamiento* of Pedro the Cruel concedes to them that they shall not be cited before secular judges except in accordance with law.[4] On the other hand, laymen were jealously protected from the ecclesiastical courts. The crown was declared to be the sole judge of its own jurisdiction, and no appeal from it was allowed. In the exercise of this supreme power laws were repeatedly enacted providing that a layman, who should cite another layman before a spiritual judge, not only lost his cause but incurred a heavy fine and disability for public office. The spiritual judge

[1] Francisco de Medina, Vida del Cardenal de Mendoza (Memorial histórico español, T. VI, p. 244).

[2] Boletin de la R. Acad. de la Historia, T. XXII, pp. 220, 227.

[3] Coleccion de Privilegios etc. T. VI, p. 117 (Madrid, 1833).

[4] Archivo de Sevilla, Seccion primera, Carpeta IV, fol. 85, § 3 (Sevilla, 1860).

could not imprison a layman or levy execution on his property, and he who attempted it or any other invasion of the royal jurisdiction forfeited his benefices and became a stranger in the kingdom, thus rendering him incapable of preferment. The ecclesiastic who cited a layman before a spiritual judge lost any privileges or graces which he might hold of the crown. The layman who attempted to remove a cause from a lay court to a spiritual one was punished with confiscation of all his property, while any vassal who claimed benefit of clergy and declined the jurisdiction of a royal court forfeited his fief. In re-enacting these laws in the Córtes of Toledo, in 1480, Ferdinand and Isabella complained of their inobservance and ordered their strict enforcement.[1] No other nation in Christendom dared thus to infringe on the sacred limits of spiritual jurisdiction.

Yet even this was not all, for the secular power asserted its right to intervene in matters within the Church itself. Elsewhere the ineradicable vice of priestly concubinage was left to be dealt with by bishops and archdeacons. The guilty priests themselves, even in Castile, were exempt from civil authority, but Ferdinand and Isabella had no hesitation in invading their domiciles and, by repeated edicts in 1480, 1491, 1502, and 1503, endeavored to cure the evil by fining, scourging, and banishing their partners in sin.[2] It is true, as we have seen above, that these laws were eluded, but there was at least a vigorous attempt to enforce them for, in 1490, the clergy of Guipuzcoa complained that the officers of justice visited their houses to see whether they kept concubines (which of course they denied) and carried off their women to prison, where they were forced to confess themselves concubines, to the great dishonor of the Church, whereupon the sovereigns repressed the excessive zeal of their officials and ordered them in future to interfere only when the concubinage was notorious.[3] A yet more significant extension of royal authority was exercised when, in 1490, the people of Lequeitio (Biscay) complained that, though there were twelve mass-priests in the parish church, they all celebrated together and at uncertain times, so that the pious were unable to be present. This was a matter belonging exclusively to the diocesan authority,

[1] Ordenanzas Reales, Lib. III, Tit. i, leyes 3, 4, 5, 6, 8, 9, 10.—Novís. Recop. Lib. IV, Tit. i, leyes 3, 4, 5.

[2] Novísima Recop. Lib. XII, Tit. xxvi, leyes 3–5.

[3] Coleccion de Cédulas, III, 113 (Madrid, 1829)

yet the appeal was made to the crown, and the Royal Council felt no scruple in ordering the priests to celebrate in succession and at reasonable hours, under pain of banishment and forfeiture of temporalities, thus disregarding even the imprescriptible immunities of the priesthood.[1] So slender, indeed, was the respect paid to these immunities that the Council of Aranda, in 1473, complained that magistrates of cities and other temporal lords presumed to banish ecclesiastics holding benefices in cathedral churches, and it may well be doubted whether the interdict with which the council threatened to punish this infraction of the canons was effective in its suppression.[2]

One of the most deplorable abuses with which the Church afflicted society was the admission into the minor orders of crowds of laymen who, without abandoning worldly pursuits, adopted the tonsure in order to enjoy the irresponsibility afforded by the claim acquired to spiritual jurisdiction, whether as criminals or as traders. The Córtes of Tordesillas, in 1401, declared that the greater portion of the *rufianes* and malefactors of the kingdom wore the tonsure; when arrested by the secular officials the spiritual courts demanded them and enforced their claims with excommunication, after which they freely discharged the evil doers. This complaint was re-echoed by almost every subsequent Córtes, with an occasional allusion to the stimulus thus afforded to the evil propensities of those who were really clerics. The kings in responding to these representations could only say that they would apply to the Holy Father for relief, but the relief never came.[3] The spirit in which these claims of clerical immunity were advanced as a shield for criminals and the resolute firmness with which they were met by Ferdinand and Isabella are illustrated by an occurrence in 1486, in Truxillo, where a man committed a crime and was arrested by the corregidor. He claimed to wear the tonsure and, as the officials delayed in handing him over to the ecclesiastical court, some clerics who were his kinsmen paraded the streets with a cross and proclaimed that religion was being destroyed. They succeeded thus in arousing a tumult in which the culprit was liberated. The sovereigns were in Galicia, but they forthwith despatched

[1] Coleccion de Cédulas, I, 246.

[2] Concil. Arandens. ann. 1473, cap. xxiv (Aguirre, V, 350).

[3] Córtes de Leon y de Castilla, II, 539; III, 33, 57, 122, 172, 192–6, 287, 328, 408.

troops to the scene of disturbance; severe punishment was inflicted on the participants in the riot, and the clerics who had provoked it were deprived of citizenship and were banished from Spain.[1] Less serious but still abundantly obnoxious were the advantages which these tonsured laymen possessed in civil suits by claiming the privilege of ecclesiastical jurisdiction. To meet this was largely the object of the laws in the *Ordenanzas Reales* described above, and these were supplemented, in 1519, by an edict of Charles V forbidding episcopal officials from cognizance of cases where such so-called clerics engaged in trade sought the spiritual courts as a defence against civil suits. A similar abuse, by which such clerics in public office evaded responsibility for wrong-doing by pleading their clergy, he remedied by reviving an old law of Juan I declaring them ineligible to office.[2] Thus the royal power in Spain asserted its authority over the Church after a fashion unknown elsewhere. We shall see that, so long as it declined to persecute Moors and Jews, Rome could not compel it to do so. When its policy changed under Isabella it was inevitable that the machinery of persecution should be under the control, not of the Church, but of the sovereign. We shall also see that, when the Inquisition inflicted similar wrongs by the immunities claimed for its own officials and familiars, the sovereigns customarily turned a deaf ear to the complaints of the people.

Such was the condition of Castile when the death of the miserable Henry IV, December 12, 1474, cast the responsibility of royalty on his sister Isabella and her husband, Ferdinand of Aragon. The power of the crown was eclipsed; the land was ravaged with interminable war between nobles who were practically independent; the sentiment of loyalty and patriotism seemed extinct; deceit and treachery, false oaths—whatever would serve cupidity and ambition—were universal; justice was bought and sold; private vengeance was exercised without restraint; there was no security for life and property. The fabric of society seemed about to fall in ruins.[3] To evolve order out

[1] Pulgar, Crónica, III, lxvi.

[2] Coleccion de Cédulas, II, 49, 50 (Madrid, 1829).

[3] La Puente, Epit. de la Crónica de Juan II, Lib. v, cap. xxxiii.—L. Marinæi Siculi de Rebus Hispan. Lib. XIX.—Pulgar, Crónica, P. II, cap. li.—Bernaldez, Historia de los Reyes Católicos, cap. i (Sevilla, 1869).

of this chaos of passion and lawlessness was a task to test to the uttermost the nerve and capacity of the most resolute and sagacious. To add to the confusion there was a disputed succession, although, in 1468, the oath of fidelity had been taken to Isabella, with the assent of Henry IV, in the Contract of Perales, by which he, for the second time, acknowledged his reputed daughter Juana not to be his. He was popularly believed to be impotent, and when his wife Juana, sister of Affonso V of Portugal, bore him a daughter, whom he acknowledged and declared to be his heir, her paternity was maliciously ascribed to Beltran de la Cueva, and she was known by the opposite party as La Beltraneja. Though Henry had been forced by his nobles to set aside her claims in favor of his brother Alfonso in the Declaration of Cabezon, in 1464, and, after Alfonso's death, in favor of Isabella, in 1468, the latter's marriage, in 1469, with Ferdinand of Aragon so angered him that he betrothed Juana to Charles Duke of Guienne, brother of Louis XI of France, and made the nobles of his faction swear to acknowledge her. At his death he testified again to her legitimacy and declared her to be his successor in a will which long remained hidden and finally in 1504 fell under the control of Ferdinand, who ordered it burnt.[1] There was a powerful party pledged to support her rights, and they were aided on the one hand by Affonso of Portugal and on the other by Louis of France, each eager to profit by dismembering the unhappy land. Some years of war, more cruel and bloody than even the preceding aimless strife, were required to dispose of this formidable opposition—years which tried to the utmost the ability of the young sovereigns and proved to their subjects that at length they had rulers endowed with kingly qualities. The decisive victory of Toro, won by Ferdinand over the Portuguese, March 1, 1476, virtually settled the result, although the final treaty was not signed until 1479. The Beltraneja was given the alternative of marrying within six months Prince Juan, son of Ferdinand and Isabella, then but two years old, or of entering the Order of Santa Clara in a Portuguese house. She chose the latter, but she never ceased to sign herself *Yo la Reina*, and her pretensions were a frequent source of anxiety. She led a varied life, sometimes treated as

[1] Galindez de Carvajal (Coleccion de Documentos para la Historia de España, XVIII, 254).

queen, with a court around her, and sometimes as a nun in her convent, dying at last in 1531, at the age of seventy.[1]

Isabella was queen in fact as well as in name. Under the feudal system, the husband of an heiress was so completely lord of the fief that, in the Capitulations of Cervera, January 7, 1469, which preceded the marriage, the Castilians carefully guarded the autonomy of their kingdom and Ferdinand swore to observe the conditions.[2] Yet, on the death of Henry IV, he imagined that he could disregard the compact, alleging that the crown of Castile passed to the nearest male descendant, and that through his grandfather, Ferdinand of Antequera, brother of Henry III, he was the lawful heir. The position was, however, too doubtful and complicated for him to insist on this; a short struggle convinced his consummate prudence that it was wisdom to yield, and Isabella's wifely tact facilitated submission. It was agreed that their two names should appear on all papers, both their heads on all coins, and that there should be a single seal with the arms of Castile and Aragon. Thereafter they acted in concert which was rarely disturbed. The strong individuality which characterized both conduced to harmony, for neither of them allowed courtiers to gain undue influence. As Pulgar says "The favorite of the king is the queen, the favorite of the queen is the king."[3]

Ferdinand, without being a truly great man, was unquestionably the greatest monarch of an age not prolific in greatness, the only contemporary whom he did not wholly eclipse being Henry VII of England. Constant in adversity, not unduly elated in prosperity, there was a stedfast equipoise in his character which more than compensated for any lack of brilliancy. Far-seeing and cautious, he took no decisive step that was not well prepared in advance but, when the time came, he could strike, promptly and hard. Not naturally cruel, he took no pleasure

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[1] Zurita, Añales de Aragon, Lib. xviii, cap. 20, 21.—Castillo, Crónica de Enrique IV, cap. cxxiv.—Valera, Memorial de diversas Hazañas, cap. xx.—Pulgar, Crónica P. i, cap. ii; P. ii, cap. xci.—Maldonado, Hechos de Don Alonso de Monrrey (Mem. hist. español, T. VI, p. 94).—Barrantes, Ilustraciones de la Casa de Niebla, Lib. viii, cap. xxi.

[2] Castillo, Crónica de Enrique IV, cap. cxxxvii.—Clemencin, Elógio de la Reina Isabel, Append. I.

[3] Pulgar, Crónica, P. ii, cap. ii; Letra xii.—L. Marinæi Siculi de Reb. Hisp. Lib. xix.

in human suffering, but he was pitiless when his policy demanded. Dissimulation and deceit are too invariable an ingredient of statecraft for us to censure him severely for the craftiness in which he surpassed his rivals or for the mendacity in which he was an adept. Cold and reserved, he preferred to inspire fear rather than to excite affection, but he was well served and his insight into character gave him the most useful faculty of a ruler, the ability to choose his instruments and to get from them the best work which they were capable of performing, while gratitude for past services never imposed on him any inconvenient obligations. He was popularly accused of avarice, but the empty treasury left at his death showed that acquisitiveness with him had been merely a means to an end.[1] His religious convictions were sincere and moreover he recognized wisely the invaluable aid which religion could lend to statesmanship at a time when Latin Christianity was dominant without a rival. This was especially the case in the ten years' war with Granada, his conduct of which would alone stamp him as a leader of men. The fool-hardy defiance of Abu-l-Haçan when, in 1478, he haughtily refused to resume payment of the tribute which for centuries had been imposed on Granada, and when, in 1481, he broke the existing truce by surprising Zahara, was a fortunate occurrence which Ferdinand improved to the utmost. The unruly Castilian nobles had been reduced to order, but they chafed under the unaccustomed restraint. By giving their warlike instincts legitimate employment in a holy cause, he was securing internal peace; by leading his armies personally, he was winning the respect of his Castilian subjects who hated him as an Aragonese, and he was training them to habits of obedience. By making conquests for the crown of Castile he became naturalized and was no longer a foreigner. It was more than a hundred years since a King of Castile had led his chivalry to victory over the infidel, and national pride and religious enthusiasm were enlisted in winning for him the personal authority necessary for a sovereign, which had been forfeited since the murder of Pedro the Cruel had established the bastard line upon the throne. It was by such means as this, and not by the Inquisition that

[1] Machiavelli's judgement was as usual correct when he remarked (Il Principe, cap. xvi) "Il Re di Spagna presente se fusse tenuto liberale non avrebbe fatto nè vinto tante imprese."

he started the movement which converted feudal Spain into an absolute monarchy. His life's work was seen in the success with which, against heavy odds, he lifted Spain from her obscurity in Europe to the foremost rank of Christian powers.

Yet amid the numerous acts of cruelty and duplicity which tarnish the memory of Ferdinand as a statesman, examination of his correspondence with his officials of the Inquisition, especially with those employed in the odious business of confiscating the property of the unhappy victims, has revealed to me an unexpectedly favorable aspect of his character. While urging them to diligence and thoroughness, his instructions are invariably to decide all cases with rectitude and justice and to give no one cause of complaint. While insisting on the subordination of the people and the secular officials to the Holy Office, more than once we find him intervening to check arbitrary action and to correct abuses and, when cases of peculiar hardship arising from confiscations are brought to his notice, he frequently grants to widows and orphans a portion of the forfeited property. All this will come before us more fully hereafter and a single instance will suffice here to illustrate his kindly disposition to his subjects. In a letter of October 20, 1502, he recites that Domingo Muñoz of Calatayna has appealed to him for relief, representing that his little property was burdened with an annual *censal* or ground-rent of two sols eight dineros—part of a larger one confiscated in the estate of Juan de Buendia, condemned for heresy —and he orders Juan Royz, his receiver of confiscations at Saragossa, to release the ground-rent and let Muñoz have his property unincumbered, giving as a reason that the latter is old and poor.[1] It shows Ferdinand's reputation among his subjects that such an appeal should be ventured, and the very triviality of the matter renders it the more impressive that a monarch, whose ceaseless personal activity was devoted to the largest affairs of that tumultuous world, should turn from the complicated treachery of European politics to consider and grant so humble a prayer.

In his successful career as a monarch he was well seconded by his queen. Without deserving the exaggerated encomiums which have idealized her, Isabella was a woman exactly adapted to her environment. As we have seen, the *muger varonil* was a not uncommon development of the period in Spain, and Isa-

[1] Archivo Gen. de Simancas, Consejo de la Inquisicion, Libro II, fol. 22

bella's youth, passed in the midst of civil broils, with her fate more than once suspended in the balance, had strengthened and hardened the masculine element in her character. Self-reliant and possessed of both moral and physical courage, she was prompt and decided, bearing with ease responsibilities that would have crushed a weaker nature and admirably fitted to cope with the fierce and turbulent nobles, who respected neither her station nor her sex and could be reduced to obedience only by a will superior to their own. She had the defects of her qualities. She could not have been the queen she was without sacrifice of womanly softness, and she earned the reputation of being hard and unforgiving.[1] She could not be merciful when her task was to reduce to order the wild turmoil and lawlessness which had so long reigned unchecked in Castile, but in this she shed no blood wantonly and she knew how to pardon when policy dictated mercy. How she won the affection of those in whom she confided can be readily understood from the feminine grace of her letters to her confessor, Hernando of Talavera.[2] A less praiseworthy attribute of her sex was her fondness for personal adornment, in which she indulged in spite of a chronically empty treasury and a people overwhelmed with taxation. We hear of her magnifying her self-abnegation in receiving the French ambassador twice in the same gown, while an attaché of the English envoy says that he never saw her twice in the same attire, and that a single toilet, with its jewels and appendages must have cost at least 200,000 crowns.[3] She was moreover rigidly tenacious of the royal dignity. Once when Ferdinand was playing cards with some grandees, the Admiral of Castile, whose sister was Ferdinand's mother, addressed him repeatedly as "nephew"; Isabella was undressed in an inner room and heard it; she hastily gathered a garment around her, put her head through the door and rebuked him—"Hold! my lord the

[1] "Con gran dificultad perdonava los yerros que se le hazian."—Barrantes, Ilustraciones etc., Lib. VIII, cap. xii.

[2] Palafox y Mendoza, Obras, T. VII, p. 333 (Madrid, 1762).—Ochoa, Epistolario Español, II, 14.

[3] Bergenroth, Calendar of Spanish State Papers, I, xxxiv–v. The value of the gold crown of the period was 4*s*. 6*d*. sterling (Ibid. p. 4) and 200,000 scudos was the marriage-portion of Katharine of Aragon when wedded to Prince Arthur of England (Ibid. p. lxiv), which is the equivalent of about £500,000 of modern money. For the oppression of the people see Gonzalo de Ayora (Boletin de la R. Acad., XVII, 447–8). Cf. Clemencin, p. 185.

king has no kindred or friends, he has servants and vassals."[1] She was deeply and sincerely religious, placing almost unbounded confidence in her spiritual directors, whom she selected, not among courtly casuists to soothe her conscience, but from among the most rigid and unbending churchmen within her reach, and to this may in part be attributed the fanaticism which led her to make such havoc among her people. She was scrupulously regular in all church observances; in addition to frequent prayers she daily recited the hours like a priest, and her biographer tells us that, in spite of the pressing cares of state, she seemed to lead a contemplative rather than an active life.[2] She was naturally just and upright, though, in the tortuous policy of the time, she had no hesitation in becoming the accomplice of Ferdinand's frequent duplicity and treachery. With all the crowded activity of her eventful life, she found time to stimulate the culture despised by the warlike chivalry around her, and she took a deep interest in an academy which, at her instance, was opened for the young nobles of her court by the learned Italian, Peter Martyr of Anghiera.[3]

Isabella recognized that the surest way to curb the disorders which pervaded her kingdom was the vigorous enforcement of the law and, as soon as the favorable aspect of the war of the succession gave leisure for less pressing matters, she set earnestly to work to accomplish it. The victory of Toro was followed immediately by the Córtes of Madrigal, April 27, 1476, where far-reaching reforms were enacted, among which the administration of justice and the vindication of the royal prerogatives occupied a conspicuous place.[4] It was not long before she gave her people a practical illustration of her inflexible determination to enforce these reforms. In 1477 she visited Seville with her court and presided in public herself over the trial of malefactors. Complaints came in thick and fast of murders and robberies committed in the bad old times; the criminals were summarily dispatched, and a great fear fell upon the whole population, for there was scarce a family or even an individual who was not compromised. Multitudes fled and Seville bade fair to be de-

[1] From the *Notables* of Cristóbal Núñez, printed by Padre Fidel Fita in the Boletin, XVI, 561.

[2] L. Marinæi Siculi de Rebus Hisp. Lib. xxi.

[3] Pet. Martyr. Angler. Lib. v, Epist. cxiv.

[4] Colmeiro, Córtes de Leon y de Castilla, II, 43 *sqq.*

populated when, at the supplication of a great crowd, headed by Enrique de Guzman, Duke of Medina Sidonia, she proclaimed an amnesty conditioned on the restitution of property, making, however, the significant exception of heresy.[1]

From Seville she went, accompanied by Ferdinand, to Córdova. There they executed malefactors, compelled restitution of property, took possession of the castles of robber hidalgos, and left the land pacified. As opportunity allowed, in the busy years which followed, Isabella visited other portions of her dominions, from Valencia to Biscay and Galicia, on the same errand and, when she could not appear in person, she sent judges around with full power to represent the crown, the influence of which was further extended when, in 1480, the royal officers known as corregidores were appointed in all towns and cities.[2] One notable case is recorded which impressed the whole nobility with salutary terror. In 1480 the widow of a scrivener appealed to her against Alvar Yáñez, a rich caballero of Lugo in Galicia, who, to obtain possession of a coveted property, caused the scrivener to forge a deed and then murdered him to insure secrecy. It was probably this which led Ferdinand and Isabella to send to Galicia Fernando de Acuña as governor with an armed force, and Garcí López de Chinchilla as corregidor. Yáñez was arrested and finally confessed and offered to purchase pardon with 40,000 ducats to be applied to the Moorish wars. Isabella's counsellors advised acceptance of the tempting sum for so holy a cause, but her inflexible sense of justice rejected it; she had the offender put to death, but to prove her disinterestedness she waived her claim to his forfeited estates and gave them to his children. Alvar Yáñez was but a type of the lawless nobles of Galicia who, for a century, had been accustomed to slay and spoil without accountability to any one. So desperate appeared the condition of the land that when, in 1480, the deputies of the towns assembled to receive Acuña and Chinchilla they told them that they would have to have powers from the King of Heaven as well as from the earthly king to punish the evil doers

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[1] Pulgar, Crónica, P. II, cap. lxx.—Æl. Anton. Nebriss. Decad. I, Lib. vii, cap. 6.—Barrantes, Ilustraciones etc. Lib. VIII, cap. xv.—José Gestoso y Pérez, Los Reyes Católicos en Sevilla (Sevilla, 1891).—Zuñiga, Añales de Sevilla, ann. 1477, n. 5.

[2] Pulgar, Crónica, P. II, cap. xcv.

of the land.[1] The example made of Yáñez brought encouragement, but the work of restoring order was slow. Even in 1482 the representatives of the towns of Galicia appealed to the sovereigns, stating that there had long been neither law nor justice there and begging that a *justizia mayor* be appointed, armed with full powers to reduce the land to order. They especially asked for the destruction of the numerous castles of those who, having little land and few vassals to support them, lived by robbery and pillage, and with them they classed the fortified churches held by prelates. At the same time they represented that homicide had been so universal that, if all murderers were punished, the greater part of the land would be ruined, and they suggested that culprits be merely made to serve at their own expense in the war with Granada.[2] With the support of the well-disposed, however, the royal power gradually made itself felt; they lent efficient support to the royal representatives; forty-six robber castles were razed and fifteen hundred robbers and murderers fled from the province, which became comparatively peaceful and orderly—a change confirmed when, in 1486, Ferdinand and Isabella went thither personally to complete the work. Yet it was not simply by spasmodic effort that the protection of the laws was secured for the population. Constant vigilance was exercised to see that the judges were strict and impartial. In 1485, 1488 and 1490 we hear of searching investigations made into the action of all the corregidores of the kingdom to see that they administered justice without fear or favor. *Juezes de Residencia*, as they were called, armed with almost full royal authority, were dispatched to all parts of the kingdom, as a regular system, to investigate and report on the conduct of all royal officials, from governors down, with power to punish for injustice, oppression, or corruption, subject always to appeal in larger cases to the royal council, and the detailed instructions given to them show the minute care exercised over all details of administration. Bribery, also, which was almost universal in the courts, was summarily suppressed and all judges were forbidden to receive presents from suitors.[3] To maintain

[1] Ferreiro, Fueros Municipales de Santiago, II, 65 (Santiago, 1896).

[2] Ibidem, II, 314.

[3] L. Marinæi Siculi Lib. xix, xxi.—Pulgar, Crónica, P. ii, cap. xxvii, lxxviii, xcvi, xcvii, xcviii; P. iii, cap. xxxix, lxvi, c, cxxvii.—Capitulos hechos por el rey y la reyna en Sevilla a ix de Junio de M. y d. (*sine nota*).

constant watchfulness over them a secret service was organized of trustworthy inspectors who circulated throughout the land in disguise and furnished reports as to their proceedings and reputation.[1] Attention, moreover, was paid to the confused jurisprudence of the period. Since the confirmation of the *Siete Partidas* of Alfonso X, in 1348, and the issue at the same time of the *Ordenamiento de Alcalá*, there had been countless laws and edicts published, some of them conflicting and many that had grown obsolete though still legally in force. The greatest jurist of the day, Alfonso Diaz de Montalvo, was employed to gather from these into a code all that were applicable to existing conditions and further to supplement their deficiencies, and this code, known as the *Ordenanzas Reales*, was accepted and confirmed by the Córtes of Toledo in 1480.[2] This reconstruction of Castilian jurisprudence was completed for the time when, in 1491, Montalvo brought out an edition of the *Siete Partidas*, noting what provisions had become obsolete and adding what was necessary of the more modern laws. The result of all these strenuous labors is seen in the admiring exclamation of Peter Martyr, in 1492, "Thus we have peace and concord, hitherto unknown in Spain. Justice, which seems to have abandoned other lands, pervades these kingdoms."[3] The inestimable benefits resulting from this are probably due more especially to Isabella.

Yet I have been led to the conviction that her share in the administration of her kingdom has been exaggerated. The chroniclers of the period were for the most part Castilians who would naturally seek to subordinate the action of the Aragonese intruder, and subsequent writers, in their eagerness to magnify the reputation of Isabella, have followed the example. In the copious royal correspondence with the officials of the Inquisition the name of Isabella rarely appears. To those in Castile as in Aragon Ferdinand mostly writes in the first person singular, without even using the *pluralis majestatis;* the receiver of confiscations is *mi receptor*, the royal treasury is *mi camera e fisco;*

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[1] Galindez de Carvajal (Coleccion de Documentos para la Historia de España, XVIII, 236).

[2] Bernaldez, cap. xlii.

[3] Pet. Martyr. Angler. Lib. v, Epist. cviii. As Cardinal Ximenes says in his letter of advice to Cardinal Adrian as to the conduct of Charles V in taking possession of his inheritance, "por lo qual fue ella tan poderosisima en su reyno, que todos del mayor á el menor temian *virgam ferream* de su justicia, y asi destruyó toda la tirannia." (Valladares, Semanario Erúdito, XX, 237).

the Council of the Inquisition is *mi consejo*. In spite of the agreement of 1474, the signature *Yo la Reina* rarely appears alongside of *Yo el Rey*, and still rarer are Ferdinand's allusions to *la Serenissima Reina, mi muy cara e muy amada muger*, while in the occasional letters issued by Isabella during her husband's absence, she is careful to adduce his authority as that of *el Rey mi señor*.[1] It is scarce likely that this preponderance of Ferdinand was confined to directing the affairs of the Holy Office.

There has been a tendency of late to regard the Inquisition as a political engine for the conversion of Spain from a medieval feudal monarchy to one of the modern absolute type, but this is an error. The change effected by Ferdinand and Isabella and confirmed by their grandson Charles V was almost wholly wrought, as it had been two centuries earlier in France, by the extension and enforcement of the royal jurisdiction, superseding that of the feudatories.[2] In Castile the latter had virtually ceased to be an instrument of good during the long period of turbulence which preceded the accession of Isabella; something evidently was needed to fill the gap; the zealous and efficient administration of justice, which I have described, not only restored order to the community but went far to exalt the royal power, and, while it abased the nobles, it reconciled the people to possible usurpations which were so beneficent. In the consolidation and maintenance of this no agency was so effective as the institution known as the *Santa Hermandad*.

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[1] Archivo Gen. de Simancas, Inquisicion Libros I, II.

[2] The limitations on the royal jurisdiction are exemplified by the unseemly contest at Alcalá de Henares, in 1485–6, between Isabella and the Archbishop González de Mendoza, respecting her right to administer justice within his province. It lasted from December till the time for opening the campaign against Granada, when she removed to Córdova without having established her claim. —Francisco de Medina, Vida del Cardenal Mendoza (Mem. hist. español, VI, 264).

Yet her jurisdiction was one of the points on which Isabella wisely insisted with the utmost firmness. To quote Cardinal Ximenes again—"Ante todo la dicha Reyna cuidaba de defender su jurisdiccion Real, viendo que por ella los Reyes en Castilla se hacen mas poderosos y mas temidos de sus vasallos" (Valladares, Semanario Erúdito, XX, 238). When, in 1491, the royal court at Valladolid, presided over by Alonzo de Valdevielfo, Bishop of Leon, wrongfully allowed an appeal to Rome, she promptly dismissed the bishop and all the judges and replaced them with Juan Arias del Villar, Bishop of Oviedo, and other assessors.—Crónicon de Valladolid (Coleccion de Documentos para la Historia de España, XIII, 184–5).—Galindez de Carbajal (Ibid. XVIII, 278).

Hermandades—brotherhoods or associations for the maintenance of public peace and private rights—were no new thing. In the troubles of 1282, caused by the rebellion of Sancho IV against his father, the first idea of his supporters seems to have been the formation of such organizations.[1] In these associations, however, the police functions were subordinated to the political object of supporting the pretensions of Sancho IV and, recognizing their danger, he dissolved them as soon as he felt the throne assured to him. After his death, his widow the regent Doña María de Molina, organized them anew for the protection of her child, Fernando IV, and again in 1315, when she was a second time regent in the minority of her grandson, Alfonso XI.[2]

The idea was a fruitful one and speedily came to be recognized as a potent instrumentality in the struggle with local disorder and violence. Perhaps the earliest Hermandad of a purely police character, similar to the later ones, was that entered into in 1302 between Toledo, Talavera and Villareal to repress the the robberies and murders committed by the *Golfines* in the district of Xara. Fernando IV not only confirmed the association but ordered the inhabitants to render it due assistance, and subsequent royal letters of the same purport were issued in 1303, 1309, 1312 and 1315.[3] In 1386 Juan I framed a general law providing for the organization and functions of Hermandades, but if any were formed under it at the time they have left no traces of their activity. In 1418 this law was adopted as the constitution of one which organized itself in Santiago, but this accomplished little and, in 1421, the guilds and confraternities of the city united in another for mutual support and succor.[4] There was, in fact, at this time, at least nominally, a general Hermandad, probably organized under the statute of Juan I and possessing written charters and privileges and customs and revenues, with full jurisdiction to try and condemn offenders. It commanded little respect, however, for it complained, in 1418, to Juan II of interference with its revenues and work, in

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[1] Memorial histórico español, T. II, pp. 68, 72, 86, 94, 102.

[2] Benavides, Memorias de Fernando IV, Coleccion Diplomática, T. II, pp. 3, 7, 46, 75, 81, 178 (Madrid, 1860).—Vicente Santamaria de Paredes, Curso de Derecho Político, p. 509 (Madrid, 1883).—Córtes de los antiguos Reinos de Leon y Castilla, I, 247, 300 (Madrid, 1861).

[3] Benavides, *op. cit.* II, 363.

[4] Ferreiro, Fueros Municipales de Santiago, III, 44.

response to which Juan vigorously prohibited all royal and local judges and officials from impeding the Hermandades in any manner. The continuity, nominal at least, of this with subsequent organizations is shown by the confirmation of this utterance by Juan II in 1423, by Ferdinand and Isabella in 1485, by Juana la Loca in 1512 and 1518, by Philip II in 1561, by Philip III in 1601 and by Philip IV in 1621.[1] In the increasing disorder of the times, however, it was impossible, at that period, to maintain the efficiency of the body. In 1443 an attempt was made to reconstruct it, but as soon as it endeavored to repress the lawless nobles and laid siege to Pedro López de Ayala in Salvatierra its forces were cut to pieces and dispersed by Pedro Fernández de Velasco.[2] Some twenty years later, in 1465, when the disorders under Henry IV were culminating, another effort was made. The suffering people organized and taxed themselves to raise a force of 1800 horsemen to render the roads safe, and they endeavored to bring the number up to 3000. It was a popular movement against the nobles and the king hailed it as the work of God who was lifting up the humble against the great. He empowered them to administer justice without appeal except to himself, he told them that they had well earned the name of *Santa Hermandad* and he urged them earnestly to go forward in the good work. The attempt had considerable success for a time, but it soon languished and was dissolved for lack of the means required to carry it on.[3] Again, in 1473, there was another endeavor to form a Hermandad, but the anarchical forces were too dominant for its successful organization.[4]

As soon as the victory of Toro, in March, 1476, gave promise of settled government, the idea of reviving the Hermandades occurred to Alfonso de Quintanilla, Contador Mayor, or Chief Auditor, of Ferdinand and Isabella. With their approval he broached the subject to leading citizens of the principal towns in Leon and Old Castile; deputies were sent to meet at Dueñas and the project was debated. So many obstacles presented

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[1] Coleccion de Privilegios, T. VI, p. 327 (Madrid, 1833).

[2] Crónica de Don Juan II, año xxxvii, cap. i.

[3] Córtes de Leon y de Castilla, III, 795.

[4] Castillo, Crónica de Don Enrique IV, cap. lxxxvii, xc.—Barrantes, Ilustraciones etc. Lib. vii, cap. xxviii.—Garibay, Compendio Historial, Lib. xvii, cap. xxxi.—Coleccion de Cédulas, III, 103 (Madrid, 1829).—Bienvenido, Oliver y Esteller (Boletin, XIV, 382).

themselves that it would have been abandoned but for an eloquent argument by Quintanilla. His plan was adopted, but so fearful were the deputies that the taxes necessary for its maintenance might become permanent that they limited its duration to three years. Under the impulse of the sovereigns it rapidly took shape and was organized with the Duke of Villahermosa, natural brother of Ferdinand, at its head.[1] No time was lost in extending it throughout the kingdoms, in spite of resistance on the part of those who regarded with well-founded apprehension not only its efficiency as a means of coercing malefactors but as a dangerous development of the royal power. Seville, for instance, recalcitrated and only yielded to a peremptory command from Isabella in June, 1477.[2] One of the reasons assigned, in 1507, by Ferdinand for assenting to the demoralizing arrangement under which the Archbishop of Compostella resigned his see in favor of his natural son, was that he had received the royal judges and the Hermandad throughout his province, in opposition to the will of the nobles and gentry.[3] When, in 1479, Alonso Carrillo and the Marquis of Villena made a final attempt to urge the King of Portugal to another invasion of Castile, one of the arguments advanced was the hatred entertained for Ferdinand and Isabella in consequence of the taxes levied to support the three thousand horsemen of the Hermandad.[4] In some provinces the resistance was obstinate. In 1479 we find Isabella writing to the authorities of Biscay, expressing surprise at the neglect of the royal orders and threatening condign punishment for further delay, notwithstanding which repeated commands were requisite, and it was not till 1488 that the stubborn Biscayans submitted, while soon afterward complaints came from Guipuzcoa that the local courts neutralized it by admitting appeals from its sentences.[5] It was in the same year that Ferdinand obtained from the Córtes of Saragossa assent to the introduction of the Hermandad in his kingdom of Aragon, but the Aragonese, always jealous of the royal power,

[1] Pulgar, Crónica, P. II, cap. li.—L. Marinæi Siculi de Reb. Hisp. Lib. XIX. —Æl. Anton. Nebriss. Decad. I, Lib. VI, cap. 1–3.—Garibay, Comp. Historial, Lib. XVIII, cap. viii.

[2] Zuñiga, Añales de Sevilla, ann. 1477, No. 1.

[3] Zurita, Hist. del Rey Hernando, Lib. VIII, cap. V.—Galindez de Carvajal (Coleccion de Documentos para la Historia de España, XVIII, 319).

[4] Barrantes, Ilustraciones etc. Lib. VIII, cap. XX.

[5] Coleccion de Cédulas, I, 70, 124, 143, 183; III, 103.

chafed under it for, in December, 1493, Isabella, writing from Saragossa, expresses a fear that the Córtes may suppress it, though it is the only means of enforcing justice there, and in the Córtes of Monçon, in 1510, Ferdinand was obliged to approve a *fuero* abolishing it and forbidding for the future anything of the kind to be established.[1] In 1490 the independent kingdom of Navarre adopted the system and co-operated with its neighbors by allowing malefactors to be followed across the border and extraditing them when caught—even absconding debtors being thus tracked and surrendered.[2] The institution thus founded was watched with Isabella's customary care. In 1483 complaints arose of bribery and extortion, when she summoned a convention at Pinto of representatives from all the provinces, where the guilty were punished and abuses were reformed.[3]

The Santa Hermandad thus formed a mounted military police which covered the whole kingdom, under the Duke of Villahermosa, who appointed the captains and summoned the force to any point where trouble was threatened. Each centre of population elected two alcaldes, one a gentleman and the other a tax-payer or commoner, and levied a tax to defray the expense of the organization. The alcaldes selected the *quadrilleros*, or privates, and held courts which dispensed summary justice to delinquents, bound by no formalities and required to listen to no legal pleadings. Their decision was final, save an appeal to the throne; their jurisdiction extended over all crimes of violence and theft and they could inflict stripes, mutilation, or death by shooting with arrows. The quadrillero in pursuit of an offender was required to follow him for five leagues, raising the hue and cry as he went, and joined by those of the country through which he passed, who kept up the hunt until the fugitive was either caught or driven beyond the frontier.[4]

Great as were the services of the Hermandad in repressing the turbulence of the nobles and rendering the roads safe, its cost was a source of complaint to the communities which defrayed it. This was by no means small; in 1485 it was com-

[1] Pulgar, Crónica, P. III, cap. xcv.—Palafox, Obras, VII, 338 (Madrid, 1762). —Fueros de Aragon, fol. 13 (Saragossa, 1624).

[2] Coleccion de Cédulas, IV, 89. [3] Pulgar, Crónica, P. III, cap. xii.

[4] Novís. Recop. Tit. xxv, Lib. XII.—Barrantes, Ilustraciones etc. Lib. VIII, cap xiii.—Coleccion de Cédulas, IV, 295.—See also the description of the perfected system which excited the admiration of the Venetian ambassador, Paolo Tiepolo, in 1563 (Relazioni, Serie I, T. V, p. 21).

puted at 32,000,000 maravedís and subsequently it increased greatly; it was met by a tax of 18,000 maravedís on every hundred hearths and the money was not handled by the communities but was paid to the crown.[1] Nominally the organization was in their hands, but virtually it was controlled by the sovereigns, and when, in 1498, Ferdinand and Isabella, with an appearance of generosity, relieved the taxpayers and assumed to meet the expenses from the royal revenues, although they left the election of the alcaldes and quadrilleros in the hands of the local populations, yet the result was inevitable in subjecting it still more closely to the crown.[2] The institution became permanent, and its modern development is seen in the *guarda civil*. None of the reforms of Ferdinand and Isabella was so efficient in restoring order and none did more to centralize power. It was not only a rudimentary standing army which could be concentrated speedily to suppress disorder, but it carried the royal jurisdiction into every corner of the land and made the royal authority supreme everywhere. It was practically an alliance between the crown and the people against the centrifugal forces of feudalism, without which even the policy of Ferdinand and the iron firmness of Ximenes might have failed to win in the final struggle. When municipal independence likewise perished in the defeat of the Comunidades, the only power left standing in Spain was that of the throne, which thus became absolute and all-pervading. The new absolutism was embodied in the self-effacing declaration of the Córtes of Valladolid, in 1523, to Charles V, that the laws and customs were subject to the king, who could make and revoke them at his pleasure, for he was the living law.[3] How immense was the revolution and how speedily accomplished is seen in the contrast between the time when the Count of Benavente jeered at a royal safe-conduct and the people of Galicia scarce dared to receive a royal commissioner, and some sixty years later when, in the unruly Basque provinces, the people of San Sebastian, in 1536, appealed to the Emperor Charles V to relieve them from

[1] Clemencin, p. 139.

[2] Coleccion de Cédulas, IV, 136, 164, 173, 185, 336, 338; V, 669; VI, 425.—Novís Recop. Tit. xxxv, Lib. XII, ley 18.

[3] Córtes de los antiguos Reinos, IV, 356 (Madrid, 1882)—"E las leyes e costunbres son sujetas alos Reys, que las pueden hazer e quitar a su voluntad, e vuestra Alteza es ley viba e animada enlas tierras."

local nuisances, and royal letters were gravely issued forbidding the butchers of that town from erecting new stalls or skinning cattle in the streets and restricting the latter operation to places duly assigned for the purpose.[1] Thus the crown had become absolute and its interposition could be invoked for the minutest details of local government. He reads history to little purpose who imagines that this was the work of the Inquisition.

Another measure of no little importance in establishing the royal supremacy was the virtual incorporation in the crown of the masterships of the three great military Orders of Santiago, of Calatrava and of Alcántara. Under Henry IV a Master of Santiago had been able to keep the whole kingdom in confusion, and the wealth and power of the others, although not so great, were sufficient to render their chiefs the equals of the highest nobles. From Innocent VIII, in 1489, Ferdinand procured a brief granting him for life the administration of all three; and in her will Isabella bequeathed to him an annual income of ten millions of maravedís from their revenues.[2] As Ferdinand's death drew near, the Orders endeavored to be released from subjection, claiming that they could be governed only by their own members, but prudent care secured in time from Leo X the succession in the masterships to Charles V, who, after Leo's death, made haste to obtain from Adrian VI a bull which annexed them in perpetuity to the crown.[3]

It was impossible that a king so far-seeing and politic as Ferdinand and a queen so pious as Isabella, when reducing to order the chaos which they found in Castile, should neglect the interest of the faith on which, according to medieval belief, all social order was based. There were in fact burning religious questions which, to sensitive piety, might seem even more urgent than protection to life and property. To comprehend the intricacy of the situation will require a somewhat extended retrospect into the relations between the several races occupying the Peninsula.

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[1] Coleccion de Cédulas, IV, 333.

[2] Mariana, Lib. xxviii, cap. xi; Tom. IX, Append. p. xix.—Giustiniani, Historie degl'Ordini Militari, pp. 386, 425, 460 (Venezia, 1692).

[3] Cartas de Ximenes de Cisneros, pp. 120, 131, 181 (Madrid, 1867).—Wadding, Annales Minorum, ann. 1516, n. 12.—Gachard, Correspondence entre Charles-Quint et Adrien VI, p. cxi (Bruxelles, 1859).

CHAPTER II.

THE JEWS AND THE MOORS.

The influences under which human character can be modified, for good or for evil, are abundantly illustrated in the conversion of the Spaniards from the most tolerant to the most intolerant nation in Europe. Apologists may seek to attribute the hatred felt for Jews and Moors and heretics, in the Spain of the fifteenth and succeeding centuries, to an inborn peculiarity of the race—a *cosa de España* which must be accepted as a fact and requires no explanation,[1] but such facts have their explanation, and it is the business of the expositor of history to trace them to their causes.

The vicissitudes endured by the Jewish race, from the period when Christianity became dominant, may well be a subject of pride to the Hebrew and of shame to the Christian. The annals of mankind afford no more brilliant instance of steadfastness under adversity, of unconquerable strength through centuries of hopeless oppression, of inexhaustible elasticity in recuperating from apparent destruction, and of conscientious adherence to a faith whose only portion in this life was contempt and suffering. Nor does the long record of human perversity present a more damning illustration of the facility with which the evil passions of man can justify themselves with the pretext of duty, than the manner in which the Church, assuming to represent Him who died to redeem mankind, deliberately planted the seeds of intolerance and persecution and assiduously cultivated the harvest for nearly fifteen hundred years. It was in vain that Jesus on the cross had said "Father, forgive them, for they

[1] Thus Father Gams attributes the Spanish Inquisition to the national peculiarity of the Spaniard, who requires that the State should represent God on earth, and that Christianity should control all public life; he demands unity of faith and not freedom of faith. The Inquisition is an institution for which the Church has no responsibility.—P. Pius Gams, O. S. B., Die Kirchengeschichte von Spanien, III, II, 7, 8, 11, 12.

know not what they do"; it was in vain that St. Peter was recorded as urging, in excuse for the Crucifixion, "And now, brethren, I wot that through ignorance ye did it, as did also your rulers"; the Church taught that, short of murder, no punishment, no suffering, no obloquy was too severe for the descendants of those who had refused to recognize the Messiah, and had treated him as a rebel against human and divine authority. Under the canon law the Jew was a being who had scarce the right to existence and could only enjoy it under conditions of virtual slavery. As recently as 1581, Gregory XIII declared that the guilt of the race in rejecting and crucifying Christ only grows deeper with successive generations, entailing on its members perpetual servitude, and this authoritative assertion was embodied in an appendix to the Corpus Juris.[1] When Paramo, about the same period, sought to justify the expulsion of the Jews from Spain in 1492, he had no difficulty in citing canons to prove that Ferdinand and Isabella could righteously have seized all their property and have sold their bodies into slavery.[2] Man is ready enough to oppress and despoil his fellows and, when taught by his religious guides that justice and humanity are a sin against God, spoliation and oppression become the easiest of duties. It is not too much to say that for the infinite wrongs committed on the Jews during the Middle Ages, and for the prejudices that are even yet rife in many quarters, the Church is mainly if not wholly responsible. It is true that occasionally she lifted her voice in mild remonstrance when some massacre occurred more atrocious than usual, but these massacres were the direct outcome of the hatred and contempt which she so zealously inculcated, and she never took steps by punishment to prevent their repetition. Alonso de Espina merely repeats the currently received orthodox ethics of the subject when he tells us that to oppress the Jew is true kindness and piety, for when he finds that his impiety brings suffering he will be led to the fear of God and that he who makes another do right is greater in the sight of God than he who does right himself.[3]

In view of Spanish abhorrence of Jews and Saracens during

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[1] Septimi Decretal. Lib. v, Tit. i, cap. 5.

[2] Paramo de Orig. Offic. S. Inquisitionis, p. 164.

[3] Fortalicium Fidei, fol. 147b (Ed. 1494).

the last five or six centuries it is a fact worthy of note that the Spanish nations of the medieval period were the latest to yield to this impulsion of the Church. The explanation of this lies partly in the relations between the several races in the Peninsula and partly in the independent attitude which Spain maintained towards the Holy See and its indisposition to submit to the dictation of the Church. To appreciate fully the transformation which culminated in the establishment of the Inquisition, and to understand the causes leading to it, will require a brief review of the position occupied by the Jew and the Saracen towards the Church and the State.

In the primitive Church there would seem to have been a feeling of equality, if not of cordiality, between Christian and Jew. When it was deemed necessary, in the Apostolic canons, to forbid bishops and priests and deacons, as well as laymen, from fasting or celebrating feasts with Jews, or partaking of their unleavened bread, or giving oil to their synagogues, or lighting their lamps, this argues that kindly intercourse between them was only to be restricted in so far as it might lead to religious fellowship.[1] This kindly intercourse continued but, as the Church became mostly Gentile in its membership, the prejudices existing against the Jew in the Gentile world gathered strength until there becomes manifest a tendency to treat him as an outcast. Early in the fourth century the council of Elvira, held under the lead of the uncompromising Hosius of Córdova, forbade marriage between Christians and Jews, because there could be no society common to the faithful and the infidel; no farmer was to have his harvest blest by a Jew, nor was any one even to eat with him.[2] St. Augustin was not quite so rigid, for while he held it lawful to dissolve marriage between the Christian and the infidel, he argued that it was inexpedient.[3] St. Ambrose was one of the earliest to teach proscription when he reproved Theodosius the Great for the favor shown by him to Jews, who slew Christ and who deny God in denying his Son, and St. John Chrysostom improved on this by publicly preaching that Christians should hold no intercourse with Jews, whose

[1] Canon. Apostol. n. 69, 70.
[2] Concil. Eliberitan. cap. 16, 49, 50, 78.
[3] S. August. de Adult. Conjug. Lib. I, cap. xviii.
[4] S. Ambros. Epist. XL, n. 26.

souls were the habitations of demons and whose synagogues were their playgrounds.[1] The antagonism thus stimulated found its natural expression, in 415, in the turbulent city of Alexandria, where quarrels arose resulting in the shedding of Christian blood, when St. Cyril took advantage of the excitement by leading a mob to the synagogues, of which he took possession, and then abandoned the property of the Jews to pillage and expelled them from the city, which they had inhabited since its foundation by Alexander.[2] That under such impulsion these excesses were common is shown by the frequent repetition of imperial edicts forbidding the maltreatment of Jews and the spoiling and burning of their synagogues; they were not allowed to erect new ones but were to be maintained in possession of those existing. At the same time the commencement of legal disabilities is manifested in the reiterated prohibitions of the holding of Christian slaves by Jews, while confiscation and perpetual exile or death were threatened against Jews who should convert or circumcise Christians or marry Christian wives.[3] The Church held it to be a burning disgrace that a Jew should occupy a position of authority over Christians; in 438 it procured from Theodosius II the enactment of this as a fixed principle, and we shall see how earnestly it labored to render this a part of the public law of Christendom.[4] This spirit received a check from the Arianism of the Gothic conquerors of the Western Empire. Theodoric ordered the privileges of the Jews to be strictly preserved, among which was the important one that all quarrels between themselves should be settled by their own judges, and he sternly repressed all persecution. When a mob in Rome burned a synagogue he commanded the punishment of the perpetrators in terms of severe displeasure; when attempts were made to invade the right of the Jews of Genoa he intervened effectually, and when in Milan the clergy endeavored to obtain possession of the synagogue he peremptorily

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[1] S. Joh. Chrysost. adv. Judæos Orat. I, n. 3, 4, 6. Chrysostom's indignation was especially aroused by the popular belief among Christians in the peculiar sanctity of the synagogues, which rendered oaths taken in them more binding than in a church.

[2] Socrat. H. E. VII, xiii.

[3] Lib. XVI, Cod. Theodos. Tit. viii, Ll. 6, 9, 12, 21, 22, 25, 26, 27; Tit. ix, Ll. 2, 3, 4, 5.

[4] Novell. Theodos. II, Tit. iii.

forbade it.[1] So long as the Wisigoths remained Arian this spirit prevailed throughout their extensive dominions, although the orthodox were allowed to indulge their growing uncharitableness. When the council of Agde, in 506, forbade the faithful to banquet or even to eat with Jews it shows that social intercourse still existed but that it was condemned by those who ruled the Church.[2] In the East the same tendency had freer opportunity of expressing itself in legislation, as when, in 706, the council of Constantinople forbade Christians to live with Jews or to bathe with them, to eat their unleavened bread, to consult them as physicians or to take their medicines.[3]

Gregory the Great was too large-minded to approve of this growing spirit of intolerance and, when some zealots in Naples attempted to prevent the Jews from celebrating their feasts, he intervened with a peremptory prohibition of such interference, arguing that it would not conduce to their conversion and that they should be led by kindness and not by force to embrace the faith, all of which was embodied in the canon law to become conspicuous through its non-observance.[4] In fact, his repeated enunciation of the precept shows how little it was regarded even in his own time.[5] When, moreover, large numbers of Jews were compelled to submit to baptism in southern Gaul he wrote reprovingly to the Bishops Virgil of Arles and Theodore of Marseilles, but this did not prevent St. Avitus of Clermont, about the same time, from baptizing about five hundred, who thus saved their lives from the fanatic fury of the populace.[6]

These forced conversions in Gothia were the first fruits of the change of religion of the Wisigoths from Arianism to Catholicism. The Ostrogoths, Theodoric and Theodatus, had expressly

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[1] Edict. Theoderici, cap. 143.—Cassiodori Variar. IV, 33, 43; V, 37. Cf. III, 45.

[2] Concil. Agathens. ann. 506, cap. 40. This was embodied in the canon law (Gratian. Decr. Caus. XXVIII, Q. i, cap. 14). The apologetic tone in which Sidonius Apollinaris, Bishop of Clermont, speaks of Jews whom he likes and who "solent hujusmodi homines honestas habere causas" shows that the more enlightened churchmen felt that any favor shown to the proscribed race exposed them to animadversion (Epistt. Lib. III, Ep. 4; Lib. IV, Ep. 5).

[3] Concil. Quinisext. cap. 11 (Decr. Caus. XXVIII, Q. i, cap. 13).

[4] Gregor. PP. I. Epistt. XIII, 12 (Decreti Dist. XLV, cap. 3).

[5] Ejusd. Epistt. I, 10, 35; II, 32; V, 8; VIII, 27; IX, 6; XIII, 12. It is true that Gregory strongly upheld the rule that Jews should hold no Christian slaves, but he permitted Christians to labor on their lands (Ibid. IV, 21).

[6] Ibid. I, 47.—Venantii Fortunati Miscell. Lib. V, cap. 5.

declared that they could not interfere with the religion of their subjects, for no one can be forced unwillingly to believe.[1] The Wisigoths, who dominated southern Gaul and Spain, when adapting the Roman law to suit their needs, had contented themselves with punishing by confiscation the Christian who turned Jew, with liberating Christian slaves held by Jews, and with inflicting the death penalty on Jewish masters who should force Christian slaves to conversion, besides preserving the law of Theodosius II prohibiting Jews from holding office or building new synagogues.[2] This was by no means full toleration, but it was merciful in comparison with what followed the conversion of the Goths to Catholicism. The change commenced promptly, though it did not at once reach its full severity. The third council of Toledo, held in May, 589, to condemn the Arian heresy and to settle the details of the conversion, adopted canons which show how free had hitherto been the intercourse between the races. Jews were forbidden to have Christian wives or concubines or servants, and all children sprung from such unions were to be baptized; any Christian slave circumcised or polluted with Jewish rites was to be set free; no Jew was to hold an office in which he could inflict punishment on a Christian, and this action was followed by some further disabilities decreed by the council of Narbonne in December of the same year.[3] That freedom of discussion continued for some time is manifested by the audacity of a Jew named Froganis, not long afterwards, who, as we are told, in the presence of all the nobles of the court, exalted the synagogue and depreciated the Church; it was easier perhaps to close his mouth than to confute him, for Aurasius, Bishop of Toledo, excommunicated him and declared him anathematized by the Father, Son and Holy Ghost and by all the celestial hierarchy and cohorts.[4]

The greatest churchman of the day, St. Isidor of Seville, whose career of forty years commenced with the Catholic revolution, did what in him lay to stimulate and justify persecution. His

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[1] Cassiodor. Variar. II, 27; X, 26.

[2] Lex Roman. Visigoth. Lib. XVI, Tit. iii, iv; Novell. Theodos. II, Tit. iii (Ed. Haenel, pp. 250, 256–8).

[3] Concil. Toletan. III, ann. 589, cap. xiv.—Concil. Narbonn. ann. 589, cap. iv, ix.

[4] Gotth. Heine, Biblioth. Vet. Monumentt. Ecclesiasticor. p. 118 (Lipsiæ, 1848).

treatise against the Jews is not vituperative, as are so many later controversial writings, but he proves that they are condemned for their fathers' sins to dispersion and oppression until, at the end of the world, their eyes are to be opened and they are to believe.[1] That he should have felt called upon to compose such a work was an evil sign, and still more evil were the conclusions which he taught. They could not fail of deplorable results, as was seen when Sisebut ascended the throne in 612 and signalized the commencement of his reign by a forcible conversion of all the Jews of the kingdom. What means he adopted we are not told, but of course they were violent, which St. Isidor mildly reproves, seeing that conversion ought to be sincere, but which yet he holds to be strictly within the competence of the Church.[2] The Church in fact was thus brought face to face with the question whether the forcible propagation of the faith is lawful. This is so repugnant to the teachings of Christ that it could scarce be accepted, but, on the other hand, the sacrament of baptism is indelible, so the convenient doctrine was adopted and became the settled policy that, while Christianity was not to be spread by force, unwilling converts were nevertheless Christians; they were not to be permitted to apostatize and were subject to all the pains and penalties of heresy for any secret inclination to their own religion.[3] This

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[1] S. Isidori Hispalens. de Fide Cathol. contra Judæos Lib. I, cap. 28; Lib. II, cap. 5, 9.

[2] S. Isidori Chron. n. 120; De Regibus Gothorum, n. 60; Sententt. Lib. III, cap. 51, n. 4.

In the perfected doctrine of the Church it was simply a question of policy and possibility whether the faith is to be extended by force or not, for the pope is supreme and has the authority to punish all, whether Jew or Gentile, who do not conform to the gospel.—Eymerici Direct. Inquisitor. p. 353 (Ed. Venet. 1607).

[3] Concil. Toletan. IV, ann. 633, cap. 57—adopted into the canon law (Decr. cap. 5, Dist. XLV)—as well as a decretal of Gregory IV—"Judæi non sunt cogendi ad fidem, quam tamen si invite susceperint, cogendi sunt retinere" (Ibid. cap. 4). See also Ll. Wisigoth. Lib. XII, Tit. ii, l. 4 (Recared I), continued in Fuero Juzgo, XII, ii, 4.

The Jew who had been baptized in infancy, or who accepted baptism as an alternative of death, and reverted to Judaism was to be prosecuted by the Inquisition as a heretic.—Nicholai, PP. IV. Bull. *Turbato corde*, 1288 (Bullar. Roman. I, 158, 179, 184, 263).—Cap. 13 in Sexto, Lib. v, Tit. ii.—Bernard. Guidon. Practica, P. v, § v, n. 1.—Pegnæ Comment. in Eymeric. Direct. Inquis., p. 349. For

fruitful conception led to infinite misery, as we shall see hereafter, and was the impelling motive which created the Spanish Inquisition.

Whatever may have been the extent and the success of Sisebut's measures, the Jews soon afterwards reappear, and they and the *conversos* became the subject of an unintermittent series of ecclesiastical and secular legislation which shows that the policy so unfortunately adopted could only have attained its end by virtual extermination. The anvil bade fair to wear out the hammer—the constancy of the persecuted exhausted the ingenuity of the persecutor. With the conversion to Catholicism ecclesiastics became dominant throughout the Wisigothic territories and to their influence is attributable the varied series of measures which occupied the attention of the successive councils of Toledo from 633 until the Saracenic invasion in 711. Every expedient was tried—the seizure of all Jewish children, to be shut up in monasteries or to be given to God-fearing Christians; the alternative of expulsion or conversion, to the enforcement of which all kings at their accession were to take a solemn oath; the gentle persuasives of shaving, scourging, confiscation and exile. That the people at large did not share in the intolerance of their rulers is seen in the prohibitions of social intercourse, mixed marriages, and the holding of office. The spectre of proselytism was evoked in justification of these measures as though the persecuted Jew would seek to incur its dangers even had not the Talmud declared that "a proselyte is as damaging to Israel as an ulcer to a healthy body." The enforced conversions thus obtained were regarded naturally with suspicion and the converts were the subjects of perpetual animadversion.[1]

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the established formula of interrogatory of Jews see MSS. Bibl. National de France, Collect. Doat., T. XXXVII, fol. 258.

The forced conversion of Jews, so frequent throughout the Middle Ages, gave rise to many nice questions, exhaustively debated by the schoolmen. The subject is fully treated in a *Tractatus de Judœorum et Christianorum communione*, etc., printed in Strassburg about 1470 (Hain, 9465), in which, for convenient use and reference, is gathered together all the ecclesiastical legislation against the unfortunate race, forming a deplorable exhibition of human perversity.

[1] Concil. Toletan. IV, ann. 633, cap. 58, 59, 60, 61, 62, 63, 64, 65, 66; Conc. VI, ann. 638, cap. 3; Conc. VIII, ann. 653, cap. 12; Conc. IX, ann. 655, cap. 17; Conc. X, ann. 656, cap. 7; Conc. XII, ann. 681, cap. 9; Conc. XIII, ann. 683, cap. 9; Conc. XVI, ann. 693, cap. 1.

Ll. Wisigoth. Lib. xii, Tit. ii, ll. 4–17; Tit. iii, ll. 1, 2, 10, 12, 16, 17, 19, 24 (Fuero Juzgo, ibidem.).

Thus the Church had triumphed and the toleration of the Arian Goths had been converted into persecuting orthodoxy. History repeats itself and, eight hundred years later, we shall see the same process with the same results. Toleration was changed into persecution; conversions obtained by force, or by its equivalent, irresistible pressure, were recognized as fictitious, and the unfortunate converts were held guilty of the unpardonable crime of apostasy. Although the Goths did not invent the Inquisition, they came as near to it as the rudeness of the age and the looseness of their tottering political organization would permit, by endeavoring to create through the priesthood a network of supervision which should attain the same results. The Inquisition was prefigured and anticipated.

As apparently the Jews could not be exterminated or the Conversos be trained into willing Christians, the two classes naturally added an element of discontent to the already unquiet and motley population consisting of superimposed layers of Goths, Romans and Celtiberians. The Jews doubtless aided the Gallo-Roman rebellion of Flavius Paulus about 675, for St. Julian of Toledo, in describing its suppression by King Wamba, denounces Gaul in the bitterest terms, ending with the crowning reproach that it is a refuge for the blasphemy of the Jews, whom Wamba banished after his triumph.[1] In spite of the unremitting efforts for their destruction, they still remained a source of danger to the State. At the council of Toledo in 694, King Egiza appealed to his prelates to devise some means by which Judaism should be wiped out, or all Jews be subjected to the sword of justice and their property be appropriated, for all efforts to convert them had proved futile and there was danger that, in conjunction with their brethren in other lands, they would overthrow Christianity. In its response the council alludes to a conspiracy by which the Jews had endeavored to occupy the throne and bring about the ruin of the land, and it decrees that all Jews, with their wives, children and posterity, shall be reduced to perpetual servitude, while their property is declared confiscated to the king. They are to be transferred from their present abodes and be given to such persons as the king may designate, who shall hold them as slaves so long as they persevere in their faith, taking from them their children as they

[1] S. Juliani Toleti Vit. Wambæ, n. 5, 28 (Florez, España Sagrada, VI, 536, 556).

reach the age of seven and marrying them only to Christians. Such of their Christian slaves as the king may select shall receive a portion of the confiscated property and continue to pay the taxes hitherto levied on the Jews.[1]

Doubtless this inhuman measure led to indiscriminate plunder and infinite misery, but its object was not accomplished. The Jews remained, and when came the catastrophe of the Saracen conquest they were ready enough to welcome the Berber invaders. That they were still in Spain is attributed to Witiza, who reigned from 700 to 710 and who is said to have recalled them and favored them with privileges greater than those of the Church, but Witiza, though a favorite target for the abuse of later annalists, was an excellent prince and the best contemporary authority says nothing of his favoring the Jews.[2]

If the Jews helped the Moslem, as we may readily believe, both from the probabilities of the case and the testimony of Spanish and Arab writers,[3] they did no more than a large portion of the Christians. To the mass of the population the Goths were merely barbarous masters, whose yoke they were ready to exchange for that of the Moors, nor were the Goths themselves united. At the decisive battle of Xeres de la Frontera, Don Roderic's right and left wings were commanded by Sisebert and Oppas, the dethroned sons of Witiza, who fled without striking a blow, for the purpose of causing his defeat. The land was occupied by the Moors with little resistance, and on terms easy to the conquered. It is true that, where resistance was made, the higher classes were reduced to slavery, the lands were divided among the soldiery and one-fifth was reserved to the State, on which peasants were settled subject to an impost of one-third of the product, but submission was general under capitulations which secured to the inhabitants the possession of their property, subject to the impost of a third, and allowed them the enjoyment of their laws and religion under native counts and bishops. In spite of this liberality, vast numbers

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[1] Concil. Toletan. XVII, ann. 694, cap. 8.

[2] Roderic. Toletan. de Rebus Hispan. Lib. III, cap. xvi.—Morales, Corónica General, T. VI, p. 361. Isidor of Beja, however, is the best authority for the period, and he speaks of Witiza in terms of high praise (Isidor. Pacens. Chron. n. 29, 30). See also Dozy, *Recherches sur l'Histoire et la Littérature de l'Espagne*, I, 16–17 (3e Éd. Leipzig, 1881).

[3] Rod. Toletan. *op. cit.* Lib. III, cap. xxii, xxiii.—Dozy, I, 49, 52.

embraced Mohammedanism, partly to avoid taxation and partly through conviction that the marvellous success of the Moslem cause was a proof of its righteousness.[1]

The hardy resolution of the few who preferred exile and independence, and who found refuge in the mountains of Galicia and Asturias preserved the Peninsula from total subjection to Islam. During the long struggle of the Reconquest, the social and religious condition of Spain was strangely anomalous, presenting a mixture of races and faiths whose relations, however antagonistic they might be in principle, were, for the most part, dominated by temporal interests exclusively. Mutual attrition, so far from inflaming prejudices, led to mutual toleration, so that fanaticism became reduced to a minimum precisely in that corner of Christendom where *a priori* reasoners have been tempted to regard it as especially violent.

The Saracens long maintained the policy adopted in the conquest and made no attempt to convert their Christian subjects, just as in the Levantine provinces the Christians, although oppressed, were allowed to retain their religion, and in Persia, after the fall of the Sassanids, Parsism continued to exist for centuries and only died out gradually.[2] In fact, the condition of the Mozárabes, or subject Christians, under the caliphs of Córdova was, for the most part, preferable to what it had been under the Gothic kings. Mozárabes were frequently in command of the Moslem armies; they formed the royal body-guard and were employed as secretaries in the highest offices of state. In time they so completely lost the Latin tongue that it became

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[1] Dozy, I, 17, 44, 53, 54, 56, 72, 74–5, 79, 350–1.

[2] An interesting instance of Moslem toleration is seen in the *Farfanes*—Christians of Morocco who claimed to be the descendants of Goths deported at the conquest at the request of Count Julian. In 1386 they sent Sancho Rodríguez, one of their number, to Juan I to ask to be received back in Spain. Juan obtained from the King of Morocco permission for their departure, and promised to provide for them lands and support. In 1390 they came, numbering fifty cavaliers with their wives and children, and bringing a letter from the Moslem ruler speaking of them as nobles descended from the Goths and praising greatly their loyalty and valor. It was in riding out from Burgos to welcome them that Juan's horse fell and caused his death. In 1394 Henry III gave them a confirmation of their ancient nobility, and in 1430 and 1433 we still find them recognized in Seville as a distinct class.—Ayala, Crón. de Juan I, año X, cap. xx.—Zuñiga, Annales de Sevilla, Lib. VIII, año 1386, n. 2; año 1390, n. 3; Lib. IX, año 1394, n. 1.—Archivo de Sevilla, Seccion primera, Carpeta clxxiv, n. 4, 8.

necessary to translate the scripture and the canons into Arabic.[1] The Church organization was maintained, with its hierarchy of prelates, who at times assembled in councils; there was sufficient intellectual activity for occasional heresies to spring up and be condemned, like those of Hostegesis and Migetio in the ninth century, while, half a century earlier, the bull of Adrian I, addressed to the orthodox bishops of Spain and denouncing the Adoptianism of Felix of Urgel, which was upheld by Elipandus, Archbishop of Toledo, shows the freedom of intercourse existing between the Mozárabes and the rest of Christendom.[2] We hear of S. Eulogio of Córdova, whose two brothers, Alvar and Isidor, had left Spain and taken service with the Emperor Louis le Germanique; he set out in 850 to join them, but was stopped at Pampeluna by war and returned by way of Saragossa, bringing with him a number of books, including Virgil, Horace, Juvenal, Porphyry, the epigrams of Aldhelm and the fables of Avienus.[3] Mixed marriages seem not to have been uncommon and there were frequent instances of conversion from either faith, but Mozárabic zealots abused the Moslem tolerance by publicly decrying Islam and making proselytes, which was forbidden, and a sharp persecution arose under Abderrhaman II and Mahomet I, in which there were a number of victims, including San Eulogio, who was martyred in 859.[4]

This persecution gave rise to an incident which illustrates the friendly intercourse between Christian and Saracen. In 858, Hilduin, Abbot of S. Germain-des-Prés, under the auspices

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[1] Francisco Fernández y González, Estado de los Mudéjares de Castilla, pp. 14–18 (Madrid, 1866).—S. Eulogii Memorialis Sanctorum Lib. II, cap. xvi; Lib. III, cap. i (Migne's Patrologia, CXV, 787, 800).

[2] Florez, España Sagrada, XI, 309 *sqq.*; V, Append. x.—Samsonis Abbatis Cordubensis Apolog. Lib. II (Ib. XI, 388 *sqq.*).—Alvari Cordubens. Epist. vii, viii (Ibid. XI, 147 *sqq.*).—Hostegesis was Bishop of Málaga, and the free exercise of discipline in the Mozárabic church is shown in the complaint of the cruelty with which he exacted the *tercia* or tribute due to him, causing delinquents to be paraded through the streets with soldiers scourging them and proclaiming that all defaulters should be similarly treated.—Florez, XII, 326.

[3] S. Eulogii Epist. iii (Migne, CXV, 845–9).—Alvari Cordubens. Vit. S. Eulogii (Ibid. 712).—The description by Alvar of his education with S. Eulogio shows that the Christian schools of Córdova were flourishing and active (Ibid. cap. i, p. 708).

[4] Alvari Cordubens. Vit. S. Eulogii, cap. iv, v.—Eulogii Memorialis Sanctorum Lib. II; Lib. III, cap. ii, iii, v, viii, xvii.—Ejusd. Vit. et Passio SS. Floræ et Mariæ.—Ejusd. Lib. Apologet. Martyrum.

of Charles le Chauve, sent two monks to Spain to procure the relics of St. Vincent. On reaching Languedoc they learned that his body had been carried to Benevento, but they also heard of the persecution at Córdova and were delighted, knowing that there must be plenty of relics to be obtained. They therefore kept on to Barcelona, where Sunifred, the next in command to the count, commended them to Abdulivar, Prince of Saragossa, with whom he had intimate relations. From Saragossa they reached Córdova, where the Mozárabic Bishop Saul received them kindly and assisted them in obtaining the bodies of St. George and St. Aurelius, except that, as the head of the latter was lacking, that of St. Natalia was substituted. With these precious spoils they returned in safety to Paris, by way of Toledo, Alcalá, Saragossa and Barcelona, to the immense gratification, we are told, of King Charles.[1] The persecution was but temporary and, a century later, in 956, we hear of Abderrhaman III sending Recemund, Bishop of Elvira (Granada), as his ambassador to Otho the Great at Frankfort, where he persuaded Liutprand of Cremona to write one of his historical works.[2] When the Cid conquered Valencia, in 1096, one of the conditions of surrender was that the garrison should be composed of Mozárabes, and the capitulation was signed by the principal Christian as well as Moslem citizens.[3]

The number of the Mozárabes of course diminished rapidly in the progress of reconquest as the Christian territories expanded from Galicia to Leon and Castile. Early in the twelfth century Alfonso VI, in reducing to order his extensive acquisitions, experienced much trouble with them; they are described as being worse than Moors, and he settled the matter by the decisive expedient of deporting multitudes of them to Africa.[4] The rapid progress of his arms, however, had so alarmed the petty kings among whom Andalusia was divided that they had, about 1090, invited to their assistance the Berbers known as Almoravides, who drove back Alfonso on the bloody field of Zalaca. Their leader, Jusuf ibn Techufin, was not content to fight for the benefit of his allies; he speedily overthrew their

[1] Aimoini Translatio SS. Georgii, Aurelii et Nathaliæ, Lib. I; Lib. II, cap. xxviii.

[2] Liutprandi Antopodosis, Lib. II, cap. i.

[3] Dozy, Recherches, II, 178.

[4] Fernández y González, p. 57.

feeble dynasties and established himself as supreme in Moslem Spain. The Almoravides were savage and fanatical; they could not endure the sight of Christians enjoying freedom of worship, and bitter persecution speedily followed, until, in 1125, the Mozárabes invited the aid of Alfonso el Batallador. They sent a roll of their best warriors, comprising twelve thousand names, and promised that these and many more would join him. He came and spent fifteen months on Moorish territory, but made no permanent conquests, and on his departure the wretched Christians begged him to let them accompany him to escape the wrath of the Almoravides. Ten thousand of them did so, while of those who remained large numbers were deported to Africa, where they mostly perished.[1] The miserable remnant had a breathing spell, for the atmosphere of Spain seemed unpropitious to fanaticism and the ferocity of the Berbers speedily softened. We soon find them fraternizing with Christians. King Ali of Córdova treated the latter well and even entrusted to a captive noble of Barcelona named Reverter the command of his armies. His son Techufin followed his example and was regarded as the especial friend of the Christians, who aided him in his African wars.[2] Yet this interval of rest was short. In 1146, another Berber horde, known as Almohades, overthrew the Almoravides and brought a fresh accession of savage ferocity from the African deserts. Their caliph, Abd-al-mumin, proclaimed that he would suffer none but true believers in his dominions; the alternatives offered were death, conversion or expatriation. Many underwent pretended conversion, others went into voluntary exile, and others were deported to Africa, after which the Mozárabes disappear from view.[3]

Yet it was as impossible for the Almohades to retain their fanaticism as it had proved for their predecessors. When, in 1228, on the deposition of the Almohad Miramamolin Al-Abdel, his nephew Yahia was raised to the throne, his brother Al-Memon-Abo-l-Ola, who was in Spain, claimed the succession. To obtain the assistance of San Fernando III, who lent him

[1] Dozy, Recherches, I, 265, 269, 349, 352–61.—Orderici Vital. Hist. Eccles. P. III, Lib. xiii, cap. 2.

[2] Crónica de Alfonso VII, cap. 46, 101 (España Sagrada, XXI, 360, 398).

[3] Dozy, Recherches, I, 370–1.—Fernández y González, p. 19.—See also an essay on the Mozárabes of Valencia by Don Roque Chabás, in the Boletin de la Real Academia de la Historia, XVIII, 19.

twelve thousand Christian troops, he agreed to surrender ten frontier strongholds, to permit the erection of a Christian church in Morocco, where the Christians should celebrate publicly with ringing of bells, and to allow freedom of conversion from Islam to Christianity, with prohibition of the converse. This led to the foundation of an episcopate of Morocco, of which the first bishop was Fray Aguelo, succeeded by Fray Lope, both Franciscans.[1] Co-operation of this kind with the Christians meets us at every step in the annals of the Spanish Saracens. Aben-al-Ahmar, who founded the last dynasty of Granada, agreed to become a vassal of San Fernando III, to pay him a tribute of 150,000 doblas per annum, to furnish a certain number of troops whenever called upon, and to appear in the Córtes when summoned, like any other ricohome. He aided Fernando greatly in the capture of Seville, and, in the solemnities which followed the entry into the city, Fernando bestowed knighthood on him and granted him the bearing of the Castilian guidon—gules, a band or, with two serpents, and two crowned lions as supporters—a cognizance still to be seen in the Alhambra.[2]

The *Muladíes*, or Christian converts to Islam, formed another important portion of the Moorish community. At the conquest, as we have seen, large numbers of Christians apostatized, slaves to obtain freedom and freemen to escape taxation. They were looked upon, however, with suspicion by Arabs and Berbers and were subjected to disabilities which led to frequent rebellions and murderous reprisals. On the suppression of a rising in Córdova, in 814, fifteen thousand of them emigrated to Egypt, where they captured Alexandria and held it until 826, when they were forced to capitulate and transferred their arms to Candia, founding a dynasty which lasted for a century and a half. Eight thousand of them established themselves in Fez, where they held their own and even in the fourteenth century were distinguishable from the other Moslems. In Toledo, after several unsuccessful rebellions, the Muladíes became dominant in 853 and remained independent for eighty years. Together with the Mozá-

[1] Fernández y González, pp. 86–7, 93. The term Miramamolin, so often used by Christian writers as a personal name, is *Amir-el-Momenin*, or Prince of the Faithful, a title frequently assumed by Moorish rulers.

[2] Fernández y González, pp. 92, 96.

rabes they almost succeeded in founding a kingdom of their own in the mountains of Ronda, under Omar ben Hafsun, who embraced Christianity. Indeed, the facility of conversion from one faith to another was a marked feature of the period and shows how little firmness of religious conviction existed. The renegade, Ibn Meruan, who founded an independent state in Merida, taught a mixed faith compounded of both the great religions. Everywhere the Muladíes were striving for freedom and establishing petty principalities—in Algarbe, in Priego, in Murcia, and especially in Aragon, where the Gothic family of the Beni-Cassi became supreme. After the reduction of Toledo by starvation, in 930, they become less prominent and gradually merge into the Moslem population.[1] This was assisted by the fact that they made common cause with their conquerors against the fanatic Almoravides and Almohades. The leader of the Andalusians against the latter was a man of Christian descent, Ibn-Mardanich, King of Valencia and Murcia. He wore Christian dress and arms, his language was Castilian and his troops were mostly Castilians, Navarrese and Catalans. To the Christians he was commonly known as the king Don Lope. Religious differences, in fact, were of much less importance than political aims, and everywhere, as we shall see, Christian and Moslem were intermingled in the interminable civil broils of that tumultuous time. In an attempt on Granada, in 1162, the principal captains of Ibn-Mardanich were two sons of the Count of Urgel and a grandson of Alvar Fañez, the favorite lieutenant of the Cid.[2]

In these alternations of religious indifference and fanaticism, the position of the Jews under Moslem domination was necessarily exposed to severe vicissitudes. Their skill as physicians and their unrivalled talent in administration rendered them a necessity to the conquerors, whose favor they had gained by the assistance rendered in the invasion, but ever and anon there would come a burst of intolerance which swept them into obscurity if not into massacre. When Mahomet I ascended the throne of Córdova, about 850, we are told that one of his first acts was the dismissal of all Jewish officials, including presumably

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[1] Menéndez y Pelayo, Heterodoxos Españoles, I, 640–5.

[2] Dozy, Recherches, I, 365–7, 372–9.

R. Hasdai ben Ishak, who had been physician and vizier to his father, Abderrhaman II.[1] A century later their wealth was so great that when the Jew Peliag went to the country palace of Alhakem, the Caliph of Córdova, it is related that he was accompanied by a retinue of seven hundred retainers of his race, all richly clad and riding in carriages.[2] How insecure was their prosperity was proved, in 1066, when Samuel ha Levi and his son Joseph had been viziers and virtual rulers of Granada for fifty years. The latter chanced to exile Abu Ishac of Elvira, a noted theologian and poet, who took revenge in a bitter satire which had immense popular success. "The Jews reign in Granada; they have divided between them the city and the provinces, and everywhere one of this accursed race is in supreme power. They collect the taxes, they dress magnificently and fare sumptuously, while the true believers are in rags and wretchedness. The chief of these asses is a fatted ram. Slay him and his kindred and allies and seize their immense treasures. They have broken the compact between us and are subject to punishment as perjurers." We shall see hereafter how ready was the Christian mob to respond to such appeals; the Moslem was no better; a rising took place in which Joseph was assassinated in the royal palace, while four thousand Jews were massacred and their property pillaged.[3] Again they recuperated themselves, but they suffered with the Christians under the fierce fanaticism of the Almohades. Indeed, they were exposed to a fiercer outburst of wrath, for the robbery of the jewels of the Kaaba, which occurred about 1160, was attributed to Spanish Jews, and Abd-el-mumin was unsparing in enforcing his orders of conversion. Numbers were put to death and forty-eight synagogues were burnt. The Sephardim, or Spanish Jews, lost their most conspicuous doctor when, in this persecution, Maimonides fled to Egypt.[4] Still they continued to exist and to prosper. though exposed to destruction at any moment through the whims of the monarch or the passions of the people. Thus, in 1375, in Granada, two men obstructed a street in a violent altercation and were vainly adjured to cease in the name of

[1] S. Eulogii Memorialis Sanctorum Lib. III, cap. iv.—Lindo's History of the Jews of Spain, p. 44 (London, 1848).

[2] Lindo, p. 46.

[3] Dozy, Recherches, I, 285–9.

[4] Lindo, p. 62.

Mahomet, when Isaac Amoni, the royal physician, who chanced to pass in his carriage, repeated the order and was obeyed. That a Jew should possess more influence than the name of the Prophet was unendurable; the people rose and a massacre ensued.[1]

While Saracen Spain was thus a confused medley of races and faiths, subject to no guiding principle and swayed by the policy or the prejudices of the moment, the Christian kingdoms were much the same, except that, during the early Middle Ages, outbursts of fanaticism were lacking. Brave warriors learned to respect each other, and, as usual, it was the non-combatants, Christian priests and Moslem faquis, who retained their virulence. In the fierce struggles of the Reconquest there is little trace of race or religious hatred. The early ballads show the Moors regarded as gallant antagonists, against whom there was no greater animosity than was aroused in the civil strife which filled the intervals of Moorish warfare.[2] When, in 1149, Ramon Berenger IV of Barcelona, after a laborious siege, captured the long-coveted town of Lérida, the terms of surrender assumed the form of a peaceful agreement by which the Moorish Alcaide Avifelet became the vassal of Ramon Berenger and they mutually pledged each other fidelity. Avifelet gave up all his castles, retained certain rights in the territory and Ramon Berenger promised him fiefs in Barcelona and Gerona.[3] More than this, the ceaseless civil wars on both sides of the boundary caused each to have constant recourse to those of hostile faith for aid or shelter, and the relations which grew up, although transitory and shifting,

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[1] Lindo, pp. 156–7.

[2] In the ballads the Moors are almost always represented as chivalric enemies. Even when celebrating their defeats, down to the capture of Granada, there is no contempt manifested and nowhere is to be seen a trace of religious acerbity. Many ballads have Moors as their heroes, as in those which celebrate the deeds of Bravonel and Reduan, and there is nothing to distinguish their treatment from that of Christians. Bravonel and Bernardo del Carpio are represented as companions in arms. When Bernardo is banished by his king he betakes himself forthwith to Granada to participate in a tournament, where

Que hay unas Reales fiestas, Al que mejor lo ficiere
Donde el premio será dado Sea Moro ó sea Cristiano;

and there he is warmly welcomed by Muza, the most gallant knight of the Saracens.—Romances Antiguos Españoles, I, 65 (Leipzig, 1844).

[3] Villanueva, Viage Literario, XVI, 159.

became so intricate that little difference between Christian and Moor could often be recognized by statesmen. Thus mutual toleration could not fail to establish itself, to the scandal of crusaders, who came to help the one side, and of the hordes of fresh fanatics who poured over from Africa to assist the other.

This constant intermingling of Spaniard and Moor meets us at every step in Spanish history. Perhaps it would be too much to say, with Dozy, that "a Spanish knight of the Middle Ages fought neither for his country nor for his religion; he fought, like the Cid, to get something to eat, whether under a Christian or a Mussulman prince" and "the Cid himself was rather a Mussulman than a Catholic,"[1] though Philip II endeavored to have him canonized—but there can be no question that religious zeal had little to do with the Reconquest. In the adventurous career of the Cid, Christians and Moslems are seen mingled in both contending armies, and it is for the most part impossible to detect in the struggle any interest either of race or religion.[2] This had long been customary. Towards the end of the ninth century, Bermudo, brother of Alfonso III, for seven years held Astorga with the aid of the Moors, to whom he fled for refuge when finally dislodged. About 940 we find a King Aboiahia, a vassal of Abderrhaman of Córdova, transferring allegiance to Ramiro II and then returning to his former lord, and some fifteen years later, when Sancho I was ejected by a conspiracy, he took refuge with Abderrhaman, by whose aid he regained his kingdom, the usurper Ordoño, in turn flying to Córdova, where he was hospitably received.[3] About 990 Bermudo II gave his sister to wife to the Moorish King of Toledo, resulting in an unexpected miracle. In the terrible invasion of Almanzor, in 997, which threatened destruction to the Christians, we are told that he was accompanied by numerous exiled Christian nobles. Alfonso VI of Castile, when overcome by his brother, Sancho II, sought asylum, until the death of the latter, in Toledo—a hospitality which he subsequently repaid by conquering the city and kingdom.[4] His court was semi-oriental; during his exile he had become familiar with

[1] Dozy, Recherches, II, 203, 233.

[2] Dozy, II, 109, 111.—Edélestand du Meril, Poésies populaires Latines, pp. 312–13.

[3] Chron. Sampiri Asturicens, n. 3, 22, 26 (España Sagrada, XIV, 439, 452, 455).

[4] Chron. Pelagii Ovietens. (España Sagrada, XIV, 468, 472).

Arabic; in his prosperity he gathered around him Saracen poets and sages, and among his numerous successive wives was Zaida, daughter of Al-Mutamid, King of Seville. His contemporary, Sancho I of Aragon, was equally given to Moslem culture and habitually signed his name with Arabic characters.[1]

The co-operation of Christian and Moor continued to the last. In 1270, when Alfonso X had rendered himself unpopular by releasing Portugal from vassalage to Leon, his brother, the Infante Felipe and a number of the more powerful ricosomes conspired against him. Their first thought was to obtain an alliance with Abu Jusuf, King of Morocco, who gladly promised them assistance. The prelates of Castile fanned the flame, hoping in the confusion to gain enlarged privileges. Felipe and his confederates renounced allegiance to Alfonso, in accordance with the fuero, and betook themselves to Granada, committing frightful devastations by the way. Everything promised a disastrous war with the Moors of both sides of the straits, when, through the intervention of Queen Violante, concessions were made to the rebellious nobles and peace was restored.[2] So when, in 1282, Sancho IV revolted against his father and was supported by all the cities except Seville and by all the ricosomes save the Master of Calatrava, and was recognized by the Kings of Granada, Portugal, Aragon and Navarre, Alfonso X in his destitution sent his crown to Abu Jusuf and asked for a loan on it as a pledge. The chivalrous Moslem at once sent him 60,000 doblas and followed this by coming with a large force of horse and foot, whereupon Sancho entered into alliance with Granada and a war ensued with Christians and Moors on both sides, till the death of Alfonso settled the question of the succession.[3] In 1324, Don Juan Manuel was Adelantado de la Frontera; conceiving some cause of quarrel with his cousin, Alfonso XI, he at once entered into an alliance with Granada, then at war with Castile, and in 1333 his turbulence rendered Alfonso unable to prevent the capture of Gibraltar or to recover it when he made the attempt.[4] Pedro the Cruel, in 1366 and again in 1368, had Moorish troops to aid him in his struggles with Henry of Trastamara. In the latter year

[1] Fernández y González, pp. 34, 48, 114.

[2] Crónica de Don Alfonso X, cap. xix–lviii.

[3] Ibidem cap. lxxvi.—Barrantes, Ilustraciones, Lib. I, cap. vi, xi (Memorial hist. español, IX, 72–9, 92–8).

[4] Crónica de Don Alfonso XI, cap. lvii, cxi, cxxv.

the King of Granada came to his aid with a force of 87,000 men, and, in the final battle at Montiel, Pedro had 1500 Moorish horsemen in his army.[1] One of the complaints formulated against Henry IV, in 1464, was that he was accompanied by a force of Moors who committed outrages upon Christians.[2]

It was the same in Aragon. No knight of the cross earned a more brilliant reputation for exploits against the infidel than Jaime I, who acquired by them his title of *el Conquistador*, yet when, in 1260, he gave his nobles permission to serve in a crusade under Alfonso X, he excepted the King of Tunis, and on Alfonso's remonstrating with him he explained that this was because of the love which the King of Tunis bore him and of the truce existing between them and of the number of his subjects who were in Tunis with much property, all of whom would be imperilled.[3] On the accession of Jaime II, in 1291, envoys came to him from the Kings of Granada and Tremecen to renew the treaties had with Alfonso III. To the latter Jaime replied, promising freedom of trade, demanding the annual tribute of 2000 doblas which had been customary and asking for the next summer a hundred light horse paid for three months, to aid him against his Christian enemies.[4] As late as 1405, the treaty between Martin of Aragon and his son Martin of Sicily on the one hand and Mahomet, King of Granada, on the other, not only guarantees free intercourse and safety to the subjects of each and open trade in all ports and towns of their respective dominions, but each party agrees, when called upon, to assist the other, except against allies—Aragon and Sicily with four or five galleys well armed and manned and Granada with four or five hundred cavalry.[5]

All these alliances and treaties for freedom of trade and intercourse were in direct antagonism to the decrees of the Church, which in its councils ordered priests every Sunday to denounce as excommunicate, or even liable to be reduced to slavery, all who should sell to Moors iron, weapons, timber, fittings for ships, bread, wine, animals to eat, ride or till the ground, or who should serve in their ships as pilots or in their armies in war upon Chris-

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[1] Ayala, Crónica de Don Pedro I, año XVII, cap. iv; año XIX, cap. iv, v; año XX, cap. vi.

[2] Barrantes, Ilustraciones, Lib. VII, cap. xxii.

[3] Memorial histórico español, I, 159.

[4] Ibidem III, 151.

[5] Coleccion de Documentos inéditos de la Corona de Aragon, I, 25.

tians.[1] It was in vain that Gregory XI, in 1372, ordered all fautors and receivers of Saracens to be prosecuted as heretics by the Inquisition, and equally vain was the deduction drawn by Eymerich from this, that any one who lent aid or counsel or favor to the Moors was a fautor of heresy, to be punished as such by the Holy Office.[2] In spite of the thunders of the Church the traders continued trading and the princes made offensive and defensive alliances with the infidel.

Nor, with the illustrious example of the Cid before them, had Christian nobles the slightest hesitation to aid the Moors by taking service with them. When, in 1279, Alonso Pérez de Guzman, the founder of the great house of Medina Sidonia, was insulted in the court of Alfonso, he promptly renounced his allegiance, converted all his property into money, and raised a troop with which he entered the service of Abu Jusuf of Morocco. There he remained for eleven years, except a visit to Seville to marry Doña María Coronel, whom he carried back to Morocco. He was made captain of all the Christian troops in Abu Jusuf's employ and aided largely in the war which transferred the sovereignty of that portion of Africa from the Almohades to the Beni Marin. He accumulated immense wealth, which by a stratagem he transferred to Spain, where it purchased the estates on which the greatness of the house was based. The family historiographer, writing in 1541, feels obliged to explain this

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[1] Concil. Lateran. IV, ann. 1216 *ad calcem* (Harduin. VII, 75).—Cap. 6, 17, Extra, Lib. v, Tit. vi.—Concil. Lugdunens. I, ann. 1245, cap. xvii (Harduin. VIII, 394).—Concil. Ilerdens. ann. 1246 (Aguirre, VI, 318).—Concil. Vallisolet. ann. 1322, cap. xxii (Aguirre, V, 251).—Cap. 1 Extrav. Commun. Lib. v, Tit. ii.—Urbani PP. V, Bull. *Apostolatus*, 1364 (Bullar. Roman. Ed. Luxemburg. I, 261).—Nicholai PP. V, Bull. *Olim*, 1450 (Ibid. I, 361), and finally in the standard anathema of the bull *in Cœna Domini.*

Considering the character of the Roman curia in the Middle Ages it would scarce be malicious to suggest that the chief object of these prohibitions was to create a market for licenses to violate them, and St. Antonino of Florence, about the middle of the fifteenth century, tells us that as a rule the Venetian merchants had them (S. Antonini Confessionale).

In spite of his laxity in practice, Alfonso X in the *Partidas* embodies the Lateran decree denouncing slavery for all who aid the Saracens in any manner (Partidas, P. iv, Tit. xxi, ley 4) and in 1253 he admitted papal control in such matters by obtaining in advance from Innocent IV ratification of certain treaties which he was negotiating with the princes of Africa (Fernández y González, p. 337).

[2] Bullar. Roman. I, 263.—Eymerici Direct. Inquisit. p. 351 (Ed. Venet. 1607).

readiness to serve the infidel, so abhorrent to the convictions of the sixteenth century. He tells us that at that period the Moors, both of Granada and Africa, were unwarlike and were accustomed to rely upon Christian troops, and that princes, nobles and knights were constantly in their service. Henry, brother of Alfonso X, served the King of Tunis four years and amassed large wealth; Garcí Martínez de Gallegos was already in the service of Abu Jusuf when Guzman went there; Gonzalo de Aguilar became a vassal of the King of Granada and fought for him. In 1352, when Pedro the Cruel began to reduce his turbulent nobles to order, Don Juan de la Cerda, a prince of the blood, went to Morocco for assistance and, failing to obtain it, remained there and won great renown by his knightly deeds till he was reconciled to Pedro and returned to Castile. Examples might be multiplied, but these will suffice to indicate how few scruples of religion existed among the Spaniards of the Middle Ages. As Barrantes says, adventurous spirits in those days took service with the Moors as in his time they sought their fortunes in the Indies.[1]

It is thus easy to understand how, in the progress of the Reconquest, the Moors of the territory acquired were treated with even greater forbearance than the Christians had been when Spain was first overrun. When raids were made or cities were captured by force, there was no hesitation in putting the inhabitants to the sword or in carrying them off into slavery,[2] but when capitulations were made or provinces submitted, the people were allowed to remain, retaining their religion and property, and becoming known under name of *Mudéjares*.

The enslaved Moor was his master's property, like his cattle, but entitled to some safeguards of life and limb. Even baptism did not manumit him unless the owner were a Moor or a Jew.[3] That

[1] Barrantes, Ilustraciones, etc., Lib. I, cap. iv, xiii, xiv, xx, xxi.—Ayala, Crónica de Don Pedro I, año III, cap. iii.

[2] Chron. Sampiri Asturicens. n. 16, 24, 25 (España Sagrada, XIV, 447, 454, 455).—Marca Hispanica, p. 1232.

[3] Partidas, P. IV, Tit. xxi, leyes 6, 8; Tit. xxii, ley 3. In the Fuero Real de España the only allusion to Moors is as slaves (Lib. IV, Tit. xi, ley 3; Tit. xiv, ley 1). It is virtually the same in the old Fuero of Madrid (Memorias de la R. Acad. de la Historia, VIII, 40).

The Church held that baptism manumitted the slave, even when the master was Christian, but when it sought to enforce the rule the masters resisted, either forbidding the baptism or demanding from the clergy the value of the slave and

he was frequently a man of trained skill and education is seen in the provision that, if his master confided to him a shop or a ship, the former was bound to fulfill all contracts entered into by his slave.[1] Thus the free Castilian, whose business was war, had his trade and commerce to a considerable extent, as well as his agriculture, carried on by slaves, and the rest was mostly in the hands of the Jews and the free Moors or Mudéjares. Labor thus became the badge of races regarded as inferior; it was beneath the dignity of the freeman, and when, as we shall see hereafter, the industrious population was expelled by bigotry, the prosperity of Spain collapsed.

As for the Mudéjares, the practice of allowing them to remain in the reconquered territories began early. Even in Galicia they were to be found, and in Leon documents of the tenth century contain many Moorish names among those who confirm or witness them.[2] The Fuero of Leon, granted by Alfonso V in 1020, alludes to Moors holding slaves, and the Berber population there is still represented by the Maragatos, to the south-west of Astorga —a race perfectly distinct from the Spaniards, retaining much of their African costume and speaking Castilian imperfectly, although it is their only language.[3] Fernando I (1033–65), who rendered the Kings of Toledo and Seville tributary, and who was besieging Valencia when he died, alternated in his policy towards the inhabitants of his extensive conquests. In the early part of his reign he allowed them to remain; then he adopted depopulation, and finally he returned to his earlier methods.[4] Alfonso VI followed the more liberal system; when he occupied Toledo, in 1085, he granted a capitulation to the inhabitants which secured to them their property and religion, with self-government and the possession of their great mosque.[5] When, during his absence, the Frenchman, Bernard Abbot of Sahagun, newly elected to the archbishopric, in concert with his queen, Constance of Burgundy,

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seizing pledges to ensure payment. Innocent III was much scandalized by this. In 1205 he complained to Alfonso IX that in place of requiring such converted slaves to be paid for at the price fixed by the canons he allowed the owner to determine the value, and thus the Bishop of Burgos had recently been forced to pay two hundred gold pieces for a girl not worth ten deniers (Innoc. PP. III, Regest. viii, 50; ix, 150).

[1] Partidas, P. iv, Tit. xxi, ley 7. [2] Fernández y González, pp. 21, 24–5.
[3] Dozy, Recherches, I, 124–6. [4] Fernández y González, p. 28.
[5] Ayala, Crónica de Don Pedro I, año ii, cap. xvii.

suddenly entered the mosque, consecrated it and placed a bell on its highest minaret, Alfonso was greatly angered. He hastened to Toledo, threatening to burn both the queen and the archbishop, and only pardoned them at the intercession of the Moors, who dreaded possible reprisals after his death. His policy, in fact, was to render his rule more attractive to the Moslem population than that of his tributaries, the petty *reyes de taifas*, who were obliged to oppress their subjects in order to satisfy his exigencies. He even styled himself *Emperador de los dos cultos*. His tolerant wisdom justified itself, for, after the coming of the Almoravides, in spite of the disastrous defeats of Zalaca and Uclés, he was able to hold his own and even to extend his boundaries, for the native Moors preferred his domination to that of the savage Berbers.[1]

His successors followed his example, but it was not regarded with favor by the Church. During the centuries of mental torpor which preceded the dawn of modern civilization there was little fanaticism. With the opening of the twelfth century various causes awoke the dormant spirit. Crusading enthusiasm brought increased religious ardor and the labors of the schoolmen commenced the reconstruction of theology which was to render the Church dominant over both worlds. The intellectual and spiritual movement brought forth heresies which, by the commencement of the thirteenth century, aroused the Church to the necessity of summoning all its resources to preserve its supremacy. All this made itself felt, not only in Albigensian crusades and the establishment of the Inquisition, but in increased intolerance to Jew and Saracen, in a more fiery antagonism to all who were not included in the pale of Christianity. How this worked was seen, in 1212, when, after the brilliant victory of Las Navas de Tolosa, Alfonso IX advanced to Ubeda, where 70,000 men had collected, and they offered to become Mudéjares and to pay him a million of doblas. The terms were acceptable and he agreed to them, but the clerical chiefs of the crusade, the two archbishops, Rodrigo of Toledo and Arnaud of Narbonne, objected and forced him to withdraw his assent. He offered the besieged to let them depart on the payment of the sum, but they were unable to collect so large an amount on the spot, and they were put to the

[1] Fernández y González, pp. 39, 45–6, 58.

sword, except those reserved as slaves.[1] In the same spirit Innocent IV, in 1248, ordered Jaime I of Aragon to allow no Saracens to reside in his recently conquered Balearic Isles except as slaves.[2]

In spite of the opposition of the Church the policy of the *mudéjalato* was continued until the work of the Reconquest seemed on the point of completion under San Fernando III. The King of Granada was his vassal, like any other Castilian noble. He subdued the rest of the land, giving the local chiefs advantageous terms and allowing them to assume the title of kings. The Spanish Moors were thus reduced to submission and he was preparing to carry his arms into Africa at the time of his death, in 1252.[3] That Moorish rule, more or less independent, continued in the Peninsula for yet two centuries and a half, is attributable solely to the inveterate turbulence of the Castilian magnates aided by the disorderly ambition of members of the royal family. During this interval successive fragments were added to Christian territory, when internal convulsions allowed opportunities of conquest, and in these the system which had proved so advantageous was followed. Moor and Jew were citizens of the realm, regarded as a desirable class of the population, and entitled to the public peace and security for their property under the same sanctions as the Catholic.[4] They are enumerated with Christians in charters granting special exemptions and privileges to cities, safeguards for fairs and for general trade.[5] Numerous Fueros which have reached us place all races on the same level, and a charter of Alfonso X, in 1272, to the city of Murcia, in its regulations as to

[1] Mondexar, Memorias de Alonso VIII, cap. cv, cviii.—Roderici Toletani de Rebus Hispan. Lib. viii, cap. xii.

[2] Villanueva, Viage Literario, XXI, 131. [3] Fernández y González, p. 97.

[4] See the capitulation of Valencia in 1232 (Villanueva, XVII, 331); also the *Constitutiones Pacis et Treugæ* of Catalonia, in 1214, 1225, and 1228 (Marca Hispanica, pp. 1402, 1407, 1413), and also that of Rosellon, in 1217 (D'Achery, Spicileg. III, 587). In 1279 Pedro III of Aragon issues letters "to all his faithful Moors of the frontier of Castile and Viar," inviting them to come and populate Villareal, offering them the vacant lands there and pledging them security for all their goods (Coleccion de Documentos de la Corona de Aragon, VIII, 151).

[5] Coleccion de Cédulas, V, 571, 573, 584, 600, 608, 622, 632; VI, 93, 106, 112, 220, 292, 308, 326, 385, 455. A charter of San Fernando III, in 1246, selling certain lands to the city of Toledo, says "vendo á vos, concejo de Toledo, á los caballeros é al pueblo, é á cristianos é á moros é á judios, á los que sodes é á los que han de ser adelant, todos aquellos terminos, etc."—Fernández y González, p. 319.

the cleansing of irrigating canals, shows that even in petty details such as these there was no distinction recognized between Christian and Moor.[1] The safeguards thrown around them are seen in the charter of 1101, granted to the Mozárabes of Toledo by Alfonso VI, permitting them the use of their ancestral Fuero Juzgo, but penalties under it are only to be one-fifth, as in the Fuero of Castile "except in cases of theft and of the murder of Jews and Moors," and in the Fuero of Calatayud, granted by Alfonso el Batallador, in 1131, the *wergild* for a Jew or a Moor is 300 sueldos, the same as for a Christian.[2] Yet the practice as to this was not strictly uniform, and the conquering race naturally sought to establish distinctions which should recognize its superiority. The Fuero of Madrid, in 1202, imposes various disabilities on the Moors.[3] A law of Alfonso X, who throughout his reign showed himself favorable to the subject races, emphatically says that, if a Jew strikes a Christian, he is not to be punished according to the privileges of the Jews, but as much more severely as a Christian is better than a Jew; so if a Christian slays a Jew or a Moor he is to be punished according to the Fuero of the place, and if there is no provision for the case, then he is to suffer death or banishment or other penalty as the king may see fit, but the Moor who slays a Christian is to suffer more severely than a Christian who slays a Moor or a Jew.[4]

In an age of class distinctions this was an inevitable tendency and it is creditable to Spanish tolerance and humanity that its progress was so slow. In the violence of the time there was doubtless much arbitrary oppression, but the Mudéjares knew their rights and had no hesitation in asserting them, nor does there seem to have been a disposition to deny them. Thus, in 1387, those of Bustiella complained to Juan I that the royal tax-collectors were endeavoring to collect from them the Moorish capitation tax, to which they were not subject, having in lieu thereof

[1] Fernández y González, pp. 117, 122, 123.—Memorial histórico español, I, 285.

[2] Coleccion de Cédulas, V, 29.—Fernández y González, p. 294. In the charter of Hinestrosa (1287) the wergild for homicide is 500 sueldos. In that of Arganzon (1191) allusion is made to the wergild of 500 sueldos, but the special privilege is granted that the murderer shall pay only 250, the other 250 being remitted "for the sake of the king's soul." In the charter of Amaya (1285) the wergild is sixty maravedís.—Coleccion de Cédulas, V, 222, 112, 205).

[3] Memorias de la Real Academia de la Historia, VIII, 39.

[4] Leyes de Estilo, 83, 84.

from ancient times paid to the Lords of Biscay twelve hundred maravedís per annum and being entitled to enjoy all the franchises and liberties of Biscay, whereupon the king issued an order to the assessors to demand from them only the agreed sum and no other taxes, and to guarantee to them all the franchises and liberties, uses and customs of the Lordship of Biscay.[1] Even more suggestive is a celebrated case occurring as late as the reign of Henry IV. In 1455 the chaplains of the Capella de la Cruz of Toledo complained to the king that the tax on all meat slaughtered in the town had been assigned to the chapel for its maintenance, but that the Moors had established their own slaughter-house and refused to pay the tax. Elsewhere than in Spain the matter would have been referred to an ecclesiastical court with a consequent decision in favor of the faith, but here it went to the civil court with the result that, after elaborate argument on both sides, in 1462 the great jurist Alfonso Díaz de Montalvan rendered a decision recognizing that the Moors could not eat meat slaughtered in the Christian fashion, that they were entitled to a slaughter-house of their own, free of tax, but that they must not sell meat to Christians and must pay the tax on all that they might thus have sold.[2] Trivial as is this case, it gives us a clear insight into the independence and self-assertion of the Moorish communities and the readiness of the courts to protect them in their rights.

The Mudéjares were guaranteed the enjoyment of their own religion and laws. They had their mosques and schools and, in the earlier times, magistrates of their own race who decided all questions between themselves according to their own *zunna* or law, but suits between Christian and Moor were sometimes heard by a Christian judge and sometimes by a mixed bench of both faiths.[3] In the capitulations it was generally provided that they should be subject only to the taxes exacted by their previous sovereigns, though in time this was apt to be disregarded.[4] A privilege granted, in 1254, by Alfonso X to the inhabitants of Seville,

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[1] Coleccion de Cédulas, V, 413.

[2] Fernández y González, pp. 407, 409. By a confirmation of Pedro IV of Aragon, in 1372, to the aljama of Calatayud it appears that the Moors of the cities were accustomed to have special shambles where their meat was slaughtered and marked "secundum eorum ritum sive çunam."—Ibid. p. 384.

[3] Coleccion de Documentos de la Corona de Aragon, IV, 130; VI, 145.—Fernández y González, pp. 286, 290, 386, 389.

[4] Fernández y González, pp. 92, 94–5, 102.

authorizing them to purchase land of Moors throughout their district, shows that the paternal possessions of the latter had been undisturbed; they were free to buy and sell real estate, and although, when the reactionary period commenced, toward the close of the thirteenth century, Sancho IV granted the petition of the Córtes of Valladolid in 1293, forbidding Jews and Moors to purchase land of Christians, the restriction soon became obsolete.[1] Not only was there no prohibition of their bearing arms, but they were liable to military service. Exemption from this was a special privilege accorded, in 1115, at the capitulation of Tudela; in 1263 Jaime I of Aragon released the Moors of Masones from tribute and military service in consideration of an annual payment of 1500 *sueldos jaquenses;* in 1283 his son Pedro III, when preparing to resist the invasion of Philippe le Hardi, summoned his faithful Moors of Valencia to join his armies and, in the levies made in Murcia in 1385 for the war with Portugal, each aljama had its assigned quota.[2]

A wise policy would have dictated the mingling of the races as much as possible, so as to encourage unification and facilitate the efforts at conversion which were never lost to sight. The *converso* or baptized Moor or Jew was the special favorite of the legislator. The Moorish law which disinherited an apostate was set aside and he was assured of his share in the paternal estate; the popular tendency to stigmatize him as a *tornadizo* or *renegat* was severely repressed. The Church insisted that a Moorish captive who sincerely sought baptism should be set free. Dominicans and Franciscans were empowered to enter all places where Jews and Moors dwelt, to assemble them to listen to sermons, while the royal officials were directed to compel the attendance of those who would not come voluntarily.[3] It is easy now to see that this policy, which resulted in winning over multitudes to the faith, would have been vastly more fruitful if the races had been compelled to associate together, and infinite subsequent misery and

[1] Archivo de Sevilla, Seccion Primera, Carpeta I, n. 49.—Fernández y González, pp. 351, 353, 363.—Ordenanzas Reales, VIII, iii, 31.—Memorial histórico español, I, 81, 152.

[2] Fernández y González, pp. 221, 286.—Coleccion de Documentos de la Corona de Aragon, VI, 157, 196.—Córtes de los antiguos Reinos, II, 309.

[3] Aguirre, V, 225, 227; VI, 369.—Cap. 5 Extra v, vi.—Cap. 2 Extrav. Commun. v, ii.—Tratados de Legislacion Musulmana, p. 216 (Madrid, 1853).—Partidas, P. VII, Tit. XXV, leyes 2, 3.—Constitutions de Cathalunya, Lib. I, cap. 3, 4 (Barcelona, 1588).—Concil. Tarraconens. ann. 1245 (Aguirre, VI, 306).

misfortune would have been averted, but this was a stretch of tolerant humanity virtually impossible at the time. The Church, as will be seen, exerted every effort to keep them apart, on the humiliating pretext that she would lose more souls than she would gain, and there was, moreover, sufficient mutual distrust to render separation desired on both sides. At a very early period of the Reconquest the policy was adopted of assigning a special quarter of a captured town to the Moors, and thus the habit was established of providing a Morería in the larger cities, to which the Mudéjares were confined. The process is well illustrated by what occurred at Murcia, when, in 1266, it was definitely reconquered for Alfonso X by Jaime I of Aragon. He gave half the houses to Aragonese and Catalans and restricted the Moors to the quarter of the Arrijaca. Alfonso confirmed the arrangement, dislodging the Christians from among the Moors and building a wall between them. His decree on the subject recites that this was done at the prayer of the Moors, who were despoiled and ill-treated by the Christians, and who desired the protection of a wall, to the construction of which he devoted one-half of the revenues levied for the repair of the city walls. It was the same with the Jews, who were not to dwell among the Christians, but to have their Judería set apart for them near the Orihuela gate.[1] Besides this segregation from the Christians in the cities there were smaller towns in which the population was purely Moorish, where Christians were not allowed to dwell. That this was regarded as a privilege we can readily imagine, and it is shown by the confirmation, in 1255, by Alfonso X of an agreement with the Mudéjares of Moron under which they are to sell their properties to Christians and remove to Silebar, where they are to build a castle and houses, to be free of all taxes for three years, their law is to be administered by their own alcadí and no Christian is to reside there except the *almojarife*, or tax-gatherer, and his men.[2] All this tended to perpetuate the separation between the Christian and the Moor, and a further potent cause is to be found in the horror with which miscegenation was regarded—at least when the male offender was a Moor. Intermarriage, of

[1] Fernández y González, pp. 107–8, 120, 286, 359.—Memorial histórico español, I, 285.—For the manner in which the houses of conquered towns were distributed see the *Repartimiento de Jerez de la Frontera* by Alfonso X in this same year 1266, printed by Padre Fidel Fita (Boletin, Junio, 1887, pp. 465 *sqq.*).

[2] Fernández y González, p. 346.

course, was impossible between those of different faiths and illicit connections were punished in the most savage manner.[1]

In spite of this natural but impolitic segregation, the Mudéjares gradually became denationalized and assimilated themselves in many ways to the population by which they were surrounded. In time they forgot their native language and it became necessary for their learned men to compile law-books in Castilian for the guidance of their alcadís. Quite a literature of this kind arose and, even after the final expulsion, as late as the middle of the seventeenth century, among the refugees in Tunis, a manual of religious observances was composed in Spanish, the author of which lamented that even the sacred characters in which the Korán was written were almost unknown and that the rites of worship were forgotten or mingled with usages and customs borrowed from the Christians.[2] The Mudéjares even sympathized with the patriotic aspirations of their Castilian neighbors as against their independent brethren. When, in 1340, Alfonso XI returned in triumph to Seville, after the overwhelming victory of the Rio Salado, we are told how the Moors and their women united with the Jews in the rejoicings which greeted the conqueror.[3] Even more practical was the response to the appeal of the Infante Fernando, in 1410, when he was besieging Antequera, one of the bulwarks of Granada, and was in great straits for

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[1] Coleccion de Documentos de la Corona de Aragon, VI, 255.—Partidas, P. VII, Tit. xxv, ley 10.

[2] Tratados de Legislacion Musulmana, p. 7 (Madrid, 1853). In this collection the *Leyes de los Moros* probably date from about the year 1300. Ice Gebir's *Suma de los principales Mandamientos* was written in 1462. It would not be easy to find a more practical moral code than that presented in the short precepts assembled in Ice Gebir's first chapter (pp. 250 *sqq.*). It is somewhat surprising to learn that in the *alchihéd*, or holy war against Christians, it was forbidden to slay non-combatants—women, children, old men and even monks and friars unless they defended themselves by force (cap. xxxv, p. 333). Even harmless things, such as ants and frogs, are not to be deprived of life (cap. clvii, p. 400). The vital reproach to be brought against Islam is the position assigned to woman—her degradation in her relations to man, and her scant recognition as a human being. In a classification of society into twelve orders, the eleventh is that of *baldíos* or robbers, sorcerers, pirates, drunkards, etc., and the twelfth and lowest is woman (Ib. cap. lx, pp. 412, 415).

[3] The ballad chronicler relates how—

Et los moros é las moras — Los judíos con las toras
Muy grandes juegos hacian, — Estos Reyes bien recibian.

Fernández y González, p. 239.

money. He wrote "muy afectuosamente" to Seville and Córdova, not only to the Christians but to the Moorish and Jewish aljamas and, as he was popular with them, they advanced him what sums they could.[1] The process of denationalization and fusion with the Christian community was necessarily slow, but its progress gave gratifying promise of a result, requiring only wise patience and sympathy, which would have averted incalculable misfortunes.

In a financial and industrial point of view the Mudéjares formed a most valuable portion of the population. The revenues derived from them were among the most reliable resources of the State; assignments on them were frequently used as the safest and most convenient form of securing appanages and dowries and incomes for prelates and religious establishments.[2] To the nobles on whose lands they were settled they were almost indispensable, for they were skilful agriculturists and the results of their indefatigable labors brought returns which could be realized in no other way. That they should be relentlessly exploited was a matter of course. A fuero granted, in 1371, by the Almirante Ambrosio de Bocanegra to his Mudéjares of Palma del Rio, not only specifies their dues and taxes, but prescribes that they shall bake in the seignorial oven and bathe in the seignorial bath and purchase their necessaries in the seignorial shops.[3] They were not only admirable husbandmen and artificers, but distinguished themselves in the higher regions of science and art. As physicians they ranked with the Jews, and when, in 1345, Ferrant Rodríguez, Prior of the Order of Santiago, built the Church of Our Lady of Uclés, he assembled "Moorish masters" and good Christian stone-masons, who constructed it of stone and mortar.[4] The industry of Spain was to a great extent in their hands. To them the land owed the introduction of the sugar-cane, cotton, silk, the fig, the orange and the almond. Their system of irrigation, still maintained to the present time, was elaborately perfect, and they had built highways and canals to facilitate intercourse and transportation. Valencia, which was densely populated by Mudéjares, was regarded as one of the richest provinces in Europe, producing largely of sugar, oil and wine. In manufacturing skill they

[1] Crónica de Juan II, año iv, cap. 26.

[2] Coleccion de Documentos de la Corona de Aragon, VIII, 53.—Memorial histórico español, I, 239, 263; III, 439.

[3] Fernández y González, p. 389.

[4] Ibid. pp. 382, 386.

were no less distinguished. Their fabrics of silk and cotton and linen and wool were exquisite; their potteries and porcelains were models for the workmen of the rest of Europe; their leather-work was unsurpassed; their manufactures of metals were eagerly sought in distant lands, while their architecture manifests their delicate skill and artistic taste. Marriages were arranged for girls at 11 and boys at 12; dowries were of little account, for a bed and a few coins were deemed sufficient where all were industrious and self-supporting, and their rapid increase, like evil weeds, was a subject of complaint to their Castilian detractors. Ingenious and laborious, sober and thrifty, a dense population found livelihood in innumerable trades, in which men, women and children all labored, producing wealth for themselves and prosperity for the land. In commerce they were equally successful; they were slaves to their word, their reputation for probity and honor was universal, and their standing as merchants was proverbial. There was no beggary among them and quarrels were rare, differences being for the most part amicably settled without recourse to their judges.[1]

It is not easy to set limits to the prosperity attainable by the Peninsula with its natural resources developed by a population combining the vigor of the Castilian with the industrial capacity of the Moor. All that was needed was Christian patience and good will to kindle and encourage kindly feeling between the conquering and the subject race; time would have done the rest. The infidel, won over to Christianity, would have become fused with the faithful, and a united people, blessed with the characteristics of both races, would have been ready to take the foremost place in the wonderful era of industrial civilization which was

[1] Janer, Condicion Social de los Moriscos de España, pp. 47–9, 161, 162 (Madrid, 1857).

Under the Saracen domination, Almería was the chief port of Spain, crowded with ships from Syria and Egypt, Pisa and Genoa. It boasted of a thousand inns for strangers and four thousand weaving shops, besides manufactures of copper, iron and glass (Dozy, Recherches, I, 244–5). For the wonderful wealth of the Moors under the caliphs of Córdova, showing the capacity of the race and of the land, see Conde's "Arabs in Spain," P. II, cap. 94. How unfitted was the Castilian chivalry to perpetuate this prosperity is seen in a letter of Alfonso X in 1258, reciting how he had peopled with Christians the flourishing city of Alicante, as it was a stronghold and one of the best seaports; how the allotment of lands had given dissatisfaction and on investigation he had found that the Christians could not live and prosper there, wherefore he now makes a new *repartimiento* (Memorial histórico español, I, 135).

about to open. Unhappily for Spain this was not to be. To the conscientious churchman of the Middle Ages any compact with the infidel was a league with Satan; he could not be forcibly brought into the fold, but it was the plainest of duties to render his position outside so insupportable that he would take refuge in conversion.

The Church accordingly viewed with repugnance the policy of conciliation and toleration which had so greatly facilitated the work of the Reconquest, and it lost no opportunity of exciting popular distrust and contempt for the Mudéjares. We shall see how great was its success with respect to the Jews, whose position offered better opportunity for attack, but it was not without results as respects the Moors. It discouraged all intercourse between the races and endeavored to keep them separate. Even the indispensable freedom of ordinary commercial dealings, which was provided for by the secular rulers, was frowned upon, and in 1250 the Order of Santiago was obliged to represent to Innocent IV that it had Moorish vassals, and to supplicate him for license to buy and sell with them, which he graciously permitted.[1] The most efficacious means, however, of establishing and perpetuating the distinction between the races was that Jews and Moors should wear some peculiar garment or badge by which they should be recognized at sight. This was not only a mark of inferiority and a stigma, but it exposed the wearer to insults and outrages, rendering it both humiliating and dangerous, especially to those, such as muleteers or merchants, whose avocations rendered travel on the unsafe highways indispensable. When the Church was aroused from its torpor to combat infidelity in all its forms, this was one of the measures adopted by the great council of Lateran in 1216, in a regulation carried into the canon law, the reason alleged being that it was necessary to prevent miscegenation.[2]

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[1] Fernández y González, pp. 294, 321, 367. Cf. Concil. Vallisolet. ann. 1322, cap. xxii; C. Toletan. ann. 1324, cap. viii (Aguirre, V, 251, 259); Concil. Parisiensis, ann. 1212, Addend. cap. i (Martene Ampliss. Collect. VII, 1420).

[2] Concil. Lateran. IV, ann. 1216, cap. lxviii (cap. 15, Extra, v, vi). This device originated among the Saracens of the East, who, in the eleventh century, required Jews and Christians to wear distinctive badges (Fernández y González, p. 16). The earliest trace of it in the West is found in the charter of Alais, in 1200, which prescribes distinctive vestments for Jews (Robert, Les Signes d'Infamie au Moyen Age, p. 7). In Italy, Frederic II obeyed the Lateran decree by ordering, in 1221, all Jews to wear distinguishing garments (Richardi de S. German. Chron. *ap.* Muratori, S. R. I., VII, 993), but he did not insert this in the Sicilian Consti-

In 1217 Honorius III peremptorily ordered the enforcement of this decree in Castile, but, two years later, consented to suspend it, on the remonstrance of San Fernando III, backed by Rodrigo, Archbishop of Toledo. The king represented that many Jews would abandon his kingdom rather than wear badges, while the rest would be driven to plots and conspiracies, and, as the greater part of his revenues was derived from them, he would be unable to carry out his enterprises against the Saracens.[1] It was difficult to arouse intolerance and race hatred in Spain, and, when Gregory IX, about 1233, and Innocent IV, in 1250, ordered the Castilian prelates to enforce the Lateran canons, San Fernando quietly disregarded the injunction.[2] His son, Alfonso X, so far yielded obedience that, in the Partidas, he ordered, under a penalty of ten gold maravedís or ten lashes, all Jews, male and female, to wear a badge on the cap, alleging the same reason as the Lateran council, but he did not extend this to the Moors and, as his code was not confirmed by the Córtes for nearly a century, the regulation may be regarded as inoperative.[3] The council of Zamora, which did so much to stimulate intolerance, in January, 1313, ordered the badge to be worn, as it was in other lands, and later in the year the Córtes of Plasencia proposed to obey, but were told by the Infante Juan, who presided as guardian of Alfonso XI, that he would, after consultation, do what was for the advantage of the land.[4] In Aragon, the councils of Tarragona, in 1238 and 1282, vainly ordered the canon to be obeyed, and it was not until 1300 that the attempt was made with an ordinance requiring the Mudéjares to wear the hair cut in a peculiar fashion that should be distinctive.[5] In Castile, at length, Henry II, in pursuance of the request of the Córtes of Toro in 1371, ordered all Jews and Moors to wear the badge (a red circle on the left shoulder), but

tutions or include his Saracen subjects. In 1254 the council of Albi prescribed for Jews a circle, a finger-breadth in width, to be worn upon the breast, and that of Ravenna, in 1311, a yellow circle (Harduin. VII, 458, 1370). In the fifteenth century, the Neapolitan Jews were required to wear as a sign the Hebrew letter Tau (Wadding, Annal. Minor. T. III, Regest. p. 392).

[1] Raynald. Annal. ann. 1217, n. 84.—Amador de los Rios, Hist. de los Judíos de España, I, 361–2, 554.

[2] Amador de los Rios, I, 362, 364.

[3] Partidas, P. VII, Tit. xxiv, ley 11.

[4] Córtes de los antiguos Reinos, I, 227.

[5] Concil. Tarraconens. ann. 1238, cap. iv; ann. 1282, cap. v (Martene Ampliss. Collect. VIII, 132, 280).—Fernández y González, p. 369.—Constitutions de Cathalunya superfluas, Lib. I, Tit. v, cap. 12 (Barcelona, 1589, p. 8).

the injunction had to be frequently repeated and was slenderly obeyed. Even so, to it may be attributed the frequent murders which followed of Jews on the highways, the perpetrators of which were rarely identified.[1]

What was the spirit which the Church thus persistently endeavored to arouse in Spain may be gathered from a brief of Clement IV, in 1266, to Jaime I of Aragon, urging him to expel all Mudéjares from his dominions. He assures the king that his reputation will suffer greatly if, for temporal advantage, he longer permits such opprobrium of God, such an infection of Christendom, as proceeds indubitably from the horrible cohabitation of the Moors, with its detestable horrors and horrid foulness. By expelling them he will fulfil his vow to God, stop the mouths of his detractors and prove himself zealous for the faith.[2] The same temper was shown, in 1278, by Nicholas III, when he scolded Alfonso X for entering into truces with the Moors, and, by threatening to deprive him of the share granted to him of the church revenues, incited him to the disastrous siege of Algeciras, the failure of which led him to form an alliance with the King of Morocco.[3] Fortunately this papal zeal for the faith found no Ximenes in Spain to spread it among the people and to kindle the fires of intolerance. The Spanish Church of the period appears to have been wholly quiescent. The only action on record is the trivial one of Arnaldo de Peralta, Bishop of Valencia, from 1261 to 1273, who forbade, under pain of excommunication, his clergy from drinking wine in the house of a Jew, provided they should have heard of or should remember the prohibition; and he further vaguely threatened with his displeasure any cleric who should knowingly buy the wine of a Jew, except in case of necessity.[4]

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[1] Ayala, Crónica de Enrique II, año VI, cap. vii.—Córtes de los antiguos Reinos, II, 281.

[2] Ripoll Bullar. Ord. FF. Prædic. I, 479. It was apparently in return for a tithe of ecclesiastical revenues that Jaime pledged himself to the pope to expel the Moors, but he was too wise a statesman to do so, and as late as 1275 he invited additional settlers by the promise of a year's exemption from taxation. On his death-bed in 1276, however, partly, no doubt in consequence of a dangerous Moorish revolt, and partly owing to the awakened fears shown by his taking the Cistercian habit, he enjoined his son Pedro to fulfil the promise, and in a codicil to his will he emphatically repeated the request (Danvila y Collado, La Expulsion de los Moriscos, p. 24.—Swift, James the First of Aragon, pp. 140, 253, 290), but Pedro was obdurate.

[3] Fernández y González, p. 109. [4] Constitt. Valentin. (Aguirre, V, 206).

That, in the confusion which followed the rebellion of Sancho IV against his father, there may have arisen a desire to limit somewhat the privileges of Jew and Moor is rendered probable by the legislation of the Córtes of Valladolid, in 1293, to which allusion has already been made (p. 63), but the decisive impulse which aroused the Spanish Church from its indolent indifference and set it earnestly to work in exciting popular hatred and intolerance, would seem traceable to the council of Vienne in 1311–12. Among the published canons of the council, the only one relating to Moors is a complaint that those dwelling in Christian lands have their priests, called Zabazala, who, from the minarets of their mosques, at certain hours invoke Mahomet and sound his praises in a loud voice, and also that they are accustomed to gather around the grave of one whom they worship as a saint. These practices are denounced as unendurable, and the princes are ordered to suppress them, with the alternative of gaining salvation or of enduring punishment which shall make them serve as a terrifying example.[1] This threat fell upon deaf ears. In 1329 the council of Tarragona complains of its inobservance and orders all temporal lords to enforce it within two months, under pain of interdict and excommunication,[2] and a hundred years later the council of Tortosa, in 1429, supplicated the King of Aragon and all prelates and nobles, by the bowels of divine mercy, to enforce the canon and all other conciliar decrees for the exaltation of the faith and the humiliation of Jews and Moors, and to cause their observance by their subjects if they wish to escape the vengeance of God and of the Holy See. This was equally ineffectual, and it was reserved for Ferdinand and Isabella, about 1482, to enforce the canon of Vienne with a vigor which brought a remonstrance from the Grand Turk.[3]

More serious was the effect upon the Jews of the spirit awakened at Vienne. That council, besides enacting very severe laws against usury, denounced the privilege accorded in Spain to Jews, whereby Jewish witnesses were requisite for the conviction of Jewish defendants. It did not presume to annul this privilege,

[1] Cap. 1 Clementin. Lib. v, Tit. ii.

[2] Concil. Tarraconens. ann. 1329 (Aguirre, VI, 370).

[3] Concil. Dertusan. ann. 1429, cap. xx (Aguirre, V, 340).—Raynald. Annal. ann. 1483, n. 45.

In 1370 the *Carta Puebla* granted by Buenaventura de Arborea to the Moors of Chelva specifically allowed their alfaquíes to cry Alá Zalá as was their wont in the time of Pedro, her late husband.—Fernández y González, p. 386.

but forbade all intercourse between the races wherever it was in force.[1] The Spanish prelates, in returning from the council in 1312, brought with them these canons and the spirit of intolerance that dictated them and made haste to give expression to it at the council of Zamora, in January, 1313, in a number of canons, the temper of which is so different from the previous utterances of the Spanish Church that it shows the revolution wrought in their mode of thinking by intercourse with their brethren from other lands. Henceforth, in this respect, the Spanish Church emerges from its isolation and distinguishes itself by even greater ferocity than that which disgraced the rest of Christendom. The fathers of Zamora invoked the curse of God and of St. Peter on all who should endeavor to enforce the existing laws requiring the evidence of Jews to convict Jews. They denounced the Jews as serpents, who were only to be endured by Christians because they were human beings, but were to be kept in strict subjection and servitude, and they sought to reduce this principle to practice by a series of canons restricting the Jews in every way and putting an end to all social intercourse between them and Christians.[2] The friendly mingling of the races, which shows how little the prejudices of the churchmen were shared by the people at this period, became a favorite subject of objurgation and required a long series of efforts to eradicate, but the Church triumphed at last, and the seeds of envy, hatred and all uncharitableness, which it so assiduously planted and cultivated, yielded in the end an abundant harvest of evil. What prepossessions of Christian kindness the prelates of Zamora felt that they had to overcome are indicated in the final command that these constitutions

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[1] Cap. 1 Clementin. Lib. II, Tit. viii; Lib. v, Tit. v.

[2] Although the acts of the council of Zamora were fully confirmed by the Córtes of Palencia in 1313 (Córtes de los antiguos Reinos, I, 227, 240–1), it seemed impossible to enforce them. In 1331 the Córtes of Madrid ineffectually petitioned that Christians denying debts to Jews could offer another Christian as a witness and not be obliged to have a Jew. The Fuero Viejo de Castiella, as revised in 1356, however, grants the privilege (Lib. III, Tit. iv, ley 19). The editors of the Fuero, Asso and Manuel (Ed. 1847, p. 83) say that the practice varied, and that Henry III, in the Córtes of Madrid, in 1405, again granted the privilege. As early as 1263 Alfonso X had enacted that in mixed suits a Jew could not demand that his opponent should produce as witnesses a Christian and a Jew, but that the evidence of two good Christians should suffice.—Memorial histórico español, I, 207. The point has interest as an evidence of the desire to protect Jews from imposition.

should be read publicly in all churches annually, and that the bishops should compel by excommunication all secular magistrates to enforce them.[1]

The Spanish Church, thus fairly started in this deplorable direction, pursued its course with characteristic energy. In 1322 the utterances of the council of Valladolid reveal how intimate were the customary relations between Christian and infidel, and how the Church, in place of taking advantage of this, labored to keep the races asunder. The council recites that scandals arise and churches are profaned by the prevailing custom of Moors and Jews attending divine service, wherefore they are to be expelled before the ceremonies of the mass begin, and all who endeavor to prevent it are to be excommunicated. The habit of nocturnal devotional vigils in churches is also said, probably with truth, to be the source of much evil, and all who bring Moors and Jews to take part with their voices and instruments are to be expelled. To preserve the faithful from pollution by Moorish and Jewish superstitions, they are commanded no more to frequent the weddings and funerals of the infidels. The absurd and irrational abuse whereby Jews and Moors are placed in office over Christians is to be extirpated, and all prelates shall punish it with excommunication. As the malice of Moors and Jews leads them craftily to put Christians to death, under pretext of curing them by medicine and surgery and, as the canons forbid Christians from employing them as physicians, and as these canons are not observed in consequence of the negligence of the prelates, the latter are ordered to enforce them strictly with the free use of excommunication.[2]

These last two clauses point to matters which had long been special grievances of the faithful and which demand a moment's attention. The superior administrative abilities of the Jews caused them to be constantly sought for executive positions, to the scandal of all good Christians. We have seen that under the Goths it was an abuse calling for constant animadversion. It was one of the leading complaints of Innocent III against Raymond VI of Toulouse, which he expiated so cruelly in the Albigensian crusades, and one of the decrees of the Lateran council was directed against its continuance.[3] In Spain the sovereigns could

[1] Amador de los Rios, II, 561–5.

[2] Concil. Vallisolet. ann. 1322, cap. xxii (Aguirre, V, 250).

[3] Innocent. PP. III, Regest. x, 69; xii, post Epist. 107.—Concil. Lateran. IV, cap. lxix (cap. 16, Extra, v, vi).

not do without them, and we shall have occasion to see that it became one of the main causes of popular dislike of the unfortunate race, for the Christian found it hard to bear with equanimity the domination of the Jew, especially in his ordinary character of *almojarife*, or tax-collector. As early as 1118, Alfonso VIII, in the fuero granted to Toledo, promised that no Jew or recent convert should be placed over the Christians; Alfonso X made the same concession in the fuero of Alicante, in 1252, except that he reserved the office of almojarife, and in the Partidas he endeavored to make the rule general.[1] The same necessity made itself felt with regard to the function of the physician, for which, during the dark ages, the learning of Jew and Saracen rendered them almost exclusively fitted. Zedechias, the Jewish physician of the Emperor Charles the Bald, was renowned, and tradition handed down his name as that of a skilful magician.[2] Prince and prelate alike sought comfort in their curative ministrations, and, as the Church looked askance on the practice of medicine and surgery by ecclesiastics, unless it were through prayer and exorcism, they had the field almost to themselves. This had always been regarded with disfavor by the Church. As early as 706 the council of Constantinople had ordered the faithful not to take medicine from a Jew, and this command had been incorporated in the canon law.[3] Another rule, adopted from the Lateran council of 1216, was that the first duty of a physician was to care for the soul of the patient rather than for his body, and to see that he was provided with a confessor—a duty which the infidel could scarce be expected to recognize.[4] It is therefore easy to understand why the general abhorrence of the Church for Moor and Jew should be sharpened with peculiar acerbity in regard to their functions as physicians; why the council of Valladolid should endeavor to alarm the people with the assertion that they utilized the position to slay the faithful, and the council of Salamanca, in 1335, should renew the sentence of excommunication on all who should employ them in sickness.[5] Nominally the Church carried its point, and

[1] Fernández y González, p. 289.—Coleccion de Privilegios, VI, 97.—Partidas, P. VII, Tit. xxiv, ley 3.

[2] Annal. Novesiens. ann. 846 (Martene Ampliss. Collect. IV, 538). Cf. Gest. Episc. Leodiens. Lib. II, cap. 41.—Hist. Treverens. (D'Achery Spicileg. II, 222).

[3] Concil. Quinisext. cap. xi.—Gratian. cap. 13, Caus. xxviii, Q. 1.

[4] Cap. 13, Extra, v, xxxviii.

[5] Concil. Salmanticens. ann. 1335, cap. xii (Aguirre, V, 269).

in the proscriptive laws of 1412 there was embodied a provision imposing a fine of three hundred maravedís on any Moor or Jew who should visit a Christian in sickness or administer medicine to him,[1] but the prohibition was impossible of enforcement. About 1462, the Franciscan, Alonso de Espina, bitterly complains that there is not a noble or a prelate but keeps a Jewish devil as a physician, although the zeal of the Jews in studying medicine is simply to obtain an opportunity of exercising their malignity upon Christians; for one whom they cure they slay fifty, and when they are gathered together they boast as to which has caused the most deaths, for their law commands them to spoil and slay the faithful.[2] It was but a few years after this that Abiatar Aben Crescas, chief physician of Juan II of Aragon, the father of Ferdinand, vindicated Jewish science by successfully relieving his royal patient of a double cataract and restoring his sight. On September 11, 1469, pronouncing the aspect of the stars to be favorable, he operated on the right eye; the king, delighted with his recovered vision, ordered him to proceed with the left, but Abiatar refused, alleging that the stars had become unfavorable, and it was not until October 12 that he consented to complete the cure.[3] The friars themselves believed as little as royalty in the stories which they invented to frighten the people and create abhorrence of Jewish physicians. In spite of the fact that Ferdinand and Isabella, in the *Ordenanzas* of 1480, repeated the prohibition of their attending Christians, the Dominicans, in 1489, obtained from Innocent IV permission to employ them, notwithstanding all ecclesiastical censures, the reason alleged being that in Spain there were few others.[4]

The proscriptive spirit which dominated the councils of Zamora and Valladolid was not allowed to die out. That of Tarragona, in 1329, expressed its horror at the friendly companionship with which Christians were in the habit of attending the marriages, funerals and circumcisions of Jews and Moors and even of entering into the bonds of compaternity with the parents at the latter

[1] Ordenamiento de Doña Catalina, n. 10.

[2] Fortalicium Fidei, fol. 147a (Ed. 1494).

[3] Mariana, Hist. de España, VIII, 69 (Ed. 1790).

[4] Ordenanzas Reales, VIII, iii, 18.—Ripoll Bullar. Ord. FF. Prædic. IV, 44. As recently as 1580 Gregory XIII recited the prohibitions of employing Jewish physicians uttered by Paul IV and Pius V and deplored their inobservance which precipitated many souls to damnation, to prevent which he ordered their strict enforcement.—Septimi Decretal. Lib. III, Tit. vi, cap. 2.

ceremony, all of which it strictly forbade for the future.[1] A few years later, in 1337, Arnaldo, Archbishop of Tarragona, addressed to Benedict XII a letter which is a significant expression of the objects and methods of the Church. In spite, he says, of the vow taken by Jaime I when about to conquer Valencia, that he would not permit any Moors to remain there, the Christians, led by blind cupidity, allow them to occupy the land, believing that thus they derive larger revenues—which is an error, as the Abbot of Poblet has recently demonstrated by expelling the Mudéjares from the possessions of the abbey. There are said to be forty or fifty thousand Moorish fighting men in Valencia, which is a source of the greatest danger, especially now when the Emperor of Morocco is preparing to aid the King of Granada. Besides, many enormous crimes are committed by Christians, in consequence of their damnable familiarity and intercourse with the Moors, who blaspheme the name of Christ and exalt that of Mahomet. "I have heard," he pursues, "the late Bishop of Valencia declare, in a public sermon, that in that province the mosques are more numerous than the churches and that half, or more than half, the people are ignorant of the Lord's prayer and speak only Moorish. I therefore pray your clemency to provide an appropriate remedy, which would seem impossible unless the Moors are wholly expelled and unless the King of Aragon lends his aid and favor. The nobles would be more readily brought to assent to this if they were allowed to seize and sell the persons and property of the Mudéjares as public enemies and infidels, and the money thus obtained would be of no small service in defending the kingdom." The Christian prelate, not content with directly asking the pope to adopt this inhuman proposition, sent a copy of his letter to Jean de Comminges, Cardinal of Porto, and begged him to urge the matter with Benedict, and in a second letter to the cardinal he explained that it would be necessary for the pope to order the king to expel the Moors; that he would willingly obey as to the crown lands, but that a papal command was indispensable as to the lands of others. It was only, he added, the avarice of the Christians which kept the Moors there.[2] We shall see how, two hundred and seventy years later, an Archbishop of Valencia aided in bringing about the final catastrophe, by a still greater

[1] Concil. Tarraconens. ann. 1329 (Aguirre, VI, 371).

[2] Aguirre, V, 286–7. Pedro el Ceremonioso, the King of Aragon, was then only a boy of eighteen, who had ascended the throne in January, 1336.

display of saintly zeal, backed by precisely the same arguments.

This constant pressure on the part of their spiritual guides began to make an impression on the ruling classes, and repressive legislation becomes frequent in the Córtes. In those of Soria, in 1380, the obnoxious prayer against Christians was ordered to be removed from Jewish prayer-books and its recitation was forbidden under heavy penalties, while the rabbis were deprived of jurisdiction in criminal cases between their people. In those of Valladolid, in 1385, Christians were forbidden to live among Jews, Jews were prohibited to serve as tax-collectors, their judges were inhibited to act in civil cases between them and Christians and numerous regulations were adopted to restrain their oppression of debtors.[1] In 1387, at the Córtes of Briviesca, Juan I enacted that no Christian should keep in his house a Jew or Moor, except as a slave, nor converse with one beyond what the law allowed, under the heavy penalty of 6000 maravedís, and no Jew or Moor should keep Christians in his house under pain of confiscation of all property and corporal punishment at the king's pleasure.[2] It seemed impossible to enforce these laws, and the Church intervened by assuming jurisdiction over the matter. In 1388 the council of Valencia required the suspension of labor on Sundays and feast-days, and it deplored the injury to the bodies and souls of the faithful and the scandals arising from the habitual intercourse between them and the infidels. The dwellings of the latter were ordered to be strictly separated from those of the former; where special quarters had not been assigned to them, it was ordered to be done forthwith and, within two months, no Christian should be found dwelling with them nor they with Christians. If they had trades to work at or merchandise to sell they could come out during the day, or occupy booths or shops along the streets, but at night they must return to the place where they kept their wives and children.[3]

This segregation of the Jews and Moors and their strict confinement to the Morerías and Juderías were a practical method of separating the races which was difficult of enforcement. The massacres of 1391 showed that there were such quarters generally in the larger cities, but residence therein seems not to have been

[1] Córtes de los antiguos Reinos, II, 311, 322–8.

[2] Ordenanzas Reales, VIII, iii, 6.

[3] Concil. Palentin. ann. 1388, cap. v, vi (Aguirre, V, 300).

obligatory, and Jews and Moors who desired it lived among the Christians. In the restrictive laws of 1412, the first place is given to this matter. Morerías and Juderías are ordered to be established everywhere, surrounded with a wall having only one gate. Any one who shall not, in eight days after notice, have settled therein forfeits all his property and is liable to punishment at the king's pleasure, and severe penalties are provided for Christian women who enter them.[1] An effort was made to enforce these regulations, but it seemed impossible to keep the races apart. In 1480 Ferdinand and Isabella state that the law had not been observed and order its enforcement, allowing two years for the establishment of the ghettos, after which no Jew or Moor shall dwell outside of them, under the established penalties, and no Christian woman be found within them.[2] The time had passed for laws to be disregarded and this was carried into effect with the customary vigor of the sovereigns. In Segovia, for instance, on October 29, 1481, Rodrigo Alvárez Maldonado, commissioner for the purpose, summoned the representatives of the Jewish aljama, read to them the Ordenanza, and designated to them the limits of their Judería. All Christians resident therein were warned to vacate within the period designated by the law; all Jews of the district were required to make their abode there within the same time, and all doors and windows of houses contiguous to the boundaries, on either side, whether of Jews or Christians, were ordered to be walled up or rendered impassable. The segregation of the Jews was to be absolute.[3]

We shall see in the next chapter how successful were the efforts of the Church in arousing the greed and fanaticism of the people and in repressing the kindly fellowship which had so long existed. From this the Jews were the earliest and greatest sufferers, and it is necessary here to say only that in the cruel laws which marked the commencement of the fifteenth century both Moor and Jew were included in the restrictions designed to humiliate them to the utmost, to render their lives a burden, to deprive them of the

[1] Ordenamiento de Valladolid, i, xi (Fortalicium Fidei, fol. 176).—Fernández y González, pp. 400, 402.

[2] Ordenanzas Reales, viii, iii, 10, 19.

[3] Padre Fidel Fita, Boletin, IX, 270–84, 289, 292.—It was not until 1555 that Paul IV adopted the same policy in Rome and established the Ghetto, or Jewish quarter.—Septimi Decretal. Lib. v, Tit. 1, cap. 4

means of livelihood and to diminish their usefulness to the State. These laws were too severe for strict and continuous enforcement, but they answered the purpose of inflicting an ineffaceable stigma upon their victims and of keeping up a wholesome feeling of antagonism on the part of the population at large. This was directed principally against the Jews, who were the chief objects of clerical malignity, and it will be our business to examine how this was skilfully developed, until it became the proximate cause of the introduction of the Inquisition and created for it, during its earliest and busiest years, almost the sole field of its activity. Meanwhile it may be observed that, in the closing triumph over Granada, the capitulations accorded by Ferdinand and Isabella were even more liberal to Jews and Moors than those granted from the eleventh to the thirteenth century, by such monarchs as Alfonso VI, Ferdinand III, Alfonso X, and Jaime I. Unless they were deliberately designed as perfidious traps, they show how little real conscientious conviction lay behind the elaborately stimulated fanaticism which destroyed the Jews and Mudéjares.[1]

[1] For a series of these capitulations see Coleccion de Documentos para la Historia de España, T. VIII, pp. 403 *sqq.*

CHAPTER III.

THE JEWS AND THE CONVERSOS.

To appreciate properly the position of the Jews in Spain, it is requisite first to understand the light in which they were regarded elsewhere throughout Christendom during the mediæval period. It has already been seen that the Church held the Jew to be a being deprived, by the guilt of his ancestors, of all natural rights save that of existence. The privileges accorded to the Jews and the social equality to which they were admitted under the Carlovingians provoked the severest animadversions of the churchmen.[1] About 890, Stephen VI writes to the Archbishop of Narbonne that he has heard with mortal anxiety that these enemies of God are allowed to hold land and that Christians dealt with these dogs and even rendered service to them.[2] It is true that Alexander III maintained the ancient rule that they could repair their existing synagogues but not build new ones, and Clement III honored himself by one of the rare human utterances in their favor, prohibiting their forced conversion, their murder or wounding or spoliation, their deprivation of religious observances, the exaction of forced service unless such was customary, or the violation of their cemeteries in search of treasure, and, moreover, both of these decrees were embodied by Gregory IX in the canon law.[3] Yet these prohibitions only point out to us the manner in which popular zeal applied the principles enunciated by the Church and, when the council of Paris, in 1212, forbade, under pain of excommunication, Christian midwives to attend a Jewess in labor, it shows that they were authoritatively regarded as less entitled than beasts to human sympathy.[4]

How popular hostility was aroused and strengthened is illustrated in a letter addressed, in 1208, by Innocent III to the Count

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[1] S. Agobardi de Judaicis Superstitionibus; Ejusdem de cavenda Societate Judaica.—Amulonis Episc. Lugdunens. Lib. contra Judæos ad Carolem Regem.

[2] Stephani PP. VI, Epist. 2.

[3] Cap. 7, 9, Extra, Lib. v, Tit. vi.

[4] Concil. Paris. ann. 1212, P. v, cap. 2 (Martene Ampliss. Collect. VII, 102).

of Nevers. Although, he says, the Jews, against whom the blood of Jesus Christ cries aloud, are not to be slain, lest Christians should forget the divine law, yet are they to be scattered as wanderers over the earth, that their faces may be filled with ignominy and they may seek the name of Jesus Christ. Blasphemers of the Christian name are not to be cherished by princes, in oppression of the servants of the Lord, but are rather to be repressed with servitude, of which they rendered themselves worthy when they laid sacrilegious hands on Him, who had come to give them true freedom, and they cried that His blood should be upon them and their children. Yet when prelates and priests intervene to crush their malice, they laugh at excommunication and nobles are found who protect them. The Count of Nevers is said to be a defender of the Jews; if he does not dread the divine wrath, Innocent threatens to lay hands on him and punish his disobedience.[1] The Cistercian Cæsarius of Heisterbach, in his dialogues for the moral instruction of his fellow monks, tells several stories which illustrate the utter contempt felt for the feelings and rights of Jews, and in one of them there is an allusion to the curious popular belief that the Jews had a vile odor, which they lost in baptism—a belief prolonged, at least in Spain, until the seventeenth century was well advanced.[2] Even so enlightened a prelate as Cardinal Pierre d'Ailly, in 1416, reproves the sovereigns of Christendom for their liberality towards the Jews, which he can attribute only to the vile love of gain; if Jews are allowed to remain, it should be only as servants to Christians.[3] General prohibitions of maltreatment availed little when prelate and priest were busy in inflaming popular aversion and popes were found to threaten any prince hardy enough to interpose and protect the unfortunate race.

Of course under such impulsion there was scant ceremony in dealing with these outcasts in any way that religious ardor might suggest. When, in 1009, the Saracens captured Jerusa-

[1] Innocent. PP. III, Regest. x, 190. Cf. Epistt. Select. Sæc. XIII, T. I, p. 414 (Pertz).

[2] Cæsar. Heisterb. Dial. Mirac. Dist. II, cap. xxiv, xxv.—Bernaldez, Hist. de los Reyes Católicos, cap. xliii.—Vicente da Costa Mattos, Breve Discurso contra a heretica Perfidia do Judaismo, fol. 131, 132, 134 (Lisboa, 1623).—Bodleian Library, MSS. Arch. S. 130.

[3] P. de Alliaco Canon. Reformat. cap. xliii (Von der Hardt, Concil. Constant. I, VIII, 430–1)

lem and destroyed the church of the Holy Sepulchre, the rage and indignation of Europe assumed so threatening a form that multitudes of Jews took refuge in baptism.[1] When religious exaltation culminated in the Crusades, it seemed to those who assumed the cross a folly to redeem Palestine while leaving behind the impious race that had crucified the Lord, and everywhere, in 1096, the assembling of crusaders was the signal for Jewish massacre. It would be superfluous to recount in detail the dreary catalogue of wholesale slaughters which for centuries disgraced Europe, whenever fanaticism or the disappearance of a child gave rise to stories of the murder rite, or a blood-stained host suggested sacrilege committed on the sacrament, or some passing evil, such as an epidemic, aroused the populace to bloodshed and rapine. The medieval chronicles are full of such terrible scenes, in which cruelty and greed assumed the cloak of zeal to avenge God; and when, in rare instances, the authorities protected the defenceless, it was ascribed to unworthy motives, as in the case of Johann von Kraichbau, Bishop of Speyer, who, in 1096, not only saved some Jews but beheaded their assailants and was accused of being heavily bribed; nor did Frederic Barbarossa and Ludwig of Bavaria escape similar imputations.[2] It was safer and more profitable to combine piety and plunder as when, in April, 1182, Philip Augustus ordered all Jews to leave France by St. John's day, confiscating their landed property and allowing them to take their personal effects. His grandson, the saintly Louis, resorted without scruple to replenishing his treasury by ransoming the Jews and the latter's grandson, Philippe le Bel, was still more unscrupulous in 1306, when, by a concerted movement, he seized all the Jews in his dominions, stripped them of property, and banished them under pain of death. In England King John, in 1210, cast Jews into prison and tortured them for ransom, and his grandson, Edward I, followed the example of Philip Augustus so effectually that Jews were not allowed to return until the time of Cromwell.[3]

[1] Chron. Turonens. ann. 1009.

[2] Berthold. Constant. ann. 1096.—Otton. Frisingens. de Gest. Frid. I, Lib. I, cap. 37.—Vitoduran. Chron. ann. 1336.—Gesta Treviror. Archiepp. ann. 1337.

[3] Rigord. de Gest. Phil. Aug. ann. 1182.—Vaissette, Hist. Gen. de Languedoc, VIII, 1191-2 (Ed. Privat).—Nich. Trivetti Chron. ann. 1189.—Guill. Nangiac. Contin. ann. 1306.—Matt. Paris. Hist. Angl. ann. 1210.—Matt. Westmonast. ann. 1290.

Spain remained so long isolated from the movements which agitated the rest of Christendom that the abhorrence for the Jew, taught by the Church and reduced to practice in so many ways by the people, was late in development. In the deluge of the Saracen conquest and in the fierce struggles of the early Reconquest, the antipathy so savagely expressed in the Gothic legislation seemed to pass away, possibly because there could have been but few Jews among the rude mountaineers of Galicia and Asturias. It is true that the Wisigothic laws, in the Romance version known as the Fuero Juzgo, remained nominally in force; it is also true that a law was interpolated in the Fuero, which seems to indicate a sudden recrudescence of fanaticism after a long interval of comparative toleration. It provides that if a Jew loyally embraces the faith of Christ, he shall have license to trade in all things with Christians, but if he subsequently relapses into Judaism his person and property are forfeit to the king; Jews persisting in their faith shall not consort with Christians, but may trade with each other and pay taxes to the king. Their houses and slaves and lands and orchards and vineyards, which they may have bought from Christians, even though the purchase be of old date, are declared confiscated to the king, who may bestow them on whom he pleases. If any Jew trades in violation of this law he shall become a slave of the king, with all his property. Christians shall not trade with Jews; if a noble does so, he shall forfeit three pounds of gold to the king; on transactions of more than two pounds, the excess is forfeit to the king, together with three doblas; if the offender is a commoner, he shall receive three hundred lashes.[1]

The date of this law is uncertain, but it presupposes a considerable anterior period of toleration, during which Jews had multiplied and had become possessed of landed wealth. To what extent it may have been enforced we have no means of knowing, but its observance must only have been temporary, for such glimpses as we get of the condition of the Jews up to the fourteenth century are wholly incompatible with the fierce proscription of the Gothic laws. As the Spanish kingdoms organized themselves, the Fuero Juzgo for the most part was superseded by a crowd of local fueros, *cartas-pueblas* and customs defining the franchises of each community, and we have seen in the preceding chapter how in these both Moor and Jew

[1] Fuero Juzgo, Lib. xii, Tit. ii, ley 18.

were recognized as sharing in the common rights of citizenship and how fully the freedom of trade between all classes was permitted. In 1251 the Fuero Juzgo was formally abrogated in Aragon by Jaime I, who forbade it to be cited in the courts —a measure which infers that it had practically become obsolete.[1] In Castile it lingered somewhat longer and traces of its existence are to be found in some places until the end of the thirteenth century.[2] These, however, are not to be construed as referring to the provisions respecting Jews, which had long been superseded.

In fact, the Jews formed too large and important a portion of the population to be treated without consideration. The sovereigns, involved permanently in struggles with the Saracen and with mutinous nobles, found it necessary to utilize all the resources at their command, whether in money, intelligence, or military service. In the first two of these the Jews stood pre-eminent, nor were they remiss in the latter. On the disastrous field of Zalaca, in 1086, forty thousand Jews are said to have followed the banner of Alfonso VI, and the slaughter they endured proved their devotion, while, at the defeat of Ucles in 1108, they composed nearly the whole left wing of the Castilian host.[3] In 1285 we hear of Jews and Moors aiding the Aragonese in their assaults on the retreating forces of Philippe le Hardi.[4] As regards money, the traffic and finance of Spain were largely in their hands, and they furnished, with the Moors, the readiest source from which to derive revenue. Every male who had married, or who had reached the age of 20, paid an annual poll tax of three gold maravedís; there were also a number of imposts peculiar to them, and, in addition, they shared with the rest of the population in the complicated and ruinous system of taxation—the ordinary and extraordinary *servicios*, the *pedidas* and *ayudas*, the *sacos* and *pastos* and the *alcavalas*. Besides this they assisted in supporting the municipalities or the lordships and prelacies under which they lived, with the *tallas*, the *pastos*, the ninths or elevenths of merchandise and the *peajes* and *barcajes*, the *pontazgos* and *portazgos*, or tolls of various kinds

[1] Marca Hispanica, p. 1439.

[2] Coleccion de Privilegios, VI, 96 (Madrid, 1833).—Memorial hist. español, I, 38, 124; II, 71.

[3] Amador de los Rios, I, 185–6, 189.

[4] Contin. Gerardi de Fracheto, ann. 1285 (Dom Bouquet, XXI, 7).

which were heavier on them than on Christians, and, moreover, the Church received from them the customary tithes, oblations, and first-fruits.[1] The revenues from the Jewish aljamas, or communities, were always regarded as among the surest resources of the crown.

The shrewd intelligence and practical ability of the Jews, moreover, rendered their services in public affairs almost indispensable. It was in vain that the council of Rome, in 1078, renewed the old prohibitions to confide to them functions which would place them in command over Christians and equally in vain that, in 1081, Gregory VII addressed to Alfonso VI a vehement remonstrance on the subject, assuring him that to do so was to oppress the Church of God and exalt the synagogue of Satan, and that in seeking to please the enemies of Christ he was contemning Christ himself.[2] In fact, the most glorious centuries of the Reconquest were those in which the Jews enjoyed the greatest power in the courts of kings, prelates and nobles, in Castile and Aragon. The treasuries of the kingdoms were virtually in their hands, and it was their skill in organizing the supplies that rendered practicable the enterprises of such monarchs as Alfonso VI and VII, Fernando III and Jaime I.[3] To treat them as the Goths had done, or as the Church prescribed, had become a manifest impossibility.

Under such circumstances it was natural that their numbers should increase until they formed a notable portion of the population. Of this an estimate can be made from a *repartimiento*, or assessment of taxes, in 1284, which shows that in Castile they paid a poll tax of 2,561,855 gold maravedís, which at three maravedís per head infers a total of 853,951 married or adult males.[4] This large aggregate was thoroughly organized. Each aljama or community had its rabbis with a Rabb Mayor at its

[1] Amador de los Rios, II, 67.—Benavides, Memorias de Fernando IV, II, 331. It indicates the independent position of Jews and Moors that they refused to pay tithes on lands acquired from Christians and their liability was enforced only after a vigorous and prolonged struggle.—See Cap. 18, Extra, Lib. v, Tit. xix (Concil. Lateran. IV).—Innocent. PP. III, Regest. VIII, 50; X, 61.—Concil Tarraconens. ann. 1291 (Aguirre, VI, 292).—Concil. Zamorens. ann. 1313, cap. x (Amador de los Rios, II, 564).—Memorial hist. español, I, 33, 160.—Fernández y González, pp. 348, 355, 380, 389.—Benavides, *op. cit.* II, 539, 541.

[2] Concil. Roman. V, ann. 1078 (Migne's Patrologia, CXLVIII, 799).—Gregor. PP. VII, Regest. IX, 2.

[3] Amador de los Rios, I, 28–9.

[4] Ibidem, II, 58.

head. Then each district, comprising one or more Christian bishoprics, was presided over by a Rabb Mayor, and, above all, was the *Gaon* or *Nassi*, the prince, whose duty it was to see that the laws of the race, both civil and religious, were observed in their purity.[1] As we have already seen, all questions between themselves were settled before their own judges under their own code, and even when a Jew was prosecuted criminally by the king, he was punishable in accordance with his own law.[2] So complete was the respect paid to this that their Sabbaths and other feasts were held inviolate; on these days they could not be summoned to court or be interfered with except by arrest for crime. Even polygamy was allowed to them.[3]

While their religion and laws were thus respected, they were required to respect Christianity. They were not allowed to read or keep books contrary to their own law or to the Christian law. Proselytism from Christianity was punishable by death and confiscation, and any insults offered to God, the Virgin, or the saints, were visited with a fine of ten maravedís or a hundred lashes.[4] Yet, if we are to believe the indignant Lucas of Tuy, writing about 1230, these simple restraints were scarce enforced. The heretic Cathari of Leon, he tells us, were wont to circumcise themselves in order, under the guise of Jews, to propound heretical dogmas and dispute with Christians; what they dared not utter as heretics they could freely disseminate as Jews. The governors and judges of the cities listened approvingly to heresies put forth by Jews, who were their friends and familiars, and if any one, inflamed by pious zeal, angered these Jews, he was treated as if he had touched the apple of the eye of the ruler; they also taught other Jews to blaspheme Christ and thus the Catholic faith was perverted.[5]

This represents a laxity of toleration impossible in any other land at the period, yet the Spanish Jews were not wholly shielded from inroads of foreign fanaticism. Before the crusading spirit had been organized for the conquest of the Holy Land, ardent knights sometimes came to wage war with the Spanish Saracens,

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[1] Amador de los Rios, II, 74–5.

[2] Leyes de Estilo, 89–90.

[3] El Fuero Real, Lib. IV, Tit. iv, ley 7.—Partidas, VII, xxiv, 5. In 1322 Jaime II of Aragon forbids the molestation of Strogo Mercadell, a Jew, for taking a second wife.—Coleccion de Documentos de la Corona de Aragon, VI, 240.

[4] El Fuero Real, Lib. IV, Tit. ii, leyes 1, 2, 3.

[5] Lucæ Tudens. de altera Vita III, 3.

and their religious fervor was aggrieved by the freedom enjoyed by the Jews. About 1068, bands of these strangers treated them as they had been wont to do at home, slaying and plundering them without mercy. The Church of Spain was as yet uncontaminated by race hatred and the bishops interposed to save the victims. For this they were warmly praised by Alexander II, who denounced the crusaders as acting either from foolish ignorance or blind cupidity. Those whom they would slay, he said, were perhaps predestined by God to salvation; he cited Gregory I to the same effect and pointed out the difference between Jews and Saracens, the latter of whom make war on Christians and could justly be assailed.[1] Had the chair of St. Peter always been so worthily filled, infinite misery might have been averted and the history of Christendom been spared some of its most repulsive pages.

When the crusading spirit extended to Spain, it sometimes aroused similar tendencies. In 1108, Archbishop Bernardo of Toledo took the cross and religious exaltation was ardent. The disastrous rout of Ucles came and was popularly ascribed to the Jews in the Castilian army, arousing indignation which manifested itself in a massacre at Toledo and in the burning of synagogues. Alfonso VI vainly endeavored to detect and punish those responsible and his death, in 1109, was followed by similar outrages which remained unavenged.[2] This was a sporadic outburst which soon exhausted itself. A severer trial came from abroad, when, in 1210, the Legate Arnaud of Narbonne led his crusading hosts to the assistance of Alfonso IX. Although their zeal for the faith was exhausted by the capture of Calatrava and few of them remained to share in the crowning glories of Las Navas de Tolosa, their ardor was sufficient to prompt an onslaught on the unoffending Jews. The native nobles sought in vain to protect the victims, who were massacred without mercy, so that Abravanel declares this to have been one of the bloodiest persecutions that they had suffered and that more Jews fled from Spain than Moses led out of Egypt.[3]

This had no permanent influence on the condition of the Spanish Hebrews. During the long reigns of San Fernando III

[1] Alex. PP. II, Epist. 101 (Decreti Consid. xxiii, Q. viii, cap. 11).

[2] Amador de los Rios, I, 189–90.

[3] Roderici Toleti de Rebus Hispan. viii, 2, 6.—Malo, Histoire des Juifs, p. 267 (Paris, 1826).

and Alfonso X of Castile and of Jaime I of Aragon, covering the greater part of the thirteenth century, the services which they rendered to the monarchs were repaid with increasing favor and protection. After Jaime had conquered Minorca he took, in 1247, all Jews settling there under the royal safeguard and threatened a fine of a thousand gold pieces for wrong inflicted on any of them and, in 1250, he required that Jewish as well as Christian testimony must be furnished in all actions, civil or criminal, brought by Christians against Jews. So, when in 1306 Philippe le Bel expelled the Jews from France and those of Majorca feared the same fate, Jaime II reassured them by pledging the royal faith that they should remain forever in the land, with full security for person and property, a pledge confirmed, in 1311, by his son and successor Sancho.[1] In Castile, when San Fernando conquered Seville, in 1244, he gave to the Jews a large space in the city, and, in defiance of the canons, he allotted to them four Moorish mosques to be converted into synagogues, thus founding the aljama of Seville, destined to a history so deplorable. Alfonso X, during his whole reign, patronized Jewish men of learning, whom he employed in translating works of value from Arabic and Hebrew; he built for them an observatory in Seville, where were made the records embodied in the Alfonsine Tables; he permitted those of Toledo to erect the magnificent synagogue now known as Santa María la Blanca, and Jews fondly relate that the Hebrew school, which he transferred from Córdova to Toledo, numbered twelve thousand students.[2] He was prompt to maintain their privileges, and, when the Jews of Burgos complained that in mixed suits the alcaldes would grant appeals to him when the Christian suitor was defeated, while refusing them to defeated Jews, he at once put an end to the discrimination, a decree which Sancho IV enforced with a penalty of a hundred maravedís when, in 1295, the complaint was repeated.[3] Yet Alfonso, in his systematic code known as the Partidas, which was not confirmed by the Córtes until 1348, allowed himself to be influenced by the teachings of the Church and the maxims of the imperial jurisprudence. He accepted the doctrine of the canons that the Jew

[1] Villanueva, Viage Literario, XXII, 328, 329, 333.

[2] Amador de los Rios, I, 370, 447–51.—Lindo's History of the Jews of Spain, p. 88.

[3] Leyes nuevas, Núm. XII, XIII. Cf. Ley 7 (Alcubilla, Códigos antiguos, I, 182).

was merely suffered to live in captivity among Christians; he was forbidden to speak ill of the Christian faith, and any attempt at proselytism was punished with death and confiscation. The murder rite was alluded to as a rumor, but in case it was practised it was a capital offence and the culprits were to be tried before the king himself. Jews were ineligible to any office in which they could oppress Christians; they were forbidden to have Christian servants, and the purchase of a Christian slave involved the death punishment. They were not to associate with Christians in eating, drinking, and bathing and the amour of a Jew with a Christian woman incurred death. While Jewish physicians might prescribe for Christian patients, the medicine must be compounded by a Christian, and the wearing of the hateful distinctive badge was ordered under penalty of ten gold maravedís or of ten lashes. At the same time Christians were strictly forbidden to commit any wrong on the person or property of Jews or to interfere in any way with their religious observances, and no coercion was to be used to induce them to baptism, for Christ wishes only willing service.[1]

This was prophetic of evil days in the future and the reign of Alfonso proved to be the culminating point of Jewish prosperity. The capital and commerce of the land were to a great extent in their hands; they managed its finances and collected its revenues. King, noble and prelate entrusted their affairs to Jews, whose influence consequently was felt everywhere. To precipitate them from this position to the servitude prescribed by the canons required a prolonged struggle and may be said to have taken its remote origin in an attempt at their conversion. In 1263 the Dominican Fray Pablo Christiá, a converted Jew, challenged the greatest rabbi of the day, Moseh aben Najman, to a disputation which was presided over by Jaime I in his Barcelona palace. Each champion of course boasted of victory; the king dismissed Nachmanides not only with honor but with the handsome reward of three hundred pieces of gold, but he ordered certain Jewish books to be burnt and blasphemous passages in the Talmud to be expunged.[2] He further

[1] Partidas, P. VII, Tit. xxiv. The provision punishing with death male Jews for intercourse with Christian women only expressed existing legislation, even when the woman was a prostitute.—Benavides, Memorias de Fernando IV, II, 210.

[2] Villanueva, Viage Literario, XIII, 332.—R. Nachmanidis Disputatio (Wagenseilii Tela Ignea Satanæ).—Coleccion de Documentos de la C. de Aragon, VI, 165.

issued a decree ordering all his faithful Jews to assemble and listen reverently to Fray Pablo whenever he desired to dispute with them, to furnish him with what books he desired, and to defray his expenses, which they could deduct from their tribute.[1] Two years later Fray Pablo challenged another prominent Hebrew, the Rabbi Ben-Astruch, chief of the synagogue of Gerona, who refused until he had the pledge of King Jaime, and of the great Dominican St. Ramon de Peñafort, that he should not be held accountable for what he might utter in debate, but when, at the request of the Bishop of Gerona, Ben-Astruch wrote out his argument, the frailes Pablo and Ramon accused him of blasphemy, for it was manifestly impossible that a Jew could defend his strict monotheism and Messianic belief without a course of reasoning that would appear blasphemous to susceptible theologians. The rabbi alleged the royal pledge; Jaime proposed that he should be banished for two years and his book be burnt, but this did not satisfy the Dominican frailes and he dismissed the matter, forbidding the prosecution of the rabbi except before himself. Appeal seems to have been made to Clement IV, who addressed King Jaime in wrathful mood, blaming him for the favor shown to Jews and ordering him to deprive them of office and to depress and trample on them; Ben-Astruch especially, he said, should be made an example without, however, mutilating or slaying him.[2] This explosion of papal indignation fell harmless, but the zeal of the Dominicans had been inflamed and in laboring for the conversion of the Jews they not unnaturally aroused antagonism toward those who refused to abandon their faith. So long before as 1242, Jaime had issued an edict, confirmed by Innocent IV in 1245, empowering the Mendicant friars to have free access to Juderías and Morerías, to assemble the inhabitants and compel them to listen to sermons intended for their conversion.[3] The Dominicans now availed themselves of this with such vigor and excited such hostility to the Jews that Jaime was obliged to step forward for their protection. He assured the aljamas that they were not accountable for what was contained in their books,

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[1] Bulario de la Orden de Santiago, Lib. III, fol. 546 (Archivo hist. nacional de Madrid).

[2] Coleccion de Documentos, VI, 167.—Villanueva, XIII, 336.—Ripoll Bullar Ord. Predic. I, 479.

[3] Aguirre, VI, 369.

unless it was to the dishonor of Christ, the Virgin and the saints, and all accusations must be submitted to him in person; their freedom of trade was not to be curtailed; meat slaughtered by them could be freely exposed for sale in the Juderías, but not elsewhere; dealing in skins was not to be interfered with; their synagogues and cemeteries were to be subject to their exclusive control; their right to receive interest on loans was not to be impaired nor their power to collect debts; they were not to be compelled to listen to the friars outside of their Juderías, because otherwise they were liable to insult and dishonor, nor were the frailes when preaching in the synagogues to be accompanied by disorderly mobs, but at most by ten discreet Christians; finally, no novel limitations were to be imposed on them except by royal command after hearing them in opposition.[1]

These provisions indicate the direction in which Dominican zeal was striving to curtail the privileges so long enjoyed by the Jews and the royal intention to protect them against local legislation, which had doubtless been attempted under this impulsion. They were not remiss in gratitude, for when, in 1274, Jaime attended the council of Lyons, they contributed seventy-one thousand *sueldos* to enable him to appear with fitting magnificence.[2] The royal protection was speedily needed, for the tide of persecuting zeal was rising among the clergy and, shortly after his return from Lyons, on a Good Friday, the ecclesiastics of Gerona rang the bells, summoned the populace and attacked the Judería, which was one of the largest and most flourishing in Catalonia. They would have succeeded in destroying it but for the interposition of Jaime, who chanced to be in the city and who defended the Jews with force of arms.[3]

After the death of Jaime, in 1276, the ecclesiastics seem to have thought that they could safely obey the commands of Clement IV, especially as Nicholas IV, in 1278, instructed the Dominican general to depute pious brethren everywhere to convoke the Jews and labor for their conversion, with the significant addition that lists of those refusing baptism were to be made out and submitted to him, when he would determine what was to be done with them.[4] How the frailes interpreted the

[1] Coleccion de Documentos, VI, 170.
[2] Amador de los Rios, I, 438.
[3] Florez, España Sagrada, XLIV, 298.
[4] Septimi Decretal. Lib. v, Tit. i, cap. 2.

papal utterances is indicated in a letter of Pedro III to Pedro Bishop of Gerona, in April of this same year, 1278, reciting that he had already appealed repeatedly to him to put an end to the assaults of the clergy on the Jews, and now he learns that they have again attacked the Judería, stoning it from the tower of the cathedral and from their own houses and then assaulting it, laying waste the gardens and vineyards of the Jews and even destroying their graves and, when the royal herald stood up to forbid the work, drowning his voice with yells and derisions. Pedro accuses the bishop of stimulating the clergy to these outrages and orders him to put a stop to it and punish the offenders.[1] He was still more energetic when the French crusade under Philippe le Hardi was advancing to the siege of Gerona, in 1285, and his Moorish soldiers in the garrison undertook to sack the *Call Juhich,* or Judería, when he threw himself among them, mace in hand, struck down a number and finished by hanging several of them.[2] He offered no impediment, however, to the conversion of the Jews for, in 1279, he ordered his officials to compel them to listen to the Franciscans, who, in obedience to the commands of the pope, might wish to preach to them in their synagogues.[3] These intrusions of frailes into the Juderías inevitably led to trouble, for there is significance in a letter of Jaime II, April 4, 1305, to his representative in Palma, alluding to recent scandals, for the future prevention of which he orders that no priest shall enter the Judería to administer the sacraments without being accompanied by a secular official. This precaution was unavailing, for it doubtless was a continuance of such provocation that led to a disturbance, about 1315, affording to King Jaime an excuse for confiscating the whole property of the aljama of Palma and then commuting the penalty to a fine of 95,000 *libras.* The source of these troubles is suggested by a royal order of 1327 to the Governor of Majorca, forbidding the baptism of Jewish children under seven years of age or the forcible baptism of Jews of any age.[4]

During all this period there had been an Inquisition in Aragon which, of course, could not interfere with Jews as such, for they were beyond its jurisdiction, but which stood ready to punish any more or less veritable efforts at propagandism or offences

[1] Florez, *op. cit.,* XLIV, 297–99.

[2] Bernard d'Esclot, Cronica del Rey en Pere, cap. clii.

[3] Coleccion de Documentos, VI, 194. [4] Villanueva, XXI, 165, 303.

of fautorship. The crown had no objection to using it as a means of extortion, while preventing it from exterminating or crippling subjects so useful. A diploma of Jaime II, October 14, 1311, recites that the inquisitor, Fray Juan Llotger, had learned that the aljamas of Barcelona, Tarragona, Monblanch and Vilafranca had harbored and fed certain Jewish converts, who had relapsed to Judaism, as well as others who had come from foreign parts. He had given Fray Juan the necessary support, enabling him to verify the accusations on the spot and had received his report to that effect. Now, therefore, he issues a free and full pardon to the offending aljamas, with assurance that they shall not be prosecuted either civilly or criminally, for which grace, on October 10th, they had paid him ten thousand sueldos. In this case there seems to have been no regular trial by the Inquisition, the king having superseded it by his action. In another more serious case he intervened after trial and sentence to commute the punishment. In 1326 the aljama of Calatayud subjected itself to the Inquisition by not only receiving back a woman who had been baptized but by circumcising two Christians. Tried by the inquisitor and the Bishop of Tarazona it had been found guilty and it had been sentenced to a fine of twenty thousand sueldos and its members to confiscation, but King Jaime, by a cédula of February 6, 1326, released them from the confiscation and all other penalties on payment of the fine.[1]

Although Castile was slower than Aragon to receive impulses from abroad, in the early fourteenth century we begin to find traces of a similar movement of the Church against the Jews. In 1307 the aljama of Toledo complained to Fernando IV that the dean and chapter had obtained from Clement V bulls conferring on them jurisdiction over Jews, in virtue of which they were enforcing the canons against usury and stripping the Jewish community of its property. At this time there was no question in Spain, such as we shall see debated hereafter, of the royal prerogative to control obnoxious papal letters, and Fernando at once ordered the chapter to surrender the bulls; all action under them was pronounced void and restitution in double was threatened for all damage inflicted. The Jews, he

[1] Archivo gen. de la Corona de Aragon, Regist. 208, fol. 72; Regist. 229, fol. 239.

said, were his Jews; they were not to be incapacitated from paying their taxes and the pope had no power to infringe on the rights of the crown. He instructed Ferran Nuñez de Pantoja to compel obedience and, after some offenders had been arrested, the frightened canons surrendered the bulls and abandoned their promising speculation, but the affair left behind it enmities which displayed themselves deplorably afterwards.[1]

In spite of the royal favor and protection, the legislation of the period commences to manifest a tendency to limit the privileges of the Jews, showing that popular sentiment was gradually turning against them. As early as 1286 Sancho IV agreed to deprive them of their special judges and, though the law was not generally enforced, it indicates the spirit that called for it and procured its repetition in the Córtes of Valladolid in 1307.[2] Complaints were loud and numerous of the Jewish tax-gatherers, and the young Fernando IV was obliged repeatedly to promise that the revenues should not be farmed out nor their collection be entrusted to caballeros, ecclesiastics or Jews. The turbulence which attended his minority and short reign and the minority of his son, Alfonso XI, afforded a favorable opportunity for the manifestation of hostility and the royal power was too weak to prevent the curtailment in various directions of the Jewish privileges.[3] We have seen, in the preceding chapter, the temper in which the Spanish prelates returned from the Council of Vienne in 1312 and the proscriptive legislation enacted by them in the Council of Zamora in 1313 and its successors. Everything favored the development of this spirit of intolerance, and at the Córtes of Burgos, in 1315, the regents of the young Alfonso XI conceded that the Clementine canon, abrogating all laws that permitted usury, should be enforced, that all mixed actions, civil and criminal, should be tried by the royal judges, that the evidence of a Jew should not be received against a Christian while that of a Christian was good against a Jew, that Jews were not to assume Christian names, Christian nurses were not to suckle Jews and sumptuary laws were directed against the luxury of Jewish vestments.[4]

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[1] Amador de los Rios, II, 98–102.

[2] Coleccion de Privilegios, VI, 129 (Madrid, 1833).—Benavides, Memorias de Fernando IV, II, 374.

[3] Amador de los Rios, II, 90–4.

[4] Córtes de los antiguos Reinos, I, 247.—Cap. 1, Clement. Lib. v, Tit. v.

This may be said to mark the commencement of the long struggle which, in spite of their wonderful powers of resistance, was to end in the destruction of the Spanish Jews. Throughout the varying phases of the conflict, the Church, in its efforts to arouse popular hatred, was powerfully aided by the odium which the Jews themselves excited through their ostentation, their usury and their functions as public officials.

A strong race is not apt to be an amiable one. The Jews were proud of their ancient lineage and the purity of their descent from the kings and heroes of the Old Testament. A man who could trace his ancestry to David would look with infinite scorn on the hidalgos who boasted of the blood of Lain Calvo and, if the favor of the monarch rendered safe the expression of his feelings, his haughtiness was not apt to win friends among those who repaid his contempt with interest. The Oriental fondness for display was a grievous offence among the people. The wealth of the kingdom was, to a great extent, in Jewish hands, affording ample opportunity of contrast between their magnificence and the poverty of the Christian multitude, and the lavish extravagance with which they adorned themselves, their women and their retainers, was well fitted to excite envy more potent for evil because more wide-spread than enmity arising from individual wrongs.[1] Shortly before the catastrophe, at the close of the fifteenth century, Affonso V of Portugal, who was well-affected towards them, asked the chief rabbi, Joseph-Ibn-Jachia, why he did not prevent his people from a display provocative of the assertion that their wealth was derived from robbery of the Christians, adding that he required no answer, for nothing save spoliation and massacre would cure them of it.[2]

A more practical and far-reaching cause of enmity was the usury, through which a great portion of their wealth was acquired. The money-lender has everywhere been an unpopular character and, in the Middle Ages, he was especially so. When the Church pronounced any interest or any advantage, direct or indirect, derived from loans to be a sin for which the sinner could not be admitted to penance without making restitution; when the justification of taking interest was regarded as a heresy to be punished as such by the Inquisition, a stigma was placed on the money-lender, his gains were rendered hazardous, and

[1] Lindo's History of the Jews of Spain, p. 180.

[2] Graetz, Geschichte der Juden, VIII, 327 (Ed. 1890).

his calling became one which an honorable Christian could not follow.[1] Mercantile Italy early outgrew these dogmas which retarded so greatly all material development and it managed to reconcile, *per fas et nefas*, the canons with the practical necessities of business, but elsewhere throughout Europe, wherever Jews were allowed to exist, the lending of money or goods on interest inevitably fell, for the most part, into their hands, for they were governed by their own moral code and were not subject to the Church. It exhausted all devices to coerce them through their rulers, but the object aimed at was too incompatible with the necessities of advancing civilization to have any influence save the indefinite postponement of relief to the borrower.[2]

The unsavoriness of the calling, its risks and the scarcity of coin during the Middle Ages, conspired to render the current rates of interest exorbitantly oppressive. In Aragon the Jews were allowed to charge 20 per cent. per annum, in Castile 33⅓,[3] and the constant repetition of these limitations and the provisions against all manner of ingenious devices, by fictitious sales and other frauds, to obtain an illegal increase, show how little the laws were respected in the grasping avarice with which the Jews speculated on the necessities of their customers.[4] In 1326 the aljama of Cuenca, considering the legal rate of 33⅓ per cent. too low, refused absolutely to lend either money or wheat for the sowing. This caused great distress and the town-council entered into negotiations, resulting in an agreement by which the Jews were authorized to charge 40 per cent.[5] In 1385 the Córtes of Valladolid describe one cause of the necessity of submitting to whatever exactions the Jews saw fit to impose, when it says that the new lords, to whom Henry of Trastamara

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[1] Decreti P. II, Caus. xiv, Q. 3, 4, 5, 6.—Cap. 1, § 2 Clement. Lib. v, Tit. v.

[2] Cap. 12, Extra, Lib. v, Tit. xix.—Concil. Lateran. IV, cap. 67.—Concil. Lugdunens. II, ann. 1274, cap. 26.—Cap. 1 Clement. Lib. v, Tit. v.—Concil. Pennafidelens. ann. 1302, cap. 9.

[3] Marca Hispanica, pp. 1415, 1426, 1431.—Constitutions de Cathalunya superfluas, Lib. I, Tit. v, cap. 2.—Villanueva, Viage Literario, XXII, 301.—El Fuero Real, Lib. IV, Tit. ii, ley 6.

[4] Marca Hispanica, pp. 1433, 1436.—Coleccion de Documentos de la C. de Aragon, VI, 170.—Córtes de los antiguos Reinos, I, 127, 227, 281.—Amador de los Rios, I, 393, 421, 587; II, 63, 69, 89, 121, 148.—Coleccion de Privilegios, VI, 111, 113.

[5] Amador de los Rios, II, 139.

had granted towns and villages, were accustomed to imprison their vassals and starve and torture them to force payment of what they had not got, obliging them to get money from Jews to whom they gave whatever bonds were demanded.[1] Monarchs as well as peasants were subject to these impositions. In Navarre, a law of Felipe III, in 1330, limited the rate of interest to 20 per cent. and we find this paid by his grandson, Carlos III, in 1399, for a loan of 1000 florins but, in 1401, he paid at the rate of 35 per cent. for a loan of 2000 florins, and in 1402 his queen, Doña Leonor, borrowed 70 florins from her Jewish physician Abraham at four florins a month, giving him silver plate as security; finding at the end of twenty-one months that the interest amounted to 84 florins, she begged a reduction and he contented himself with 30 florins.[2]

When money could be procured in no other way, when the burgher had to raise it to pay his taxes or the extortions of his lord and the husbandman had to procure seed-corn or starve, it is easy to see how all had to submit to the exactions of the money-lender; how, in spite of occasional plunder and scaling of debts, the Jews absorbed the floating capital of the community and how recklessly they aided the frailes in concentrating popular detestation on themselves. It was in vain that the Ordenamiento de Alcalá, in 1348, prohibited usury to Moors and Jews as well as to Christians; it was an inevitable necessity and it continued to flourish.[3]

Equally effective in arousing antipathy were the functions of the Jews as holders of office and especially as *almojarifes* and *recabdores*—farmers of the revenues and collectors of taxes, which brought them into the closest and most exasperating relations with the people. In that age of impoverished treasuries and rude financial expedients, the customary mode of raising funds was by farming out the revenues to the highest bidder of specific sums; as the profit of the speculation depended on the amount to be wrung from the people, the subordinate collectors would be merciless in exaction and indefatigable in tracing out delinquents, exciting odium which extended to all

[1] Córtes de los antiguos Reinos, II, 234.

[2] Yanguas y Miranda, Diccionario de Antigüedades del Reino de Navarro, II, 93.

[3] Ordenamiento de Alcalá, Tit. xxiii, ley 2. Cf. Ordenanzas Reales, Lib. viii, Tit. ii, leyes 1–8.

the race. It was in vain that the Church repeatedly prohibited the employment of Jews in public office. Their ability and skill rendered them indispensable to monarchs, nobles, and prelates, and the complaints which arose against them on all sides were useless. Thus in the quarrel between the chapter of Toledo and the great Archbishop Rodrigo, in which the former appealed to Gregory IX, in 1236, one of the grievances alleged is that he appointed Jews to be provosts of the common table of the chapter, thus enabling them to defraud the canons; they even passed through the church and often entered the chapter-house itself to the great scandal of all Christians; they collected the tithes and thirds and governed the vassals and possessions of the Church, greatly enriching themselves by plundering the patrimony of the Crucified, wherefore the pope was earnestly prayed to expel the Jews from these offices and compel them to make restitution.[1]

When prelates such as Archbishop Rodrigo paid so little heed to the commands of the Church, it is not to be supposed that monarchs were more obedient or were disposed to forego the advantages derivable from the services of these accomplished financiers. How these men assisted their masters while enriching themselves is exemplified by Don Çag de la Maleha, *almojarife mayor* to Alfonso X. When the king, in 1257, was raising an army to subdue Aben-Nothfot, King of Niebla, Don Çag undertook to defray all the expenses of the campaign in consideration of the assignment to him of certain taxes, some of which he was still enjoying in 1272.[2] It was useless for the people who groaned under the exactions of these efficient officials to protest against their employment and to extort from the monarchs repeated promises no longer to employ them. The promises were never kept and, until the reign of Ferdinand and Isabella, this source of irritation continued. There was, it is true, one exception, the result of which was not conducive to a continuance of the experiment. In 1385 the Córtes of Valladolid obtained from Juan I a decree prohibiting the employment of Jews as tax-collectors, not only by the king but also by prelates and nobles, in consequence of which ecclesiastics obtained the collection of the royal revenues, but when they were called upon to settle they excommunicated the alcaldes who sought to compel pay-

[1] Padre Fidel Fita, Boletin, XI, 404. [2] Amador de los Rios, I, 488.

ment, leading to great confusion and bitterer complaints than ever.[1]

When the Jews thus gave grounds so ample for popular dislike, it says much for the kindly feeling between the races that the efforts of the Church to excite a spirit of intolerance made progress so slow. These took form, as a comprehensive and systematic movement at the Council of Zamora, in 1313, and its successors, described in the preceding chapter, but in spite of them Alfonso XI continued to protect his Jewish subjects and the labors of the good fathers awoke no popular response. In Aragon a canon of the Council of Lérida, in 1325, forbidding Christians to be present at Jewish weddings and circumcisions, shows how fruitless as yet had been the effort to produce mutual alienation.[2]

Navarre had the earliest foretaste of the wrath to come. It was then under its French princes and, when Charles le Bel died, February 1, 1328, a zealous Franciscan, Fray Pedro Olligoyen, apparently taking advantage of the interregnum, stirred, with his eloquent preaching, the people to rise against the Jews, and led them to pillage and slaughter. The storm burst on the aljama of Estella, March 1st, and rapidly spread throughout the kingdom. Neither age nor sex was spared and the number of victims is variously estimated at from six to ten thousand. Queen Jeanne and her husband Philippe d'Evreux, who succeeded to the throne, caused Olligoyen to be prosecuted, but the result is not known. They further speculated on the terrible massacre by imposing heavy fines on Estella and Viana and by seizing the property of the dead and fugitive Jews, and they also levied on the ruined aljamas the sum of fifteen thousand livres to defray their coronation expenses. Thus fatally weakened, the Jews of Navarre were unable to endure the misfortunes of the long and disastrous reign of Charles le Mauvais (1350–1387). A general emigration resulted, to arrest which Charles prohibited the purchase of landed property from Jews without special royal license. A list of taxables, in 1366, shows only 453 Jewish families and 150 Moorish, not including Pampeluna, where both races were taxable by the bishop. Although Charles and his son Charles le Noble (1387–1425) had Jews for almojarifes, it was in vain that they endeavored to allure the

[1] Córtes de los antiguos Reinos, II, 325.—Amador de los Rios, II, 320.

[2] Villanueva, XVII, 247.

fugitives back by privileges and exemptions. The aljamas continued to dwindle until the revenue from them was inconsiderable.[1]

In Castile and Aragon the Black Death caused massacres of Jews, as elsewhere throughout Europe, though not so wide-spread and terrible. In Catalonia the troubles commenced at Barcelona and spread to other places, in spite of the efforts of Pedro IV, both in prevention and punishment. They had little special religious significance, but were rather the result of the relaxation of social order in the fearful disorganization accompanying the pestilence and, after it had passed, the survivors, Christians, Jews and Mudéjares were for a moment knit more closely together in the bonds of a common humanity.[2] It is to the credit of Clement VI that he did what he could to arrest the fanaticism which, especially in Germany, offered to the Jews the alternative of death or baptism. Following, as he said, in the footsteps of Calixtus II, Eugenius III, Alexander III, Clement III, Cœlestin III, Innocent III, Gregory IX, Nicholas III, Honorius IV and Nicholas IV, he pointed out the absurdity of attributing the plague to the Jews. They had offered to submit to judicial examination and sentence, besides which the pestilence raged in lands where there were no Jews. He therefore ordered all prelates to proclaim to the people assembled for worship that Jews were not to be beaten, wounded, or slain and that those who so treated them were subjected to the anathema of the Holy See. It was a timely warning and worthy of one who spoke in the name of Christ, but it availed little to overcome the influence of the assiduous teaching of intolerance through so many centuries.[3]

When Pedro the Cruel ascended the throne of Castile, in 1350, the Jews might reasonably look forward to a prosperous future, but his reign in reality proved the turning-point in their fortunes. He surrounded himself with Jews and confided to them the protection of his person, while the rebellious faction, headed by Henry of Trastamara, his illegitimate brother, declared themselves the enemies of the race and used Pedro's favor for them as a political weapon. He was asserted to be a Jew, substituted

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[1] Zurita, Añales de Aragon, Lib. VI, cap. lxxviii.—Amador de los Rios, II, 175–9, 284–5, 289–91.

[2] Zurita, Lib. VIII, cap. xxvi, xxxiii.—Amador de los Rios, II, 260, 263, 299–300.

[3] Raynald. Annal. ann. 1348, n. 83.

for a girl born of Queen María whose husband, Alfonso XI, was said to have sworn that he would kill her if she did not give him a boy. It was also reported that he was no Christian but an adherent to the Law of Moses and that the government of Castile was wholly in the hands of Jews. It was not difficult therefore to arouse clerical hostility, as manifested by Urban V, who denounced him as a rebel to the Church, a fautor of Jews and Moors, a propagator of infidelity and a slayer of Christians.[1] Of this the insurgents took full advantage and demonstrated their piety in the most energetic manner. When, in 1355, Henry of Trastamara and his brother, the Master of Santiago, entered Toledo to liberate Queen Blanche, who was confined in the alcázar, they sacked the smaller Judería and slew its twelve hundred inmates without sparing sex or age. They also besieged the principal Judería, which was walled around and defended by Pedro's followers until his arrival with reinforcements drove off the assailants.[2] Five years later when, in 1360, Henry of Trastamara invaded Castile with the aid of Pedro IV of Aragon, on reaching Najara he ordered a massacre of the Jews and, as Ayala states that this was done to win popularity, it may be assumed that free license for pillage was granted. Apparently stimulated by this example the people of Miranda del Ebro, led by Pero Martínez, son of the precentor and by Pero Sánchez de Bañuelas, fell upon the Jews of their town, but King Pedro hastened thither and, as a deterrent example, boiled the one leader and roasted the other.[3] When at length, in 1366, Henry led into Spain Bertrand de Guesclin and his hordes of Free Companions, the slaughter of the Jews was terrible. Multitudes fled and the French chronicler deplores the number that sought refuge in Paris and preyed upon the people with their usuries. The aljama of Toledo purchased exemption with a million of maravedís, raised in ten days, to pay off the mercenaries but, as the whole land lay for a time at the mercy of the reckless bands, slaughter and pillage were general. Finally the fratricide at Montiel, in 1369, deprived the Jews of their protector and left Henry undisputed master of Castile.[4] What they had to expect from him was indicated by his

[1] Guill. Nangiac. Contin. ann. 1366.—Quarta Vita Urbani V (Muratori, S. R. I., III, II, 641).

[2] Ayala, Crónica de Pedro I, año VI, cap. vii.

[3] Ibidem, año IX, cap. vii, viii.

[4] Guill. Nangiac. Contin. ann. 1366.—Ayala, año XVII, cap. viii.

levying, June 6, 1369, within three months of his brother's murder, twenty thousand doblas on the Judería of Toledo and authorizing the sale at auction, not only of the property of the inmates, but of their persons into slavery, or their imprisonment in chains with starvation or torture, until the amount should be raised. It was doubtless to earn popularity that about the same time he released all Christians and Moors from obligation to pay debts due to Jews, though he was subsequently persuaded to rescind this decree, which would have destroyed the ability of the Jews to pay their imposts.[1]

Yet the Jews were indispensable in the conduct of affairs and Henry was obliged to employ them, like his predecessors. His *contador mayor* was Yuçaf Pichon, a Jew of the highest consideration, who incurred the enmity of some of the leaders of his people. They accused him to the king, who demanded of him forty thousand doblas, which sum he paid within twenty days. With rancor unsatisfied, when Henry died, in 1379, and his son Juan I came to Burgos to be crowned, they obtained from him an order to his alguazil to put to death a mischief-making Jew whom they would designate. Armed with this they took the alguazil to Pichon's house in the early morning, called him on some pretext from his bed and pointed him out as the designated person to the alguazil, who killed him on the spot. Juan was greatly angered; the alguazil was punished with the loss of a hand, the judge of the Judería of Burgos was put to death and the Jews of Castile were deprived of jurisdiction over the lives of their fellows.[2]

We have already seen how the legislation of this period was rapidly taking a direction unfavorable to the Jews. The accession of the House of Trastamara had distinctly injured their position, the Church had freer scope to excite popular prejudice, while their retention as tax-collectors and their usurious practices afforded ample material for the stimulation of popular vindicativeness. The condition existed for a catastrophe, and the man to precipitate it was not lacking. Ferran Martínez, Archdeacon of Ecija and Official, or judicial representative of the Archbishop of Seville, Pedro Barroso, was a man of indomitable firmness and, though without much learning, was highly esteemed for his unusual devoutness, his solid virtue and his eminent charity—which latter quality he evinced in founding and supporting the

[1] Amador de los Rios, II, 571–3.—Boletin, XXIX, 254.

[2] Ayala, Crónica de Juan I, año 1, cap. iii.

hospital of Santa María in Seville.[1] Unfortunately he was a fanatic and the Jews were the object of his remorseless zeal, which his high official position gave him ample opportunity of gratifying. In his sermons he denounced them savagely and excited popular passion against them, keeping them in constant apprehension of an outbreak while, as ecclesiastical judge, he extended his jurisdiction illegally over them, to their frequent damage. In conjunction with other episcopal officials he issued letters to the magistrates of the towns ordering them to expel the Jews—letters which he sought to enforce by personal visitations. The aljama of Seville, the largest and richest in Castile, appealed to the king and, little as Henry of Trastamara loved the Jews, the threatened loss to his finances led him, in August, 1378, to formally command Martínez to desist from his incendiary course, nor was this the first warning, as is shown by allusions to previous letters of the same import. To this Martínez paid no obedience and the aljama had recourse to Rome, where it procured bulls for its protection, which Martínez disregarded as contemptuously as he had the royal mandate. Complaint was again made to the throne and Juan I, in 1382, repeated his father's commands to no effect, for another royal letter of 1383 accuses Martínez of saying in his sermons that he knew the king would regard as a service any assault or slaying of the Jews and that impunity might be relied upon. For this he was threatened with punishment that would make an example of him, but it did not silence him and, in 1388, the frightened aljama summoned him before the alcaldes and had the three royal letters read, summoning him to obey them. He replied with insults and, a week later, put in a formal answer in which he said that he was but obeying Christ and the laws and that, if he were to execute the laws, he would tear down the twenty-three synagogues in Seville as they had all been illegally erected.[2]

The dean and chapter became alarmed and appealed to the king, but Juan, in place of enforcing his neglected commands, replied that he would look into the matter; the zeal of the arch-

[1] Zuñiga, Annales de Sevilla, año 1395, n. 2; año 1404, n. 4.

[2] Amador de los Rios, II, 338–9, 579–89.—We have seen the prohibition, in the imperial jurisprudence, to erect new synagogues, and this was sedulously preserved in the canon law.—Cap. 3, 8, Extra, v, vi.

The twenty-three synagogues evidently refer to all in the diocese of Seville. At the time of the outbreak there were but three in the city.

deacon was holy, but it must not be allowed to breed disturbance for, although the Jews were wicked, they were under the royal protection. This vacillation encouraged Martínez who labored still more strenuously to inflame the people, newly prejudiced against the Jews by the murder of Yuçaf Pichon, who had been greatly beloved by all Seville.[1] No one dared to interfere in their defence, but Martínez furnished an opportunity of silencing him by calling in question in his sermons the powers of the pope in certain matters. He was summoned before an assembly of theologians and doctors, when he was as defiant of the episcopal authority as of the royal, rendering himself contumacious and suspect of heresy, wherefore on August 2, 1389, Archbishop Barroso suspended him both as to jurisdiction and preaching until his trial should be concluded.[2] This gave the Jews a breathing-space, but Barroso died, July 7, 1390, followed, October 9, by Juan I. The chapter must have secretly sympathized with Martínez, for it elected him one of the provisors of the diocese *sede vacante*, thus clothing him with increased power, and we hear nothing more of the trial for heresy.[3]

Juan had left as his successor Henry III, known as *El Doliente*, or the Invalid, a child of eleven, and quarrels threatening civil war at once arose over the question of the regency. Martínez now had nothing to fear and he lost no time in sending, December 8th, to the clergy of the towns in the diocese, commands under pain of excommunication to tear down within three hours the synagogues of the enemies of God calling themselves Jews; the building materials were to be used for the repair of the churches; if resistance was offered it was to be suppressed by force and an interdict be laid on the town until the good work was accomplished.[4] These orders were not universally obeyed but enough ruin was wrought to lead the frightened aljama of Seville to appeal to the regency, threatening to leave the land if they could not be protected from Martínez. The answer to this was prompt and decided. On December 22d a missive was addressed to the dean and chapter and was officially read to them, January 10, 1391. It held them responsible for his acts as they

[1] Zuñiga, Annales de Sevilla, año 1379, n. 3; año 1388, n. 3.

[2] Amador de los Rios, II, 592–4.

[3] Acta capitular del Cabildo de Sevilla, 10–15 de Enero de 1391 (Bibl. nacional, MSS., Dd, 108, fol. 78).

[4] Amador de los Rios, II, 613.

had elected him provisor and had not checked him; he must be at once removed from office, be forced to abstain from preaching and to rebuild the ruined synagogues, in default of which they must make good all damages and incur a fine of a thousand gold doblas each with other arbitrary punishments. Letters of similar import were addressed at the same time to Martínez himself. On January 15th the chapter again assembled and presented its official reply, which deprived Martínez of the provisorship, forbade him to preach against the Jews and required him within a year to rebuild all synagogues destroyed by his orders. Then Martínez arose and protested that neither king nor chapter had jurisdiction over him and their sentences were null and void. The synagogues had been destroyed by order of Archbishop Barroso—two of them in his lifetime—and they had been built illegally without licence. His defiant answer concluded with a declaration that he repented of nothing that he had done.[1]

The result justified the dauntless reliance of Martínez on the popular passion which he had been stimulating for so many years. What answer the regency made to this denial of its jurisdiction the documents fail to inform us, but no effective steps were taken to restrain him. His preaching continued as violent as ever and the Seville mob grew more and more restless in the prospect of gratifying at once its zeal for the faith and its thirst for pillage. In March the aspect of affairs was more alarming than ever; the rabble were feeling their way, with outrages and insults, and the Judería was in hourly danger of being sacked. Juan Alonso Guzman, Count of Niebla, the most powerful noble of Andalusia, was adelantado of the province and alcalde mayor of Seville and his kinsman, Alvar Pérez de Guzman, was alguazil mayor. On March 15th they seized some of the most turbulent of the crowd and proceeded to scourge two of them but, in place of awing the populace, this led to open sedition. The Guzmans were glad to escape with their lives and popular fury was directed against the Jews, resulting in considerable bloodshed and plunder, but at length the authorities, aided by the nobles, prevailed and order was apparently restored. By this time the agitation was spreading to Córdova, Toledo, Burgos and other places. Everywhere fanaticism and greed were aroused and the Council of Regency vainly sent pressing commands to all the large cities, in the hope of averting the catastrophe. Martínez continued his inflamma-

[1] Acta capitular, *ubi sup.*

tory harangues and sought to turn to the advantage of religion the storm which he had aroused, by procuring a general forcible conversion of the Jews. The excitement increased and, on June 9th the tempest broke in a general rising of the populace against the Judería. Few of its inhabitants escaped; the number of slain was estimated at four thousand and those of the survivors who did not succeed in flying only saved their lives by accepting baptism. Of the three synagogues two were converted into churches for the Christians who settled in the Jewish quarter and the third sufficed for the miserable remnant of Israel which slowly gathered together after the storm had passed.[1]

From Seville the flame spread through the kingdoms of Castile from shore to shore. In the paralysis of public authority, during the summer and early autumn of 1391, one city after another followed the example; the Juderías were sacked, the Jews who would not submit to baptism were slain and fanaticism and cupidity held their orgies unchecked. The Moors escaped, for though many wished to include them in the slaughter, they were restrained by a wholesome fear of reprisals on the Christian captives in Granada and Africa. The total number of victims was estimated at fifty thousand, but this is probably an exaggeration. For this wholesale butchery and its accompanying rapine there was complete immunity. In Castile there was no attempt made to punish the guilty. It is true that when Henry attained his majority, in 1395, and came to Seville, he caused Martínez to be arrested, but the penalty inflicted must have been trivial, for we are told that it did not affect the high estimation in which he was held and, on his death in 1404, he bequeathed valuable possessions to the Hospital of Santa María. The misfortunes of the aljama of Seville were rendered complete when, in January, 1396, Henry bestowed on two of his favorites all the houses and lands of the Jews there and in May he followed this by forbidding that any of those concerned in the murder and pillage should be harassed with punishment or fines.[2]

[1] Zuñiga, Annales de Sevilla, año 1391, n. 1, 2, 3.—Ayala, Crónica de Enrique III, año I, cap. v, xx.—Barrantes, Ilustraciones de la Casa de Niebla, Lib. v, cap. xx.—Archivo de Sevilla, Seccion primera, Carpeta II, n. 53.

[2] Ayala, Crónica de Enrique III, año 1391, cap. xx.—Mariana, Hist. de España, Lib. XVIII, cap. xv.—Colmenares, Hist. de Segovia, cap. xxvii, § 3.—Fidel Fita, Boletin, IX, 347.—Amador de los Rios, II, 360–3, 370–1, 382, 389, 391.—Zuñiga, Annales de Sevilla, año 1391, n. 2; año 1404, n. 4.—Archivo de Sevilla, Seccion primera, Carpeta CVII, n. 1.

In Aragon there was a king more ready to meet the crisis and the warning given at Seville was not neglected. Popular excitement was manifesting itself by assaults, robberies and murders in many places. In the city of Valencia, which had a large Jewish population, the authorities exerted themselves to repress these excesses and King Juan I ordered gallows to be erected in the streets, while a guard made nightly rounds along the walls of the Judería. These precautions and the presence of the Infante Martin, who was recruiting for an expedition to Sicily, postponed the explosion, but it came at last. On Sunday, July 9, 1391, a crowd of boys, with crosses made of cane and a banner, marched to one of the gates of the Judería, crying death or baptism for the Jews. By the time the gate was closed a portion of the boys were inside and those excluded shouted that the Jews were killing their comrades. Hard by there was a recruiting station with its group of idle vagabonds, who rushed to the Judería and the report spread through the city that the Jews were slaying Christians. The magistrates and the Infante hastened to the gate, but the frightened Jews kept it closed and thus they were excluded, while the mob effected entrance from adjoining houses and by the old rampart below the bridge. The Judería was sacked and several hundred Jews were slain before the tumult could be suppressed. Demonstrations were also made on the Morería, but troops were brought up and the mob was driven back. Some seventy or eighty arrests were made and the next day a searching investigation as to the vast amount of plunder led to the recovery of much of it.[1]

This added to the agitation which went on increasing. With August 4th came the feast of St. Dominic, when the Dominicans were everywhere conspicuous and active. The next day, as though in concert, the tempest burst in Toledo and Barcelona —in the former city with fearful massacre and conflagration. In the latter, despite the warning at Valencia, the authorities were unprepared when the mob arose and rushed into the *call* or Jewry, slaying without mercy. A general demand for baptism went up and, when the civic forces arrived the slaughter was stopped, but the plunder continued. Some of the pillagers were arrested, and among them a few Castilians who, as safe victims, were condemned to death the next day. Under pretext that this was unjust the mob broke into the gaol and liberated the prisoners.

[1] Amador de los Rios, II, 595–604.

Then the cry arose to finish with the Jews, who had taken refuge in the Castillo Nuevo, which was subjected to a regular siege. Ringing the bells brought in crowds of peasants eager for disorder and spoil. The Baylía was attacked and the registers of crown property destroyed, in the hope of evading taxes. On August 8th the Castillo Nuevo was entered and all Jews who would not accept baptism were put to the sword; the castle was sacked and the peasants departed laden with booty. The Judería of Barcelona must have been small, for the number of slain was estimated at only three hundred.[1]

At Palma, the capital of Majorca, some three hundred Jews were put to death and the rest escaped only by submitting to baptism. The riots continued for some time and spread to attacks on the public buildings, until the gentlemen of the city armed themselves and, after a stubborn conflict, suppressed the disturbance. The chief aljamas of the kingdom were the appanage of the queen consort and Queen Violante made good her losses by levying on the island a fine of 150,000 gold florins. The gentlemen of Palma remonstrated at the hardship of being punished after putting down the rioters; she reduced the fine to 120,000, swearing by the life of her unborn child that she would have justice. The fine was paid and soon afterwards she gave birth to a still-born infant.[2] Thus in one place after another—Gerona, Lérida, Saragossa—the subterranean flame burst forth, fed by the infernal passions of fanaticism, greed and hatred. It seems incredible that, with the royal power resolved to protect its unhappy subjects, these outrages should have continued throughout the summer into autumn for, when the local authorities were determined to suppress these uprisings, as at Murviedro and Castellon de la Plana, they were able to do so.[3]

If Juan I was unable to prevent the massacres he at least was determined not to let them pass unpunished; many executions followed and some commutations for money payments were granted.[4] The aljama of Barcelona had been a source of much profit to the crown and he strove to re-establish it in new quarters,

[1] Amador de los Rios, II, 372–77, 398.—Bofarull y Broca, Hist. de Cataluña, V, 35.

[2] História general de Mallorca, II, 319 (Ed. 1841).—Loeb, Revue des Études Juives, 1887, p. 172.—Villanueva, XXI, 224.

[3] Revue des Études Juives, 1887, pp. 261–2.

[4] Amador de los Rios, II, 392–4.—Coleccion de Doc. de la Corona de Aragon, VI, 430.

offering various privileges and exemptions to attract new-comers. It was crushed however beyond resuscitation; but few of its members had escaped by hiding; nearly all had been slain or baptized and, great as were the franchises offered, the memory of the catastrophe seems to have outweighed them. In 1395 the new synagogue was converted into a church or monastery of Trinitarian monks and the wealthy aljama of Barcelona, with its memories of so many centuries, ceased to exist.[1] About the year 1400, the city obtained a privilege which prohibited the formation of a Judería or the residence of a Jew within its limits. Antipathy to Judaism, as we shall see, was rapidly increasing and when, in 1425, Alfonso VI confirmed this privilege he decreed that all Jews then in the city should depart within sixty days, under penalty of scourging, and thereafter a stay of fifteen days was the utmost limit allowed for temporary residence.[2]

If I have dwelt in what may seem disproportionate length on this *guerra sacra contra los Judíos*, as Villanueva terms these massacres,[3] it is because they form a turning-point in Spanish history. In the relations between the races of the Peninsula the old order of things was closed and the new order, which was to prove so benumbing to material and intellectual development, was about to open. The immediate results were not long in becoming apparent. Not only was the prosperity of Castile and Aragon diminished by the shock to the commerce and industry so largely in Jewish hands, but the revenues of the crown, the churches and the nobles, based upon the taxation of the Jews, suffered enormously. Pious foundations were ruined and bishops had to appeal to the king for assistance to maintain the services of their cathedrals. Of the Jews who had escaped, the major portion had only done so by submitting to baptism and these were no longer subject to the capitation tax and special imposts which had furnished the surest part of the income of cities, prelates, nobles and sovereigns.[4] Still the converted Jews, with their energy and intelligence remained, unfettered and unhampered in the pursuit of wealth and advancement, which was to benefit the community as well as themselves. It was reserved for a further

[1] Coleccion de Documentos, VI, 436, 438, 441, 454.

[2] José Fiter y Ingles, Expulsion de los Judíos de Barcelona, pp. 8–14 (Barcelona, 1876). This edict was renewed in 1479, 1480 and 1481 (Ibid. pp. 15–19).

[3] Viage literario, XVIII, 20. [4] Amador de los Rios, II, 382–5.

progress in the path now entered to deprive Spain of the services of her most industrious children.

The most deplorable result of the massacres was that they rendered inevitable this further progress in the same direction. The Church had at last succeeded in opening the long-desired chasm between the races. It had looked on in silence while the Archdeacon of Ecija was bringing about the catastrophe and pope and prelate uttered no word to stay the long tragedy of murder and spoliation, which they regarded as an act of God to bring the stubborn Hebrew into the fold of Christ. Henceforth the old friendliness between Jew and Christian was, for the most part, a thing of the past. Fanaticism and intolerance were fairly aroused, to grow stronger with each generation as fresh wrongs and oppression widened the abyss between believer and unbeliever and as new preachers of discord arose to teach the masses that kindness to the Jew was sin against God. Thus gradually the Spanish character changed until it was prepared to accept the Inquisition, which, by a necessary reaction, stimulated the development of bigotry until Spain became what we shall see it in the sixteenth and seventeenth centuries.

That the Archdeacon of Ecija was in reality the remote founder of the Inquisition will become evident when we consider the fortunes of the new class created by the massacres of 1391—that of the converted Jews, known as New Christians, Marranos or Conversos. Conversion, as we have seen, was always favored by the laws and the convert was received with a heartiness of social equality which shows that as yet there was no antagonism of race but only of religion. The Jew who became a Christian was eligible to any position in Church or State or to any matrimonial alliance for which his abilities or character fitted him, but conversions had hitherto been too rare and the converts, for the most part, too humble, for them to play any distinctive part in the social organization. While the massacres, doubtless, were largely owing to the attractions of disorder and pillage, the religious element in them was indicated by the fact that everywhere the Jews were offered the alternative of baptism and that where willingness was shown to embrace Christianity, slaughter was at once suspended. The pressure was so fierce and overwhelming that whole communities were baptized, as we have seen at Barcelona and Palma. At Valencia, an official report, made on July 14th, five days after the massacre, states that all the Jews, except

a few who were in hiding, had already been baptized; they came forward demanding baptism in such droves that, in all the churches, the holy chrism was exhausted and the priests knew not where to get more, but each morning the *crismera* would be found miraculously filled, so that the supply held out, nor was this by any means the only sign that the whole terrible affair was the mysterious work of Providence to effect so holy an end. The chiefs of the synagogues were included among the converts and we can believe the statement, current at the time, that in Valencia alone the conversions amounted to eleven thousand. Moreover it was not only in the scenes of massacre that this good work went on. So startling and relentless was the slaughter that panic destroyed the unyielding fortitude so often manifested by the Jews under trial. In many places they did not wait for a rising of the Christians but, at the first menace, or even in mere anticipation of danger, they came eagerly forward and clamored to be admitted into the Church. In Aragon the total number of conversions was reckoned at a hundred thousand and in Castile as certainly not less and this is probably no great exaggeration.[1] Neophytes such as these could scarce be expected to prove steadfast in their new faith.

In this tempest of proselytism the central figure was San Vicente Ferrer, to the fervor of whose preaching posterity attributed the popular excitement leading to the massacres.[2] This doubtless does him an injustice, but the fact that he was on hand in Valencia on the fatal 9th of July, may perhaps be an indication that the affair was prearranged. His eloquence was unrivalled; immense crowds assembled to drink in his words; no matter what was the native language of the listener, we are told that his Catalan was intelligible to Moor, Greek, German, Frenchman, Italian and Hungarian, while the virtue which flowed from him on these occasions healed the infirm and repeatedly restored the dead to life.[3] Such was the man who, during the prolonged

[1] Amador de los Rios, II, 400–2, 445, 599–604.—Zurita, Añales de Aragon, Lib. x, cap. xlvii.

[2] Bernaldez, Hist. de los Reyes Católicos, cap. xliii.—The Jews likewise attributed their sufferings to this "Friar Vincent, from the city of Valencia, of the sect of Baal Dominic."—Chronicles of Rabbi Joseph ben Joshua ben Meir, I, 265–7.

[3] Chron. Petri de Areniis, ann. 1408 (Denifle, Archiv für Litt. und Kirchengeschichte, 1887, p. 647).—Coleccion de Doc. de la Corona de Aragon, I, 118.—Chron. Magist. Ord. Prædic. cap. xii (Martene, Ampliss. Collect. VII, 387).—

massacres and subsequently, while the terror which they excited continued to dominate the unfortunate race, traversed Spain from end to end, with restless and indefatigable zeal, preaching, baptizing and numbering his converts by the thousand—on a single day in Toledo he is said to have converted no less than four thousand. It is to be hoped that, in some cases at least, he may have restrained the murderous mob, if only by hiding its victims in the baptismal font.

The Jews slowly recovered themselves from the terrible shock; they emerged from their concealment and endeavored, with characteristic dauntless energy, to rebuild their shattered fortunes. Now, however, with diminished numbers and exhausted wealth, they had to face new enemies. Not only was Christian fanaticism inflamed and growing even stronger, but the wholesale baptisms had created the new class of Conversos, who were thenceforward to become the deadliest opponents of their former brethren. Many chiefs of the synogogue, learned rabbis and leaders of their people, had cowered before the storm and had embraced Christianity. Whether their conversion was sincere or not, they had broken with the past and, with the keen intelligence of their race, they could see that a new career was open to them in which energy and capacity could gratify ambition, unfettered by the limitations surrounding them in Judaism. That they should hate, with an exceeding hatred, those who had proved true to the faith amid tribulation was inevitable. The renegade is apt to be bitterer against those whom he has abandoned than is the opponent by birthright and, in such a case as this, consciousness of the contempt felt by the steadfast children of Israel for the weaklings and worldlings who had apostatized from the faith of their fathers gave a keener edge to enmity. From early times the hardest blows endured by Judaism had always been dealt by its apostate children, whose training had taught them the weakest points to assail and whose necessity of self-justification led them to attack these mercilessly. In 1085, Rabbi Samuel of Morocco came from Fez and was baptized at Toledo, when he wrote a tract[1] to justify

Salazar, Anamnesis Sanctt. Hispan. II, 513.—Tournon, Hommes Illustres de l'Ordre de S. Dominique, III, 37.—Mariana, Hist. de España, VI, 423 (Ed. 1790). —Alban Butler, Vies des Saints, 5 Avril.

[1] Rabbi Sam. Marrochiani de Adventu Messiæ (Mag. Bib. Patrum, Ed. 1618, T. XI, p. 421).—Jo. Chr. Wolfii Biblioth. Hebrææ, I, 1099.—This tract was translated from Arabic to Latin in 1338 by the Dominican Alfonsus Bonihominis and was reprinted so recently as 1742, at Cassano by the Jesuits.

himself which had great currency throughout the middle ages. Rabbi Moses, one of the most learned Jews of his time, who was converted in 1106, wrote a dissertation to prove that the Jews had abandoned the laws of Moses while the Christians were fulfilling them.[1] It was Nicholas de Rupella, a converted Jew, who started the long crusade against the Talmud by pointing out, in 1236, to Gregory IX the blasphemies which it contains against the Savior.[2] We have seen the troubles excited in Aragon by the disputatious Converso, Fray Pablo Christía, and he was followed by another Dominican convert, Ramon Martin, in his celebrated *Pugio Fidei*. In this work, which remained an authority for centuries, he piled up endless quotations from Jewish writers to prove that the race was properly reduced to servitude and he stimulated the bitterness of hatred by arguing that Jews esteemed it meritorious to slay and cheat and despoil Christians.[3]

The most prominent among the new Conversos was Selemoh Ha-Levi, a rabbi who had been the most intrepid defender of the faith and rights of his race. On the eve of the massacres, which perhaps he foresaw, and influenced by an opportune vision of the Virgin, in 1390, he professed conversion, taking the name of Pablo de Santa María, and was followed by his two brothers and five sons, founding a family of commanding influence. After a course in the University of Paris he entered the Church, rising to the see of Cartagena and then to that of Burgos, which he transmitted to his son Alfonso. At the Córtes of Toledo, in 1406, he so impressed Henry III that he was appointed tutor and governor of the Infante Juan II, Mayor of Castile and a member of the Royal Council. When, in the course of the same year, the king died he named Pablo among those who were to have the conduct and education of Juan during his minority; when the regent, Fernando of Antequera, left Castile to assume the crown of Aragon, he appointed Pablo to replace him, and the pope honored him with the position of legate *a latere*. In 1432, in his eighty-first year, he wrote his *Scrutinium Scripturarum* against his former co-religionists. It is more moderate than is customary in these

[1] Mag. Bibl. Patrum, T. XII, P. II, p. 358. For the zeal of the convert to induce his brethren to follow him, see Hermanni Opusc. de Conversione sua, cap. xvi (Migne's Patrol. Lat. T. CLXX, p. 828).

[2] D'Argentré, Collect. Judic. de novis Erroribus, I, I, 132.

[3] Pugionis Fidei P. III, Dist. iii, cap. 21, 22.

controversial writings and seems to have been composed rather as a justification of his own course.[1]

Another prominent Converso was the Rabbi Jehoshua Ha-Lorqui, who took the name of Gerónimo de Santafé and founded a family almost as powerful as the Santa Marías. He too showed his zeal in the book named *Hebræomastix*, in which he exaggerated the errors of the Jews in the manner best adapted to excite the execration of Christians. Another leading Converso family was that of the Caballerías, of which eight brothers were baptized and one of them, Bonafos, who called himself Micer Pedro de la Caballería, wrote, in 1464, the *Celo de Cristo contra los Judíos* in which he treated them with customary obloquy as the synagogue of Satan and argues that the hope of Christianity lies in their ruin.[2] In thus stimulating the spirit of persecuting fanaticism we shall see how these men sowed the wind and reaped the whirlwind.

Meanwhile the position of the Jews grew constantly more deplorable. Decimated and impoverished, they were met by a steadily increasing temper of hatred and oppression. The massacres of 1391 had been followed by a constant stream of emigration to Granada and Portugal, which threatened to complete the depopulation of the aljamas and, with the view of arresting this, Henry III, in 1395, promised them the royal protection for the future. The worth of that promise was seen in 1406, when in Córdova the remnant of the Judería was again assailed by the mob, hundreds of Jews were slain and their houses were sacked and burnt. It is true that the king ordered the magistrates to punish the guilty and expressed his displeasure by a fine of twenty-four thousand doblas on the city, but he had, the year before, in the Córtes of 1405, assented to a series of laws depriving the Jews at once of property and of defence, by declaring void all bonds of Christians held by them, reducing to one-half all debts due to them and requiring a Christian witness and the debtor's acknowledgement for the other half, annulling their privileges in the trial of mixed cases and requiring the hateful red circle to be worn except in travelling, when it could be laid aside in view of the murders which it invited.[3]

[1] Scrutinii Scripturarum P. II. See Graetz (VIII, 79) for a full account of Selemoh Ha-Levi and of the controversies to which his apostasy gave rise.

[2] Amador de los Rios, II, 447; III, 108-9.—P. de la Caballería, Zelus Christí contra Judæos (Venetiis, 1592).—Libro Verde de Aragon (Revista de España, Tom. CV, p. 571).

[3] Amador de los Rios, II, 413-16, 419-22.—Córtes de los antiguos Reinos, II, 544.

This was cruel enough, yet it was but a foretaste of what was in store. In 1410, when the Queen-regent Doña Catalina was in Segovia, there was revealed a sacrilegious attempt by some Jews to maltreat a consecrated host. The story was that the sacristan of San Fagun had pledged it as security for a loan—the street in which the bargain was made acquiring in consequence the name of *Calle del Mal Consejo*. The Jews cast it repeatedly into a boiling caldron, when it persistently arose and remained suspended in the air, a miracle which so impressed some of them that they were converted and carried the form to the Dominican convent and related the facts. The wafer was piously administered in communion to a child who died in three days. Doña Catalina instituted a vigorous investigation which implicated Don Mayr, one of the most prominent Jews in the kingdom, whose services as physician had prolonged the life of the late king. He was subjected to torture sufficient to elicit not only his participation in the sacrilege but also that he had poisoned his royal master. The convicts were drawn through the streets and quartered, as were also some others who in revenge had attempted to poison Juan de Tordesillas, the Bishop of Segovia. The Jewish synagogue was converted into the church of Corpus Christi and an annual procession still commemorates the event. San Vicente Ferrer turned it to good account, for we are told that in 1411 he almost destroyed the remnants of Judaism in the bishopric.[1]

The affair made an immense impression especially, it would seem, on San Vicente, convincing him of the advisability of forcing the Jews into the bosom of the Church by reducing them to despair. At Ayllon, in 1411, he represented to the regents the necessity of further repressive legislation and his eloquence was convincing.[2] The *Ordenamiento de Doña Catalina*, promulgated in 1412 and drawn up by Pablo de Santa María as Chancellor of Castile, was the result. By this rigorous measure, Jews and Moors, under savage and ruinous penalties, were not only required to wear the distinguishing badges, but to dress in coarse stuffs and not to shave or to cut the hair round. They could not change their abodes and any nobleman or gentleman receiving them on his

[1] Fortalicium Fidei, fol. clxxii–iii.—Colmenares, Historia de Segovia, cap. xxviii.—Garibay, Compendio historial de España, Lib. xv, cap. 58.—Rodrigo, Historia verdadera de la Inquisicion, II, 44.—Padre Fidel Fita (Boletin, IX, 371).

[2] Crónica de Juan II, año v, cap. xxii.

lands was heavily fined and obliged to return them whence they came, while expatriation was forbidden under pain of slavery. Not only were the higher employments of farming the revenues, tax-collecting, and practising as physicians and surgeons forbidden, but any position in the households of the great and numerous trades, such as those of apothecaries, grocers, farriers, blacksmiths, peddlers, carpenters, tailors, barbers, and butchers. They could not carry arms or hire Christians to work in their houses or on their lands. That they should be forbidden to eat, drink or bathe with Christians, or be with them in feasts and weddings, or serve as god-parents was a matter of course under the canon law, but now even private conversation between the races was prohibited, nor could they sell provisions to Christians or keep a shop or ordinary for them. It is perhaps significant that nothing was said about usury. Money-lending was almost the only occupation remaining open, while the events of the last twenty years had left little capital wherewith to carry it on and the laws of 1405 had destroyed all sense of security in making loans. They were moreover deprived of the guarantees so long enjoyed and were subjected to the exclusive jurisdiction, civil and criminal, of the Christians.[1] They were thus debarred from the use of their skill and experience in the higher pursuits, professional and industrial, and were condemned to the lowest and rudest forms of labor; in fine, a wall was built around them from which their only escape was through the baptismal font. Fernando of Antequera carried the law in all its essentials to Aragon and King Duarte adopted it in Portugal, so that it ruled the whole Peninsula except the little kingdom of Navarre where Judaism was already almost extinct. It is significant that Fernando, in promulgating it in Majorca, alleged in justification the complaints of the inquisitors as to the social intercourse between Jews and Christians.[2]

While San Vicente and Pablo de Santa María were thus engaged in reducing to despair the Jews of Castile, the other great Converso, Gerónimo de Santafé, was laboring in a more legitimate way for their conversion in Aragon. He had been appointed physician to the Avignonese pope, Benedict XIII, who had been obliged to cross the Pyrenees, and who, on November 25, 1412,

[1] Fortalicium Fidei, fol. clxxvi–viii.—Amador de los Rios, II, 496–502.—Fernández y González, Estado de los Mudéjares, pp. 400–5.

[2] Amador de los Rios, II, 503, 515.—Villanueva, XXII, 258.

summoned the aljamas of Aragon to send, in the following January, their most learned rabbis to San Mateo, near Tortosa, for a disputation with Gerónimo on the proposition that the Messiah had come. Fourteen rabbis, selected from the synagogues of all Spain, with Vidal ben Veniste at their head, accepted the challenge. The debate opened, February 7, 1414, under the presidency of Benedict himself, who warned them that the truth of Christianity was not to be discussed but only sixteen propositions put forward by Gerónimo, thus placing them wholly on the defensive. Despite this disadvantage they held their ground tenaciously during seventy-nine sessions, prolonged through a term of twenty-one months. Gerónimo covered himself with glory by his unrivalled dialectical subtilty and exhaustless stores of learning and his triumph was shown by his producing a division between his opponents.[1]

During this colloquy, in the summer of 1413, some two hundred Jews of the synagogues of Saragossa, Calatayud and Alcañiz professed conversion. In 1414 there was a still more abundant harvest. A hundred and twenty families of Calatayud, Daroca, Fraga and Barbastro presented themselves for baptism and these were followed by the whole aljamas of Alcañiz, Caspe, Maella, Lérida, Tamarit and Alcolea, amounting to about thirty-five hundred souls. The repressive legislation was accomplishing its object and hopes were entertained that, with the aid of the inspired teaching of San Vicente, Judaism would become extinct throughout Spain.[2] To stimulate the movement by an increase of severity towards the recalcitrant, Benedict issued his constitution *Etsi doctoribus gentium*, in which he virtually embodied the Ordenamiento de Doña Catalina, thus giving to its system of terrible repression the sanction of Church as well as of State. He further forbade the possession of the Talmud or of any books contrary to the Christian faith, ordering the bishops and inquisitors to make semi-annual inquests of the aljamas and to proceed against all found in possession of such books. No Jew should even

[1] The Spanish historians claim that all the rabbis, except Joseph Albo and Vidal Ferrer, acknowledged the truth of Christianity and abjured the errors of Judaism (Amador de los Rios, II, 438–42; Zurita, Añales de Aragon, Lib. xii, cap. xlv), but Graetz (Geschichte der Juden, VIII, 120–1) states with greater probability, that the only concession made by the twelve was that the Haggadah passages of the Talmud are of no authority and even from this Ferrer and Albo dissented.

[2] Zurita, Añales, Lib. xii, cap. xlv.

bind a book in which the name of Christ or the Virgin appeared. Princes were exhorted to grant them no favors or privileges and the faithful at large were commanded not to rent or sell houses to them or to hold companionship or conversation with them. Moreover they were prohibited to exercise usury and thrice a year they were to be preached to and warned to abandon their errors. The bishops in general were ordered to see to the strict enforcement of all these provisions and the execution of the bull was specially confided to Gonzalo, Bishop of Sigüenza, son of the great Converso, Pablo de Santa María. As the utterance of the Antipope Benedict, this searching and cruel legislation, designed to reduce the Jews to the lowest depths of poverty and despair, was current only in the lands of his obedience, but when his triumphant rival, Martin V, confirmed the charge confided to the Bishop of Sigüenza he accepted and ratified the act of Benedict.[1] Nay more; in 1434, Alfonso de Santa María, Bishop of Burgos, another son of the Converso Pablo, when a delegate to the council of Basle, procured the passage of a decree in the same sense.[2] The quarrel of the council with the papacy, it is true, deprived its utterance of œcumenic authority, but this deficiency was supplied when, in 1442, Eugenius IV issued a bull which was virtually a repetition of the law of Doña Catalina and of the constitution of Benedict XIII, while this was followed, in 1447, by an even more rigorous one of Nicholas V.[3] Thus all factions of the Church, however much they might wrangle on other points, cheerfully united in rendering the life of the Jew as miserable as possible and in forbidding princes to show him favor. This was symbolized when, in 1418, the legate of Martin V was solemnly received in Gerona and the populace, with inerring instinct, celebrated the closing of the great Schism and the reunion of the Church by playfully sacking the Judería, though the royal officials, blind to the piety of the demonstration, severely punished the perpetrators.[4]

The immediate effect of this policy corresponded to the intentions of its authors, though its ultimate results can scarce have been foreseen. The Jews were humiliated and impoverished.

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[1] Amador de los Rios, II, 627–53; III, 38.

[2] Concil. Basiliens. Sess. XIX, cap v, vi (Harduin. VIII, 1190–3).

[3] Raynald. Annal. ann. 1442, n. 15.—Wadding, Annal. Minor. ann. 1447, n. 10.

[4] Villanueva, XIV, 30.

Despite their losses by massacre and conversion, they still formed an important portion of the population, with training and aptitudes to render service to the State but, debarred from the pursuits for which they had been fitted, they were crippled both for their own recuperation and for the benefit of the public. The economic effect was intensified by the inclusion of the Mudéjares in the repressive legislation; commerce and manufactures decayed and many products which Spain had hitherto exported she was now obliged to import at advanced prices.[1]

On the other hand the Conversos saw opened to them a career fitted to stimulate and satisfy ambition. Confident in their powers, with intellectual training superior to that of the Christians, they aspired to the highest places in the courts, in the universities, in the Church and in the State. Wealth and power rendered them eligible suitors and they entered into matrimonial alliances with the noblest houses in the land, many of which had been impoverished by the shrinkage of the revenues derived from their Jewish subjects. Alfonso de Santa María, in procuring the decree of Basle, was careful to insert in it a recommendation of marriage between converts and Christians as the surest means of preserving the purity of the faith, and the advice was extensively followed. Thus the time soon came when there were few of the ancient nobility of Spain who were not connected, closely or remotely, with the Jew. We hear of marriages with Lunas, Mendozas, Villahermosas and others of the proudest houses.[2] As early as 1449 a petition to Lope de Barrientos, Bishop of Cuenca, by the Conversos of Toledo, enumerates all the noblest families of Spain as being of Jewish blood and among others the Henríquez, from whom the future Ferdinand the Catholic descended, through his mother Juana Henríquez.[3] It was the same in the Church, where we have seen the rank attained by the Santa Marías. Juan de Torquemada, Cardinal of San Sisto, was of Jewish descent and so, of course, was his nephew, the first inquisitor-general,[4] as was likewise Diego Deza, the second inquisitor-general, as well as Hernando de Talavera, Archbishop of Granada. It would be easy to multiply examples, for in every career the vigor and keenness of the Jews made them conspicuous and, in

[1] Amador de los Rios, III, 12.
[2] Libro Verde de Aragon (Revista de España, CVI, 257, 269).
[3] Caballero, Noticias del Doctor Alonso Díaz de Montalvo, p. 251.
[4] Pulgar, Claros Varones, Tit. xviii.

embracing Christianity, they seemed to be opening a new avenue for the development of the race in which it would become dominant over the Old Christians; in fact, an Italian nearly contemporary describes them as virtually ruling Spain, while secretly perverting the faith by their covert adherance to Judaism.[1] This triumph however was short-lived. Their success showed that thus far there had been no antagonism of race but only of religion. This speedily changed; the hatred and contempt which, as apostates, they lavished on the faithful sons of Israel reacted on themselves. It was impossible to stimulate popular abhorrence of the Jew without at the same time stimulating the envy and jealousy excited by the ostentation and arrogance of the New Christians. What was the use of humiliating and exterminating the Jew if these upstarts were not only to take his place in grinding the people as tax-gatherers but were to bear rule in court and camp and church?

Meanwhile the remnant of the Jews were slowly but indomitably recovering their position. It was much easier to enact the *Ordenamiento de Doña Catalina* than to enforce it and, like much previous legislation, it was growing obsolete in many respects. In the early days of Juan II, Abrahem Benaviste was virtually finance minister and, when the Infante Henry of Aragon seized the king at Tordesillas and carried him off, he justified the act by saying that it was because the government was in the hands of Abrahem.[2] In fact there are indications of a reaction in which the Jews were used as a counterpoise to the menacing growth of Converso influence. When, in 1442, the cruel bull of Eugenius IV was received, although it scarce contained more than the laws of 1412 and the bull of Benedict XIII, Alvaro de Luna, the all-powerful favorite, not only refused to obey it but proceeded to give legal sanction to the neglect into which those statutes had fallen. He induced his master to issue the Pragmática of Arévalo, April 6, 1443, condemning the refusal of many persons to buy or sell with Jews and Moors or to labor for them in the fields, under color of a bull of Eugenius IV, published at Toledo during his absence. Punishment is threatened for these audacities, for the bull and the laws provide that Jews and Moors and Christians shall dwell together in harmony and no one is to injure or slay them. It was not intended to prevent Jews and Moors and

[1] Tristan. Caraccioli Epist. de Inquisit. (Muratori, S. R. I., XXII, 97).

[2] Crónica de Juan II, año XIV, cap. ii.

Christians from dealing together, nor that the former should not follow industries base and servile, such as all manner of mechanical trades, and Christians can serve them for proper wages and guard their flocks and labor for them in the fields, and they can prescribe for Christians if the medicines are compounded by Christians.[1]

Thus a revulsion had taken place in favor of the proscribed race which threatened to undo the work of Vicente Ferrer and the Conversos. It was in vain that, in 1451, Nicholas V issued another bull repeating and confirming that of Eugenius IV.[2] It received no attention and, under the protection of Alvaro de Luna, the Jews made good use of the breathing-space to reconstruct their shattered industries and to demonstrate their utility to the State. The conspiracy which sent Alvaro to the block, in 1453, was a severe blow but, on the accession of Henry IV, in 1454, they secured the good-will of his favorites and even procured the restoration of some old privileges, the most important of which was the permission to have their own judges. One element in this was the influence enjoyed by the royal physician Jacob Aben-Nuñez on whom was conferred the office of Rabb Mayor.[3] In the virtual anarchy of the period, however, when every noble was a law unto himself, it is impossible to say how far royal decrees were effective, or to postulate any general conditions. In 1458, the Constable Velasco orders his vassals of the town of Haro to observe the law forbidding Christians to labor for Jews and Moors, but he makes the wise exception that they may do so when they can find no other work wherewith to support themselves. Even under these conditions the superior energy of the non-Christian races was rapidly acquiring for them the most productive lands, if we may trust a decree of the town of Haro, in 1453, forbidding Christians to sell their estates to Moors and Jews, for if this were not stopped the Christians would have no ground to cultivate, as the Moors already held all the best of the irrigated lands.[4]

The nobles had seen the disadvantage of the sternly oppressive laws and disregarded them to their own great benefit, thus raising the envy of the districts obliged to observe them, for the Córtes of 1462 petitioned Henry to restore liberty of trade between Christian and Jew, alleging the inconvenience caused by the restriction

[1] Amador de los Rios, III, 583–9.
[2] Raynald. Annal. ann. 1451, n. 5.
[3] Amador de los Rios, III, 115-16.
[4] Boletin, XXVI, 468–72.

and the depopulation of the crown lands for, as trade was permitted in the lands of the nobles, the Jews were concentrating there. When further the Córtes asked that Jews should be permitted to return with their property and trades to the cities in the royal domains from which they had been expelled, it indicates that popular aversion was becoming directed to the Conversos rather than to the Jews.[1] It may be questioned whether it was to preserve the advantage here indicated or to gain popular favor, that the revolted nobles, in 1460, demanded of Henry that he should banish from his kingdoms all Moors and Jews who contaminated religion and corrupted morals and that, when they deposed him, in 1465, at Avila and elevated to the throne the child Alfonso, the *Concordia Compromisoria* which they dictated, annulled the Pragmática of Arévalo and restored to vigor the laws of 1412 and the bull of Benedict XIII. This frightened the Jews, who offered to Henry an immense sum for Gibraltar, where they proposed to establish a city of refuge, but he refused.[2]

The fright was superfluous for, in the turbulence of the time, the repressive legislation was speedily becoming obsolete. When the reforming Council of Aranda, in 1473, made but a single reference to Jews and Moors and this was merely to forbid them to pursue their industries publicly on Sundays and feast days, with a threat against the judges who, through bribery, permitted this desecration, it is fair to conclude that the law of 1412, if observed at all, was enforced only in scattered localities.[3] That the restrictions on commercial activity were obsolete is manifest from a complaint, in 1475, to the sovereigns, from the Jews of Medina del Pomar, setting forth that they had been accustomed to purchase in Bilbao, from foreign traders, cloths and other merchandise which they carried through the kingdom for sale, until recently the port had restricted all dealings with foreigners to the resident Jews, whereupon Ferdinand and Isabella ordered these regulations rescinded unless the authorities could show good reasons within fifteen days.[4]

With the settlement of affairs under Ferdinand and Isabella the position of the Jews grew distinctly worse. Although Don

[1] Córtes de los antiguos Reinos, III, 717.

[2] Colmenares, Hist. de Segovia, cap. xxxi, § 9.—Amador de los Rios, III, 164–7.—Fernández y González, p. 213.

[3] Concil. Arandens. ann. 1473, cap. vii (Aguirre, V, 345).

[4] Coleccion de Cédulas, I, 45.

Abraham Senior, one of Isabella's most trusted counsellors, was a Jew, her piety led her to revive and carry out the repressive policy of San Vicente Ferrer and, in codifying the royal edicts in the *Ordenanzas Reales*, confirmed by the Córtes of Toledo in 1480, all the savage legislation of 1412 was re-enacted, except that relating to mechanical trades, and the vigor of the government gave assurance that the laws would be enforced, as we have seen in the matter of the separation of the Juderías.[1] Ferdinand's assent to this shows that he adopted the policy and, in his own dominions, by an edict of March 6, 1482, he withdrew all licenses to Jews to lay aside the dangerous badge when travelling, and he further prohibited the issuing of such licenses under penalty of a thousand florins. Another edict of December 15, 1484, recites that at Cella, a village near Teruel, some Jews had recently taken temporary residence; as there is no Judería, in order to avoid danger to souls, he orders them driven out and that none be allowed to remain more than twenty-four hours under pain of a hundred florins and a hundred lashes.[2]

This recrudescence of oppression probably had an influence on the people, for there came a revulsion of feeling adverse to the proscribed race, inflamed by the ceaseless labors of the frailes whose denunciatory eloquence knew no cessation. Under these circumstances the Jews and Moors seem to have had recourse to the Roman curia, always ready to speculate by selling privileges, whether it had power to grant them or not, and then to withdraw them for a consideration. We shall have ample occasion to see hereafter prolonged transactions of the kind arising from the operation of the Inquisition; those with the Jews at this time seem to have been closed by a *motu proprio* of May 31, 1484, doubtless procured from Sixtus IV by pressure from the sovereigns, in which the pope expresses his displeasure at learning that in Spain, especially in Andalusia, Christians, Moors and Jews dwell together; that there is no distinction of vestments, that the Christians act as servants and nurses, the Moors and Jews as physicians, apothecaries, farmers of ecclesiastical revenues etc., pretending that they hold papal privileges to that effect. Any such privileges he withdraws and he orders all officials, secular and ecclesiastical, to enforce strictly the canonical decrees respecting

[1] Ordenanzas Reales, VIII, iii, 1–41.

[2] Archivo general de la C. de Aragon, Regist. 3684, fol. 10, 33.

the proscribed races.[1] Under these impulses the municipalities, which, in 1462, had petitioned to have the proscriptive laws repealed now enforced them with renewed vigor and even exceeded them, as at Balmaseda, where the Jews were ordered to depart. They appealed to the throne, representing that they lived in daily fear for life and property and begged the royal protection, which was duly granted.[2]

Subjected to these perpetual and harassing vicissitudes, the Jews had greatly declined both in numbers and wealth. An assessment of the poll-tax, made in 1474, shows that in the dominions of Castile there were only about twelve thousand families left, or from fifty to sixty thousand souls, although there were still two hundred and sixteen separate aljamas. Their weakness and poverty are indicated by the fact that such communities as those of Seville, Toledo, Córdova, Burgos, etc., paid much less than inconspicuous places prior to 1391. The aljama of Ciudad-Real, which had paid, in 1290, a tax of 26,486 maravedís, had disappeared; the only one left in La Mancha was Almagro, assessed at 800 maravedís.[3] The work of Martínez and San Vicente Ferrer was accomplishing itself. Popular abhorrence had grown, while the importance of the Jews as a source of public revenue had fatally diminished. The end was evidently approaching, but a consideration of its horrors must be postponed while we glance at the condition of the renegades who had sought shelter from the storm by adopting the faith of the oppressor.

The Conversos, in steadily increasing numbers, had successfully worked out their destiny, accumulating honors, wealth and popular hatred. In both Castile and Aragon they filled lucrative and influential positions in the public service and their preponderance in Church and State was constantly becoming more marked. In Catalonia, however, they were regarded with contempt and, though the boast that Catalan blood was never polluted by intermixture is exaggerated, it is not wholly without foundation.

[1] Padre Fidel Fita, Boletin, XV, 443.

[2] Amador de los Rios, III, 288–90.—Coleccion de Cédulas, I, 134.

[3] Amador de los Rios, III, 170–1.—Merchan, La Judería y la Inquisicion de Ciudad-Real, I, 647.

Lindo (Hist. of the Jews of Spain, p. 244) estimates the Jews of Castile at this period at between 200,000 and 300,000 over 16 years of age. Graetz assumes the total number as 150,000; Isidore Loeb at 50,000 or a little more.—Revue des Études Juives, 1887, p. 168.

The same is true of Valencia, where intermarriage only occurred among the rural population. Throughout Spain, moreover, the farming of all the more important sources of revenue passed into their hands and thus they inherited the odium as well as the profits of the Jews.[1]

The beginning of the end was seen at Toledo where, in 1449, Alvaro de Luna made a demand on the city for a million maravedís for the defence of the frontier and it was refused. He ordered the tax-gatherers to collect it. They were Conversos and when they made the attempt the citizens arose and sacked and burnt not only their houses but those of the Conversos in general. The latter organized in self-defence and endeavored to suppress the disturbance but were defeated, when those who were wealthy were tortured and immense booty was obtained. In vain Juan II sought to punish the city; the triumphant citizens, with the magistrates at their head, organized a court in which the question was argued whether the Conversos could hold any public office. In spite of the evident illegality of this and of active opposition led by the famous Lope de Barrientos, Bishop of Cuenca, it was decided against the Conversos in a quasi-judicial sentence, known as the *Sentencia-Estatuto* which, in the bitterness of its language, reveals the extreme tension existing between the Old and New Christians. The Conversos were stigmatized as more than suspect in the faith and as in reality Jews; they were declared incapable of holding office and of bearing witness against Old Christians and those who held positions were ejected.[2] The disturbances spread to Ciudad-Real, where the principal offices were held by Conversos. The Order of Calatrava, which had long endeavored to get possession of the city, espoused the side of the Old Christians; there was considerable fighting in the streets and for five days the quarter occupied by the Conversos was exposed to pillage.[3] Thus the hatred which of old had been merely a matter of religion had become a matter of race. The one could be conjured away by baptism; the other was indelible and the change was of the most serious import, exercising for centuries its sinister influence on the fate of the Peninsula.

The Sentencia-Estatuto threatened to introduce a new prin-

[1] Amador de los Rios, III, 88–9, 116–17, 206–10, 213–15, 217–18.

[2] Amador de los Rios, III, 118–24.—Crónica de Juan II, año xlii, cap. ii, v. —Crónica de Alvaro de Luna, Tit. lxxxiii.

[3] Merchan, La Judería y la Inquisicion de Ciudad-Real, I, 541–63.

ciple into public and canon law, both of which had always upheld the brotherhood of Christians and had encouraged conversions by prescribing the utmost favor for converts. Nicholas V was appealed to and responded, September 24, 1449, with a bull declaring that all the faithful are one; that the laws of Alfonso X and his successors, admitting converts to all the privileges of Christians, were to be enforced and he commissioned the Archbishops of Toledo and Seville, the Bishops of Palencia, Avila and Córdova, and the Abbot of San Fagun to excommunicate all who sought to invalidate them.[1] More than this seems to have been needed and, in 1450, he formally excommunicated Pedro Sarmiento and his accomplices as the authors of the Sentencia-Estatuto and again, in 1451, he repeated his bull of 1449. Finally, in the same year the synods of Vitoria and Alcalá condemned it and Alfonso de Montalvo, the foremost jurist of the time, pronounced it to be illegal.[2] It never, in fact, was of binding force, but the effort made to set it aside shows how dangerous a menace it was and how it expressed a widespread public opinion. It was the first fitful gust of the tornado.

Toledo remained the hot-bed of disturbance. In 1461 the martial Archbishop, Alonso Carrillo commissioned the learned Alonso de Oropesa, General of the Geronimites to investigate the cause of dissension. He did so and reported that there were faults on both sides and, at the request of the archbishop, he proceeded to write his *Lumen ad Revelationem Gentium* to prove the unity of the faithful, but, while he was engaged in this pious labor the inextinguishable feud broke out afresh.[3] Any chance disturbance might bring this about and the opportunity was furnished in 1467, when the canons, who enjoyed a revenue based on the bread of the town of Maqueda, farmed it out to a Jew. Alvaro Gómez, an alcalde mayor, was lord of Maqueda; his alcaide beat the Jew and seized the bread for the use of the castle; the canons promptly imprisoned the alcaide and summoned Gómez to answer. When he came the quarrel grew bitterer; the Count of Cifuentes, leader of one of the factions of the city and protector of the Conversos, espoused the cause of Gómez, while Fernando de la Torre, a leader of the Conversos, hoping to revenge the defeat of 1449, boasted that he had at command four thousand well-

[1] Raynald. Annal. ann. 1449, n. 12.

[2] Amador de los Rios, III, 125, 494.—Raynald. ann. 1451, n. 5.

[3] Nic. Antonio, Bibl. vetus Hispan., II, n. 565

armed fighting men, being six times more than the Old Christians could muster. Matters were ripe for an explosion and, on July 21st, at a conference held in the cathedral, the followers of the two parties taunted each other beyond endurance; swords were drawn and blood polluted the sanctuary, though only one man was slain. The canons proceeded to fortify and garrison the cathedral, which was attacked the next day. The clergy, galled by the fire of the assailants, to create a diversion, started a conflagration in the calle de la Chapineria, which spread until eight streets were destroyed—the richest in Toledo, crowded with shops full of costly merchandise. The device was successful; the Conversos were disheartened and lost ground till, on the 29th, Cifuentes and Gómez fled, while Fernando de la Torre and his brother Alvaro were captured and hanged. The triumphant faction removed from office all their opponents and revived with additional rigor the Sentencia-Estatuto. Toledo at the time belonged to the party of the pretender Alfonso XII but, when the citizens sent to him to confirm what they had done, he refused and the city soon afterwards transferred its allegiance to Henry IV.[1] It is quite probable that, in reward for this, he confirmed the Sentencia-Estatuto for when, about the same time, Ciudad-Real revolted from Alfonso and adhered to Henry, he granted, July 14, 1468, to that city that thenceforward no Converso should hold municipal office.[2] In the all-pervading lawlessness such disturbances as those of Toledo met with neither repression nor punishment. In 1470 Valladolid saw a similar tumult, in which the Old Christians and Conversos flew to arms and struggled for mastery. The former sent for Ferdinand and Isabella who came, but the majority of the citizens preferred Henry IV and the royal pair were glad to escape.[3]

Everywhere the hatred between the Old Christians and the New was manifesting itself in this deplorable fashion. In Córdova we are told that the Conversos were very rich and had bought not only the offices but the protection of Alonso de Aguilar, whose power and high reputation commanded universal respect,

[1] In this I have chiefly followed a MS. account, evidently by a contemporary, preserved in the Bibl. nacional, MSS., G. 109. See also Amador de los Rios, III, 145–51; Valera, Memorial de diversos Hazañas, cap. xxxviii; Castillo, Crónica de Enrique IV, cap. xc, xci.

[2] Merchan, *op. cit.*, I, 641–3.

[3] Castillo, *op. cit.*, cap. cxlvi.—Mariana, Lib. xxiii, cap. xv.

while the Old Christians ranged themselves under the Counts of Cabra and the Bishop, Pedro de Córdova y Solier. Only a spark was needed to produce an explosion and an accident during a procession, March 14, 1473, furnished the occasion. With shouts of *viva la fe de Dios* the mob arose and pillage, murder and fire were let loose upon the city. Alonso and his brother Gonsalvo —the future Great Captain—quelled the riot at the cost of no little bloodshed, but it burst forth again a few days later and, after a combat lasting forty-eight hours the Aguilars were forced to take refuge in the alcázar carrying with them such Conversos and Jews as they could. Then followed a general sack in which every kind of outrage and cruelty was perpetrated, until the fury of the mob was exhausted by the lack of victims. Finally Alonso came to terms with the city authorities, who banished the Conversos for ever and such poor wretches as had escaped torch and dagger were thrust forth to be robbed and murdered with impunity on the highways.[1]

Laborers from the country, who chanced to be in Córdova, carried the welcome news to neighboring places and the flame passed swiftly through Andalusia from town to town. Baena was kept quiet by the Count of Cabra, Palma by Luis Portocarrero, Ecija by Fadrique Manrique and Seville and Jerez by Juan de Guzman and Rodrigo Ponce de Leon, but elsewhere the havoc was terrible. At Jaen, the Constable of Castile, Miguel Luis de Iranzo, was treacherously murdered while kneeling before the altar; his wife, Teresa de Torres, was barely able to escape, with her children, to the alcázar, and the Conversos were plundered and dispatched. Only at Almodovar del Campo do we hear of any justice executed on the assassins, for there Rodrigo Giron, Master of Calatrava, hanged some of the most culpable. The king, we are told, when the news was brought to him, grieved much, but inflicted no punishment.[2]

On the accession of Ferdinand and Isabella, in 1474, a Converso of Córdova, Anton de Montoro, addressed to them a poem in which he gives a terrible picture of the murders committed with impunity on his brethren, whose purity of faith he asserts. Fire

[1] Castillo, *op. cit.*, cap. clx.—Valera, Memorial de diversas Hazañas, cap. clxxxiii.—Memorial hist. español, VIII, 507.

[2] Valera, cap. lxxxiii–iv.—Castillo, cap. clx.—Memorial hist. español, VIII, 508.—Barrantes, Ilustraciones de la Casa de Niebla, Lib. VIII, cap. vi.—Amador de los Rios, III, 159–60.

and sword had just ravaged the aljama of Carmona and fresh disasters were threatening at Seville and Córdova.[1] Dominicans and Franciscans were thundering from the pulpits and were calling on the faithful to purify the land from the pollution of Judaism, secret and open. It was commonly asserted and believed that the Christianity of the Conversos was fictitious, and fanaticism joined with envy and greed in stimulating the massacres that had become so frequent. The means adopted to win over the Jewish converts had not been so gentle as to encourage confidence in the sincerity of their professions and, rightly or wrongly, they were almost universally suspected. The energy with which the new sovereigns enforced respect for the laws speedily put an end to the hideous excesses of the mob, for we hear of no further massacres, but the abhorrence entertained for the successful renegades, whose wealth and power were regarded as obtained by false profession of belief in Christ, was still wide-spread, though its more violent manifestations were restrained. Wise forbearance, combined with vigorous maintenance of order, would in time have brought about reconciliation, to the infinite benefit of Spain, but at a time when heresy was regarded as the greatest of crimes and unity of faith as the supreme object of statesmanship, wise forbearance and toleration were impossible. After suppressing turbulence the sovereigns therefore felt that there was still a duty before them to vindicate the faith. Thus, after long hesitation, their policy with regard to the Conversos was embodied in the Inquisition, introduced towards the end of 1480. The Jewish question required different treatment and it was solved, once for all, in most decisive fashion.

The Inquisition had no jurisdiction over the Jew, unless he rendered himself amenable to it by some offence against the faith. He was not baptized; he was not a member of the Church and therefore was incapable of heresy, which was the object of inquisitional functions. He might, however, render himself subject to it by proselytism, by seducing Christians to embrace his errors, and this was constantly alleged against Jews, although their history shows that, unlike the other great religions, Judaism has ever been a national faith with no desire to spread beyond the boundaries of the race. As the chosen people, Israel has

[1] Amador de los Rios, III, 234.

never sought to share its God with the Gentiles. There was more foundation, probably, in the accusation that the secret perversity of the Conversos was encouraged by those who had remained steadfast in the faith, that circumcisions were secretly performed and that contributions to the synagogues were welcomed.

While the object of the Inquisition was to secure the unity of faith, its founding destroyed the hope that ultimately the Jews would all be gathered into the fold of Christ. This had been the justification of the inhuman laws designed to render existence outside of the Church so intolerable that baptism would be sought as a relief from endless injustice, but the awful spectacle of the autos de fe and the miseries attendant on wholesale confiscations led the Jew to cherish more resolutely than ever the ancestral faith which served him as shield from the terrors of the Holy Office and the dreadful fate ever impending over the Conversos. His conversion could no longer be hoped for and, so long as he remained in Spain, the faithful would be scandalized by his presence and the converts would be exposed to the contamination of his society. The only alternative was his removal.

Isabella tried a partial experiment of this kind in 1480, apparently to supplement the Inquisition, founded about the same time. Andalusia was the province where the Jews were most numerous and she commenced by ordering the expulsion from there of all who would not accept Christianity and threatening with death any new settlers.[1] We have no details as to this measure and only know that it was several times postponed and that it was apparently abandoned.[2] A bull of Sixtus IV, in 1484, shows us that Jews were still dwelling there undisturbed and, when the final expulsion took place in 1492, Bernaldez informs us that from Andalusia eight thousand households embarked at Cadiz, besides many at Cartagena and the ports of Aragon.[3]

That there was vacillation is highly probable, for policy and fanaticism were irreconcilable. The war with Granada was calling for large expenditures, to which the Jews were most useful contributors and the finances were in the hands of two leading Jews, Abraham Senior and Isaac Abravanel, to whose

[1] Pulgar, Crónica de los Reyes Católicos, II, lxxvii.
[2] Padre Fidel Fita, Boletin, XV, 323–5, 327, 328, 330; XXIII, 431.
[3] Historia de los Reyes Católicus, cap. cxi.

skilful management its ultimate success was largely due. It may be that the threatened expulsion was rather a financial than a religious measure, adopted with a view of selling suspensions and exemptions, and this may also perhaps explain a similar course adopted by Ferdinand when, in May, 1486, he ordered the inquisitors of Aragon to banish all Jews of Saragossa from the archbishopric of Saragossa and the bishopric of Albarracin, in the same way as they had been banished from the sees of Seville, Córdova and Jaen.[1] The sovereigns knew when to be tolerant and when to give full rein to fanaticism, as was evinced in their treatment of renegades and Conversos at the capture of Málaga as contrasted with the liberal terms offered in the capitulations of Almería and Granada. They were prepared to listen to the counsel of those who opposed all interference with the Jewish population, in whose favor there were powerful influences at work. Isabella apparently hesitated long between statesmanship and her conceptions of duty, while Torquemada never ceased to urge upon her the service to be rendered to Christ by clearing her dominions of the descendants of his crucifiers.[2]

There was no lack of effort to inflame public opinion and to excite still further the hostility so long and so carefully cultivated. A story had wide circulation that Maestre Ribas Altas, the royal physician, wore a golden ball attached to a cord around his neck;

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[1] As this measure seems to have hitherto escaped attention, I give the text of the document—a passage in a letter from Ferdinand, May 12, 1486, to the inquisitors of Saragossa. "Devotos padres. Porque por esperiencia parece que todo el daño que en los cristianos se ha fallado del delicto de la heregia ha procedido de la conversacion y practica que con los judios han recebido las personas de su linage, ningun tan comodo remedio hay como apartarlo dentre ellos de la manera que se ha fecho en el arzobispo de Sevilla e obispados de Córdova e de Jaen, e pues en essa ciudad tanto e mas que en ninguna otra han dañado, es nuestra voluntad que los judios dessa ciudad luego sean desterrados dessa dicha ciudad e de todo el arzobispado de Çaragoça e obispado de Santa María de Albarracin como por el devoto padre Prior de Santa Cruz vos sera escrito e mandado."—Archivo gén. de la C. de Aragon, Regist. 3684, fol. 96.

While this is apparently confined to the Saragossa Jews, a letter of Ferdinand to Torquemada, July 22, 1486, alludes to the Jews of Teruel having been ordered by the inquisitors to depart within three months. He deems them justified in complaining that the term is too short, seeing that they have to pay and collect their debts and sell their houses and lands and he therefore suggests an extension of six months additional.—See Appendix.

[2] Zurita, Hist. del Rey Hernando, Lib. I, año 1492.—Mariana, Lib. XXIV, cap. xviii.—Páramo de Orig. Officii S. Inquisitionis, pp. 144, 156, 163 (Madriti, 1598).—Garibay, Comp. Hist. Lib. XIX, c. iv

that Prince Juan, only son of the sovereigns, begged it of him and managed to open it, when he found inside a parchment on which was painted a crucifix with the physician in an indecent attitude; that he was so affected that he fell sick and, after much persuasion, revealed the cause, adding that he would not recover until the Jew was burnt, which was accordingly done and Ferdinand consented to the expulsion of the accursed sect.[1] Then we are told that, on Good Friday, 1488, some Jews, to avenge an insult, stoned a rude cross which stood on the hill of Gano near Casar de Palomero; they were observed and denounced, when the Duke of Alba burnt the rabbi and several of the culprits; the cross was repaired and carried in solemn procession to the parish church, where it still remains an object of popular veneration.[2] It is to this period also that we may presumably refer the fabrication of a correspondence, discovered fifty years later among the archives of Toledo by Archbishop Siliceo, between Chamorro, Prince of the Jews of Spain and Uliff, Prince of those of Constantinople, in which the latter, replying to a request for counsel, tells the former "as the king takes your property, make your sons merchants that they may take the property of the Christians; as he takes your lives, make your sons physicians and apothecaries, that they may take Christian lives; as he destroys your synagogues, make your sons ecclesiastics, that they may destroy the churches; as he vexes you in other ways, make your sons officials, that they may reduce the Christians to subjection and take revenge."[3]

The most effective device, however, was a cruel one, carried out by Torquemada unshrinkingly to the end. In June, 1490, a Converso named Benito García, on his return from a pilgrimage to Compostella, was arrested at Astorga on the charge of having a consecrated wafer in his knapsack. The episcopal vicar, Dr. Pedro de Villada, tortured him repeatedly till he obtained a

[1] An account of the expulsion at the end of the Libro Verde de Aragon states this to be the cause (Revista de España, CVI, 567–8). Ribas Altas, however was burnt some years earlier, for in the Saragossa auto de fe of March 2, 1488, his mother Aldonça was burnt and the report alludes to his previous burning and relates the story.—Memoria de Diversos Autos, Auto 29 (see Appendix).

[2] Barrantes, Aparato para la Historia de Extremadura, I, 458.

[3] Revista de España, CVI, 568–70. This correspondence was long used as a weapon against the New Christians. See Vicente da Costa Mattos, Breve Discorso contra a heretica Perfidia do Judaismo, fol. 55–7, 166 (Lisboa, 1623). Rodrigo prints it (Historia verdadera de la Inquisicion, II, 47).

confession implicating five other Conversos and six Jews in a plot to effect a conjuration with a human heart and a consecrated host, whereby to cause the madness and death of all Christians, the destruction of Christianity and the triumph of Judaism. Three of the implicated Jews were dead, but the rest of those named were promptly arrested and the trial was carried on by the Inquisition. After another year spent in torturing the accused, there emerged the story of the crucifixion at La Guardia of a Christian child, whose heart was cut out for the purpose of the conjuration. The whole tissue was so evidently the creation of the torture-chamber that it was impossible to reconcile the discrepancies in the confessions of the accused, although the very unusual recourse of confronting them was tried several times; no child had anywhere been missed and no remains were found on the spot where it was said to have been buried. The inquisitors finally abandoned the attempt to frame a consistent narrative and, on November 16, 1491, the accused were executed at Avila; the three deceased Jews were burned in effigy, the two living ones were torn with red-hot pincers and the Conversos were "reconciled" and strangled before burning. The underlying purpose was revealed in the sentence read at the auto de fe, which was framed so as to bring into especial prominence the proselyting efforts of the Jews and the Judaizing propensities of the Conversos and no effort was spared to produce the widest impression on the people. We happen to know that the sentence was sent to La Guardia, to be read from the pulpit, and that it was translated into Catalan and similarly published in Barcelona, showing that it was thus brought before the whole population —a thing without parallel in the history of the Inquisition. The cult of the Saint-Child of La Guardia—*El santo niño de la Guardia* —was promptly started with miracles and has been kept up to the present day, although the sanctity of the supposed martyr has never been confirmed by the Holy See. Torquemada's object was gained for, though it would be too much to say that this alone won Ferdinand's consent to the expulsion, it undoubtedly contributed largely to that result. The edict of expulsion, it is true, makes no direct reference to the case but, in its labored efforts to magnify the dangers of Jewish proselytism it reflects distinctly the admissions extorted from the accused by the Inquisition.[1]

[1] I have considered this notable case at some length in "Studies from the Religious History of Spain," pp. 437–68. It can be studied with accuracy in the

With the surrender of Granada in January, 1492, the work of the Reconquest was accomplished. The Jews had zealously contributed to it and had done their work too well. With the accession of a rich territory and an industrious Moorish population and the cessation of the drain of the war, even Ferdinand might persuade himself that the Jews were no longer financially indispensable. The popular fanaticism required constant repression to keep the peace; the operations of the Inquisition destroyed the hope that gradual conversion would bring about the desired unity of faith and the only alternative was the removal of those who could not, without a miraculous change of heart, be expected to encounter the terrible risks attendant upon baptism. It is easy thus to understand the motives leading to the measure, without attributing it, as has been done, to greed for the victims' wealth, for though, as we shall see, there are abundant evidences of a desire to profit by it, as a whole it was palpably undesirable financially.

Thus the expulsion of the Jews from all the Spanish dominions came to be resolved upon. When this was bruited about the court, Abraham Senior and Abravanel offered a large sum from the aljamas to avert the blow. Ferdinand was inclined to accept it, but Isabella was firm. The story is current that, when the offer was under consideration, Torquemada forced his way into the royal presence and holding aloft a crucifix boldly addressed the sovereigns: "Behold the crucified whom the wicked Judas sold for thirty pieces of silver. If you approve that deed, sell him for a greater sum. I resign my power; nothing shall be imputed to me but you will answer to God!"[1] Whether this be true or not, the offer was rejected and, on March 30th, the edict of expulsion was signed, though apparently there was delay in its promulgation, for it was not published in Barcelona until

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records of the trial of one of the accused, Jucé Franco, printed by Padre Fidel Fita (Boletin, XI, 1887) with ample elucidations. The Catalan version of the sentence is in *Colecccion de Documentos de la Corona de Aragon*, XXVIII, 68. For the legend and cult of the Santo Niño see Martínez Moreno, *Historia del Martirio del Santo Niño de la Guardia*, Madrid, 1866.

[1] Páramo (p. 144) seems to be the earliest authority for this story and, as he tells it, it seems rather applicable to an attempt of the Conversos to buy off the Inquisition, but modern writers attribute it to the Jewish expulsion. See Llorente, Hist. Crít. cap. VIII, Art. 1, n. 5; Hefele, Der Cardinal Ximenes, XVIII; Amador de los Rios, III, 272–3.

May 1st.[1] It gave the entire Jewish population of Spain until July 31st in which to change their religion or to leave the country, under penalty of death, which was likewise threatened for any attempt to return. During the interval they were taken under the royal protection; they were permitted to sell their effects and carry the proceeds with them, except that, under a general law, the export of gold and silver was prohibited.[2]

A supplementary edict of May 14th granted permission to sell lands, leaving but little time in which to effect such transactions and this was still more fatally limited in Aragon, where Ferdinand sequestrated all Jewish property in order to afford claimants and creditors the opportunity to prove their rights, the courts being ordered to decide all such cases promptly. Still less excusable was his detaining from all sales an amount equal to all the charges and taxes which the Jews would have paid him, thus realizing a full year's revenue from the trifling sums obtained through forced sales by the unhappy exiles.[3] In Castile, the inextricable confusion arising from the extensive commercial transactions of the Jews led to the issue, May 30th, of a decree addressed to all the officials of the land, ordering all interested parties to be summoned to appear within twenty days to prove their claims, which the courts must settle by the middle of July. All debts falling due prior to the date of departure were to be promptly paid; if due to Christians by Jews who had not personal effects sufficient to satisfy them, the creditors were to take land at an appraised valuation or be paid out of other debts paid by Jews. For debts falling due subsequently, if due by Jews, the debtors had to pay at once or furnish adequate security; if due by Christians or Moors, the creditors were either to leave powers to collect at maturity or to sell the claims to such purchasers as they could find.[4] These regulations afford us a glimpse into the complexities arising from the convulsion thus suddenly precipitated and, as the Jews were almost universally creditors, we can readily imagine how great were their losses and how many Christian debtors must have escaped payment.

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[1] Manuel de novells Ardits vulgarment appellat Dietari del Antich Consell Barceloni, III, 94 (Barcelona, 1894).

[2] Nueva Recopilacion Lib. viii, Tit. ii, ley 2.—Novísima Recop., Lib. xii, Tit. i, ley 3.—Zurita, Hist. del Rey Hernando, Lib. I, año 1492.—Amador de los Rios, III, 603-9.—Boletin, XI, 425, 512.

[3] Zurita, *loc. cit.*

[4] See Appendix.

The sovereigns also shared in the spoils. When the exiles reached the seaports to embark they found that an export duty of two ducats per head had been levied upon them, which they were obliged to pay out of their impoverished store.[1] Moreover, the threat of confiscation for those who overstayed the time was rigorously enforced and, in some cases at least, the property thus seized was granted to nobles to compensate their losses by the banishment of their Jews.[2] All effects left behind also were seized; in many cases the dangers of the journey, the prohibition to carry coin and the difficulty of procuring bills of exchange, led the exiles to make deposits with trustworthy friends to be remitted to them in their new homes, all of which was seized by the crown. The amount of this was sufficient to require a regular organization of officials deputed to hunt up these deposits and other fragments of property that could be escheated, and we find correspondence on the subject as late as 1498.[3] Efforts were even also made to follow exiles and secure their property on the plea that they had taken with them prohibited articles, and Henry VII of England and Ferdinand of Naples were appealed to for assistance in cases of this description.[4]

The terror and distress of the exodus, we are told, were greatly increased by an edict issued by Torquemada, as inquisitor-general, in April, forbidding any Christian, after August 9th, from holding any communication with Jews, or giving them food or shelter, or aiding them in any way.[5] Such addition to their woes was scarce necessary, for it would be difficult to exaggerate the misery inflicted on a population thus suddenly uprooted from a land in which their race was older than that of their oppressors. Stunned at first by the blow, as soon as they rallied from the shock, they commenced preparations for departure. An aged rabbi, Isaac Aboab, with thirty prominent colleagues, was commissioned to treat with João II of Portugal for refuge in his dominions. He drove a hard bargain, demanding a cruzado a head for permission to enter and reside for six months.[6] For

[1] Páramo, p. 167.—Ilescas, Historia Pontifical, P. II, Lib. vi, cap. 20, § 2.

[2] Amador de los Rios, III, 403.

[3] Llorente, Hist. crít., Append. VI.—Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 87. [4] Bergenroth, Calendar of Spanish State Papers, I, 51.

[5] Zurita, *loc. cit.*—Páramo, p. 166.

[6] Graetz VIII, 348.—Bernaldez, cap. CXII.—The cruzado of Portugal was worth 365 maravedís, the same as the *dobla de la banda*. The ducat was worth 374.

those who were near the coasts, arrangements were made for transhipment by sea, mostly from Cadiz and Barcelona on the south and Laredo on the north. To the north-east, Navarre afforded an asylum, by order of Jean d'Albret and his wife Leonora, although the cities were somewhat recalcitrant.[1] As the term approached, two days' grace were allowed, bringing it to August 2d, the 9th of Ab, a day memorable in Jewish annals for its repeated misfortunes.[2]

The sacrifices entailed on the exiles were enormous. To realize in so limited a time on every species of property not portable, with means of transportation so imperfect, was almost impossible and, in a forced sale of such magnitude, the purchasers had a vast advantage of which they fully availed themselves. An eye-witness tells us that the Christians bought their property for a trifle; they went around and found few buyers, so that they were compelled to give a house for an ass and a vineyard for a little cloth or linen: in some places the miserable wretches, unable to get any price, burnt their homes and the aljamas bestowed the communal property on the cities. Their synagogues they were not allowed to sell, the Christians taking them and converting them into churches, wherein to worship a God of justice and love.[3] The cemeteries, for which they felt peculiar solicitude, were in many places made over to the cities, on condition of preservation from desecration and use only for pasturage; where this was not done they were confiscated and Torquemada obtained a fragment of the spoil by securing, March 23, 1494, from Ferdinand and Isabella, the grant of that of Avila for his convent of Santo Tomas.[4]

The resolute constancy displayed in this extremity was admirable. There were comparatively few renegades and, if Abraham Senior was one of them, it is urged in extenuation that Isabella, who was loath to lose his services, threatened, if he persisted in his faith, to adopt still sharper measures against his people and he, knowing her capacity in this direction, submitted to baptism; he and his family had for god-parents the sovereigns and Cardinal González de Mendoza; they assumed the

[1] Lindo, History of the Jews, p. 287.—Chronicle of Rabbi Joseph ben Joshua ben Meir, I, 327.

[2] Graetz, VIII, 349.

[3] Bernaldez, cap. cx.—Barrantes, Ilustraciones de la Casa de Niebla, P. ix, cap. 2.—Amador de los Rios, III, 311.—Lindo, p. 292

[4] Amador de los Rios, III, 312.—Boletin, IX, 267, 286; XI, 427, 586

name of Coronel which long remained distinguished.[1] The frailes exerted themselves everywhere in preaching, but the converts were few and only of the lowest class; the Inquisition had changed the situation and San Vicente Ferrer himself would have found missionary work unfruitful, for the dread of exile was less than that of the Holy Office and the *quemadero*.

There was boundless mutual helpfulness; the rich aided the poor and they made ready as best they could to face the perils of the unknown future. Before starting, all the boys and girls over twelve were married. Early in July the exodus commenced and no better idea of this pilgrimage of grief can be conveyed than by the simple narrative of the good cura of Palacios. Disregarding, he says, the wealth they left behind and confiding in the blind hope that God would lead them to the promised land, they left their homes, great and small, old and young, on foot, on horseback, on asses or other beasts or in wagons, some falling, others rising, some dying, others being born, others falling sick. There was no Christian who did not pity them; everywhere they were invited to conversion and some were baptized, but very few, for the rabbis encouraged them and made the women and children play on the timbrel. Those who went to Cadiz hoped that God would open a path for them across the sea; but they stayed there many days, suffering much and many wished that they had never been born. From Aragon and Catalonia they put to sea for Italy or the Moorish lands or whithersoever fortune might drive them. Most of them had evil fate, robbery and murder by sea and in the lands of their refuge. This is shown by the fate of those who sailed from Cadiz. They had to embark in twenty-five ships of which the captain was Pero Cabron; they sailed for Oran where they found the corsair Fragoso and his fleet; they promised him ten thousand ducats not to molest them, to which he agreed, but night came on and they sailed for Arcilla (a Spanish settlement in Morocco), where a tempest scattered them. Sixteen ships put into Cartagena, where a hundred and fifty souls landed and asked for baptism; then the fleet went to Málaga, where four hundred more did the same. The rest reached Arcilla and went to Fez. Multitudes also sailed from Gibraltar to Arcilla, whence they set out for Fez, under guard of Moors hired for the purpose, but they were robbed on the

[1] Graetz, VIII, 348.—Chrónicon de Valladolid (Coleccion de Documentos, XIII, 195).

journey and their wives and daughters were violated. Many returned to Arcilla, where the new arrivals, on hearing of this, remained, forming a large camp. Then they divided into two parties, one persisting in going to Fez, the other preferring baptism at Arcilla, where the commandant, the Count of Boron, treated them kindly and the priests baptized them in squads with sprinklers. The count sent them back to Spain and, up to 1496, they were returning for baptism—in Palacios, Bernaldez baptized as many as a hundred, some of them being rabbis. Those who reached Fez were naked and starving and lousy. The king, seeing them a burden, permitted them to return and they straggled back to Arcilla, robbed and murdered on the road, the women violated and the men often cut open in search of gold thought to be concealed in their stomachs. Those who remained in Fez built a great Jewry for themselves of houses of straw; one night it took fire, burning all their property and fifty or a hundred souls—after which came a pestilence, carrying off more than four thousand. Ferdinand and Isabella, seeing that all who could get back returned for baptism, set guards to keep them out unless they had money to support themselves.[1]

The whole world was pitiless to these wretched outcasts, against whom every man's hand was raised. Those who sought Portugal utilized the six months allotted to them by sending a party to Fez to arrange for transit there; many went and formed part of the luckless band whose misfortunes we have seen. Others remained, the richer paying the king a hundred cruzados per household, the poorer eight cruzados a head, while a thousand, who could pay nothing, were enslaved. These King Manoel emancipated, on his accession in 1495, but in 1497 he enforced conversion on all. Then in Lisbon, at Easter, 1506, a New Christian in a Dominican church, chanced to express a doubt as to a miraculous crucifix, when he was dragged out by the hair and slain; the Dominicans harangued the mob, parading the streets with the crucifix and exciting popular passion till a massacre ensued in which the most revolting cruelties were perpetrated. It raged for three days and ended only when no more victims could be found, the number of slain being estimated at several thousand.[2] The further fate of these refugees we shall have occasion to trace hereafter.

[1] Bernaldez, cap. cxii, cxiii.

[2] Damião de Goes, Chronica do Rei D. Manoel, P. i, cap. cii, ciii.

In Navarre, where the exiles had been kindly received, the era of toleration was brief. In 1498, an edict, based on that of Ferdinand and Isabella, gave them the alternative of baptism or expulsion and, at the same time, such difficulties were thrown in the way of exile that they mostly submitted to baptism and remained a discredited class, subjected to numerous disabilities.[1] Naples, whither numbers flocked, afforded an inhospitable refuge. In August, 1492, nine caravels arrived there, loaded with Jews and infected with pestilence, which they communicated to the city, whence it spread through the kingdom and raged for a year, causing a mortality of twenty thousand. Then, in the confusion following the invasion of Charles VIII, in 1495, the people rose against them; many abandoned their religion to escape slaughter or slavery; many were carried off to distant lands and sold as slaves; this tribulation lasted for three years, during which those who were steadfast in the faith were imprisoned or burnt or exposed to the caprices of the mob.[2] Turkey, on the whole, proved the most satisfactory refuge, where Bajazet found them such profitable subjects that he ridiculed the wisdom popularly ascribed to the Spanish sovereigns who could commit so great an act of folly. Though exposed to occasional persecution, they continued to flourish; most of the existing Jews of Turkey in Europe and a large portion of those of Turkey in Asia, are descendants of the exiles; they absorbed the older communities and their language is still the Spanish of the sixteenth century.[3]

When the fate of the exiles was, for the most part, so unendurable, it was natural that many should seek to return to their native land and, as we have seen from Bernaldez, large numbers did so. At first this was tacitly permitted, on condition of conversion, provided they brought money with them, but the sovereigns finally grew fearful that the purity of the faith would be impaired and, in 1499, an explanatory edict was issued, decreeing death and confiscation for any Jew entering Spain, whether a foreigner or returning exile, even if he asked for

[1] Chronicles of Rabbi Joseph ben Joshua ben Meir, I, 328.—Amador de los Rios, III, 332-3.

[2] Amador de los Rios, III, 320.—Zurita, *loc. cit.*

[3] Archivo de Simancas, Inquisicion, Libro 927, fol. 124.—Isidore Loeb (Revue des Études Juives, 1887, p. 179).—Ilescas, Historia Pontifical, P. II, Lib. vi, cap. 20, § 2.—Kayserling, Biblioteca Española-Portugueza-Judaica, p. xi (Strasbourg, 1890).

baptism, unless beforehand he sent word that he wished to come for that purpose, when he was to be baptized at the port of entry and a notarial act was to be taken. That this savage edict was pitilessly enforced is manifested by several cases in 1500 and 1501. Moreover, all masters of Jewish slaves were ordered to send them out of the country within two months, unless they would submit to baptism.[1] Spain was too holy a land to be polluted with the presence of a Jew, even in captivity.

In the absence of trustworthy statistics, all estimates of the number of victims must be more or less a matter of guess-work and consequently they vary with the impressions or imagination of the annalist. Bernaldez informs us that Rabbi Mair wrote to Abraham Senior that the sovereigns had banished 35,000 vassals, that is, 35,000 Jewish households, and he adds that, of the ten or twelve rabbis whom he baptized on their return, a very intelligent one, named Zentollo of Vitoria, told him that there were in Castile more than 30,000 married Jews and 6000 in the kingdoms of Aragon, making 160,000 souls when the edict was issued, which is probably as nearly correct an estimate as we can find.[2] With time the figures grew. Albertino, Inquisitor of Valencia, in 1534, quotes Reuchlin as computing the number of exiles at 420,000.[3] The cautious Zurita quotes Bernaldez and adds that others put the total at 400,000, while Mariana tells us that most authors assert the number of households to have been 170,000, and some put the total at 800,000 souls; Páramo quotes the figures of 124,000 households or over 600,000 souls.[4] Isidore Loeb, after an exhaustive review of all authorities, Jewish and Christian, reaches the estimate[5]—

Emigrants, ...	165,000
Baptized, ...	50,000
Died, ...	20,000
	235,000

and this, in view of the diminished number of Jews, as shown by the Repartimiento of 1474 (p. 125) is probably too large an estimate.

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[1] Nueva Recopilacion, Lib. viii, Tit. ii, ley 3.—Novís. Recop., Lib. xii, Tit. i, ley 4.—Archivo de Simancas, Inquisicion, Lib. 1.

[2] Bernaldez, cap. cxi.

[3] Arnaldin. Albertinus de Hæreticis, col. lix (Valentiæ, 1534).

[4] Zurita, *loc. cit.*—Mariana, Tom. VIII, p. 336 (Ed. 1795).—Páramo, p. 167.

[5] Revue des Études Juives, 1887, p. 182.

Whatever may have been the number, the sum of human misery was incomputable. Rabbi Joseph, whose father was one of the exiles, eloquently describes the sufferings of his race: "For some of them the Turks killed to take out the gold which they had swallowed to hide it; some of them hunger and the plague consumed and some of them were cast naked by the captains on the isles of the sea; and some of them were sold for men-servants and maid-servants in Genoa and its villages and some of them were cast into the sea. . . . For there were among those who were cast into the isles of the sea upon Provence a Jew and his old father fainting from hunger, begging bread, for there was no one to break unto him in a strange country. And the man went and sold his son for bread to restore the soul of the old man. And it came to pass, when he returned to his old father, that he found him fallen down dead and he rent his clothes. And he returned unto the baker to take his son and the baker would not give him back and he cried out with a loud and bitter cry for his son and there was none to deliver."[1] Penniless, friendless and despised they were cast forth into a world which had been taught that to oppress them was a service to the Redeemer.

Yet such were the convictions of the period, in the fifteenth century after Christ had died for man, that this crime against humanity met with nothing but applause among contemporaries. Men might admit that it was unwise from the point of view of statesmanship and damaging to the prosperity of the land, but this only enhanced the credit due to the sovereigns whose piety was equal to the sacrifice. When, in 1495, Alexander VI granted to them the proud title of Catholic Kings, the expulsion of the Jews was enumerated among the services to the faith entitling them to this distinction.[2] Even so liberal and cultured a thinker as Gian Pico della Mirandola, praises them for it, while he admits that even Christians were moved to pity by the calamities of the sufferers, nearly all of whom were consumed by shipwreck, pestilence and hunger, rendering the destruction equal to that inflicted by Titus and Hadrian.[3] It is true that Machiavelli, faithful to his general principles, seeks to find in Ferdinand's participation a political rather than a religious

[1] Chronicles of Rabbi Joseph ben Joshua ben Meir, I, 323–4.

[2] Pet. Martyr. Angler. Lib. VIII, Epist. 157.

[3] Joan. Pici Mirandulæ in Astrologiam, Lib. v, cap. xii.

motive, but even he characterizes the act as a *pietosa crudeltà*.[1] So far, indeed, was it from being a cruelty, in the eyes of the theologians of the period, that Ferdinand was held to have exercised his power mercifully, for Arnaldo Albertino proved by the canon law that he would have been fully justified in putting them all to the sword and seizing their property.[2]

The Edict of Expulsion proclaimed to the world the policy which in its continuous development did so much for the abasement of Spain. At the same time it closed the career of avowed Jews in the Spanish dominions. Henceforth we shall meet with them as apostate Christians, the occasion and the victims of the Inquisition.

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[1] Il Principe, cap. xxi.

[2] Arnald. Albertinus de Hæreticis, col. lix.

CHAPTER IV.

ESTABLISHMENT OF THE INQUISITION.

Much as the Conversos had gained, from a worldly point of view, by their change of religion, their position, in one respect, as we have seen, was seriously deteriorated. As Jews they might be despoiled and humiliated, confined in narrow Jewries and restricted as to their careers and means of livelihood, but withal they enjoyed complete freedom of faith, in which they were subjected only to their own rabbis. They were outside of the Church and the Church claimed no jurisdiction over them in matters of religion, so long as they did not openly blaspheme Christianity or seek to make proselytes. As soon, however, as the convert was baptized he became a member of the Church and for any aberration from orthodoxy he was amenable to its laws. As the Inquisition had never existed in Castile and was inactive in Aragon, while the bishops, who held ordinary jurisdiction over heresy and apostasy, were too turbulent and worldly to waste thought on the exercise of their authority in such matters, the Conversos seem never to have recognized the possibility of being held to account for any secret leaning to the faith which they had ostensibly abandoned. The circumstances under which the mass of conversions was effected—threats of massacre or the wearing pressure of inhuman laws—were not such as to justify confidence in the sincerity of the neophytes, nor, when baptism was administered indiscriminately to multitudes, was there a possibility of detailed instruction in the complicated theology of their new faith. Rabbinical Judaism, moreover, so entwines itself with every detail of the believer's daily life, and attaches so much importance to the observances which it enjoins, that it was impossible for whole communities thus suddenly Christianized, to abandon the rites and usages which, through so many generations, had become a part of existence itself. Earnest converts might have brought up their children as Christians and the grandchildren might have outgrown the old customs, but the Conversos could not be earnest

converts, and the sacred traditions, handed down by father to son from the days of the Sanhedrin, were too precious to be set aside. The *Anusim*, as they were known to their Hebrew brethren, thus were unwilling Christians, practising what Jewish rites they dared, and it was held to be the duty of all Jews to bring them back to the true faith.[1]

As soon, therefore, as the Church had gained her new recruits she began to regard them with a pardonable degree of suspicion, although she seems to have made no effort to instruct them in her doctrines after hurriedly baptizing them by the thousand. In 1429 the council of Tortosa indignantly denounced the unspeakable cruelty of the Conversos who, with damnable negligence, permit their children to remain in servitude of the devil by omitting to have them baptized. To remedy this the Ordinaries were ordered, by the free use of ecclesiastical censures, and by calling in if necessary the secular arm, to cause all such children to be baptized within eight days after birth, and all temporal lords were commanded to lend their aid in this pious work.[2] The outlook, certainly, was not promising that the coming generation should be free from the inveterate Jewish errors. How little concealment, indeed, was thought necessary by the Conversos, so long as they exhibited a nominal adherence to Catholicism, is plainly shown by the testimony in the early trials before the Inquisition, where servants and neighbors give ample evidence as to Jewish observances openly followed. Still more conclusive is a case occurring, in 1456, in Rosellon, which, although at the time held in pawn by France, was subject to the Inquisition of Aragon. Certain Conversos not only persisted in Jewish practices, such as eating meat in lent, but forced their Christian servants to do likewise, and when the inquisitor, Fray Mateo de Rapica, with the aid of the Bishop of Elna, sought to

[1] Censura et Confutatio Libri Talmud (Boletin, XXIII, 371–4).

The Jews distinguished between unwilling converts, whom they termed *Anusim* and voluntary converts, or *Meschudanim;* the former they pitied and helped, the latter they abhorred. The Judaizing Christians were also sometimes called *Alboraycos*, from *alborak* (the lightning), the marvellous horse brought to Mahomet by the angel Gabriel, which was neither a horse nor a mule nor male nor female (Ibid. p. 379). A still more abusive popular appellation was *Marrano*, which means both hog and accursed. For the controverted derivation of the word see Graetz, *Geschichte der Juden*, VIII, 76 (Ed. 1890), who also (p. 284) admits the attachment of many of the Conversos to the old religion.

[2] C. Dertusan. ann. 1429, c. ix (Aguirre, V, 337).

reduce them to conformity, they defiantly published a defamatory libel upon him and, with the assistance of certain laymen, afflicted him with injuries and expenses.[1] It was not without cause that, when Bishop Alfonso de Santa María procured the decree of 1434 from the council of Basle, he included a clause branding as heretics all Conversos who adhered to Jewish superstitions, directing bishops and inquisitors to enquire strictly after them and to punish them condignly, and pronouncing liable to the penalties of fautorship all who support them in those practices.[2] The decree, of course, proved a dead letter, but none the less was it the foreshadowing of the Inquisition. When Nicholas V, in 1449, issued his bull in favor of the Conversos, he followed the example of the council of Basle, in excepting those who secretly continued to practise Jewish rites. In the methods commonly employed to procure conversions the result was inevitable and incurable.

What rendered this especially serious was the success of the Conversos in obtaining high office in Church and State. Important sees were occupied by bishops of Jewish blood; the chapters, the monastic orders and the curacies were full of them; they were prominent in the royal council and everywhere enjoyed positions of influence. The most powerful among them—the Santa Marías, the Dávilas and their following—had turned against the royal favorite Alvaro de Luna and, with the discontented nobles, were plotting his ruin, when he seems to have conceived the idea that, if he could introduce the Inquisition in Castile, he might find in it a weapon wherewith to subdue them. At least this is the only explanation of an application made to Nicholas V, in 1451, by Juan II, for a delegation of papal inquisitorial power for the chastisement of Judaizing Christians. The popes had too long vainly desired to introduce the Inquisition in Castile for Nicholas to neglect this opportunity. He promptly commissioned the Bishop of Osma, his vicar general, and the Scholasticus of Salamanca as inquisitors, either by themselves or through such delegates as they might appoint, to investigate and punish without appeal all such offenders, to deprive them of ecclesiastical dignities and benefices and of temporal possessions, to pronounce them incapable of holding such positions in future, to imprison and degrade them, and, if

[1] Ripoll Bullar. Ord. FF. Prædic. III, 347.

[2] C. Basiliens. Sess. XIX, c. vi (Harduin. VIII, 1193).

the offence required, to abandon them to the secular arm for burning. Full power was granted to perform any acts necessary or opportune to the discharge of these duties and, if resistance were offered, to invoke the aid of the secular power. All this was within the regular routine of the inquisitorial office, but there was one clause which showed that the object of the measure was the destruction of de Luna's enemies, the Converso bishops, for the commission empowered the appointees to proceed even against bishops—a faculty never before granted to inquisitors and subsequently, as we shall see, withheld when the new Inquisition was organized.[1] All this was the formal establishment of the Inquisition on Castilian soil and, if circumstances had permitted its development, it would not have been left for Isabella to introduce the institution. The Inquisition, however, rested on the secular power for its efficiency. In Spain, especially, there was little respect for the naked papal authority, while that of Juan II was too much enfeebled to enable him to establish so serious an innovation. The New Christians recognized that their safety depended on de Luna's downfall; the conspiracy against him won over the nerveless Juan II and, in 1453, he was hurriedly condemned and executed. Naturally the bull remained inoperative, and, some ten years later, Alonso de Espina feelingly complains "Some are heretics and Christian perverts, others are Jews, others Saracens, others devils. There is no one to investigate the errors of the heretics. The ravening wolves, O Lord, have entered thy flock, for the shepherds are few; many are hirelings and as hirelings they care only for shearing and not for feeding thy sheep."[2]

To Fray Alonso de Espina may be ascribed a large share in hastening the development of organized persecution in Spain, by inflaming the race hatred of recent origin which already needed no stimulation. He was a man of the highest reputation for learning and sanctity and when, early in his career, he was discouraged by the slender result of his preaching, a miracle revealed to him the favor of Heaven and induced him to per-

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[1] Raynald. Annal. ann. 1451, n. 6.

[2] Fortalicium Fidei, Prolog. (Ed. 1494, fol. ii[a]). The date of the *Fortalicium* is commonly assigned to 1459, the year which it bears upon its rubric, but on fol. lxxvii[b] the author speaks of 1460 years having elapsed since the birth of Christ and, as this is at nearly the first third of the book, it may not have been completed for a year or two later.

severe.[1] In 1453 we find him administering to Alvaro de Luna the last consolations of religion at his hurried execution, and he became the confessor of Henry IV.[2] In 1454, when a child was robbed and murdered at Valladolid and the body was scratched up by dogs, the Jews were, of course, suspected and confession was obtained by torture. Alonso happened to be there and aroused much public excitement by his sermons on the subject, in which he asserted that the Jews had ripped out the child's heart, had burnt it and, by mingling the ashes with wine, had made an unholy sacrament, but unfortunately, as he tells us, bribery of the judges and of King Henry enabled the offenders to escape.[3] The next year, 1455, as Provincial of the Observantine Franciscans, he was engaged in an unsuccessful attempt to drive the Conventuals out of Segovia or to obtain a separate convent for the Observantines.[4] Thenceforth he seems to have concentrated his energies on the endeavor to bring about the forced conversion of the Jews and to introduce the Inquisition as a corrective of the apostasy of the Conversos. He is usually considered to have himself belonged to the class of Conversos who entertained an inextinguishable hatred for their former brethren, but there is no evidence of this and the probabilities are altogether against it.[5]

His *Fortalicium Fidei* is a deplorable exhibition of the fanatic passions which finally dominated Spain. He rakes together, from the chronicles of all Europe, the stories of Jews slaying Christian children in their unholy rites, of their poisoning wells and fountains, of their starting conflagrations and of all the other horrors by which a healthy detestation of the unfortunate race was created and stimulated. The Jewish law, he tells us,

[1] Nicol. Anton. Bibl. Vet. Hispan. Lib. x, cap. ix.

[2] Amador de los Rios, III, 60, 136.—Valera, Memoria de diversas Hazañas, cap. iv.

[3] Fortalicium Fidei, fol. cxlvi.

[4] Colmenares, Hist. de Segovia, cap. xxxi, § 3.—Valera, *loc. cit.*

[5] All recent Spanish authorities, I believe, assume that Fray Alonso was a Converso, but the learned Nicolás Antonio (*loc. cit.*) says nothing about it, and Jo. Chr. Wolff (Bibl. Hebrææ II, 1123) points out that he nowhere alludes to his own experience as he could scarce have failed to do when accusing the Jews of matters which they denied. He cites (fol. cxlix[a]) Pablo de Santa María, Bishop of Burgos, for their prayers against Christians and another learned Converso as to a secret connected with the Hebrew letters (fol. xciv[a]). His knowledge concerning the Jews was thus wholly at second hand and his assaults on the Judaizing of the Conversos have every appearance of emanating from an Old Christian.

commands them to slay Christians and to despoil them whenever practicable and they obey it with quenchless hatred and insatiable thirst for revenge. Thrice a day in their prayers they repeat "Let there be no hope for Meschudanim (Conversos); may all heretics and all who speak against Israel be speedily cut off; may the kingdom of the proud be broken and destroyed and may all our enemies be crushed and humbled speedily in our days!"[1] But the evil now wrought by Jews is trifling to that which they will work at the coming of Antichrist, for they will be his supporters. Alexander the Great shut them up in the mountains of the Caspian, adjoining the realms of the Great Khan or monarch of Cathay. There, between the castles of Gog and Magog, confined by an enchanted wall, they have multiplied until now they are numerous enough to fill twenty-four kingdoms. When Antichrist comes they will break loose and rally around him, as likewise will all the Jews of the Diaspora, for they will regard him as their promised Messiah and will worship him as their God, and with their united aid he will overrun the earth. With such eventualities in prospect it is no wonder that Fray Alonso could convince himself, in opposition to the canon law, that the forced conversion of the Jews was lawful and expedient, as well as the baptism of their children without their consent.[2] When such was the temper in which a man of distinguished learning and intelligence discussed the relations between Jews and Christians, we can imagine the character of the sermons in which, from numerous pulpits, the passions of the people were inflamed against their neighbors.

If open Judaism thus was abhorrent, still worse was the insidious heresy of the Conversos who pretended to be Christians and who more or less openly continued to practise Jewish rites and perverted the faithful by their influence and example. These abounded on every hand and there was scarce an effort made to repress or to punish them. The law, from the earliest times, provided the death penalty for their offence, but there was none found to enforce it.[3] Fray Alonso dolefully asserts that they

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[1] The prayers attributed to the Jews were the subject of repeated repressive legislation. See *Ordenanzas Reales*, viii, iii, 34.

[2] Fortalicium Fidei, fol. cxlii–ix, clxxxi–iii.

[3] Fuero Juzgo, xii, iii, 27.—Fuero Real, iv, i, 1.—Partidas, vii, xxiv, 7. In fact, these laws seem to have been a dead letter almost from the first. I have not met with an instance of their enforcement.

succeeded by their presents in so blinding princes and prelates that they were never punished and that, when one person accused them, three would come forward in their favor. He relates an instance of such an attempt, in 1458 at Formesta, where a barber named Fernando Sánchez publicly maintained monotheism. Fortunately Bishop Pedro of Palencia had zeal enough to prosecute him, when his offence was proved and, under fear of the death penalty, he recanted, but when he was condemned to imprisonment for life so much sympathy was excited by the unaccustomed severity that, in accordance with numerous petitions, the sentence was commuted to ten years' exile. In 1459, at Segovia, a number of Conversos were by an accident discovered in the synagogue, praying at the feast of Tabernacles, but nothing seems to have been done with them. At Medina del Campo, in the same year, Fray Alonso was informed that there were more than a hundred who denied the truth of the New Testament, but he could do nothing save preach against them, and subsequently he learned that in one house there were more than thirty men, at that very time, laid up in consequence of undergoing circumcision. It is no wonder that he earnestly advocated the introduction of the Inquisition as the only cure for this scandalous condition of affairs, that he argued in its favor with the warmest zeal and answered all objections in a manner which showed that he was familiar with its workings from a careful study of the Clementines and of Eymeric's Directorium.[1]

The good Cura de los Palacios is equally emphatic in his testimony as to the prevalence of Judaism among the Conversos. For the most part, he says, they continued to be Jews, or rather they were neither Christians nor Jews but heretics, and this heresy increased and flourished through the riches and pride of many wise and learned men, bishops and canons and friars and abbots and financial agents and secretaries of the king and of the magnates. At the commencement of the reign of Ferdinand and Isabella this heresy grew so powerful that the clerks were on the point of preaching the law of Moses. These heretics avoided baptizing their children and, when they could not prevent it, they washed off the baptism on returning from the church; they ate meat on fast days and unleavened bread at

[1] Fortalicium Fidei, fol. liii–liv, lxxv–vi, clxxviii–ix.

Passover, which they observed as well as the Sabbaths; they had Jews who secretly preached in their houses and rabbis who slaughtered meat and birds for them; they performed all the Jewish ceremonies in secret as well as they could and avoided, as far as possible, receiving the sacrament; they never confessed truly—a confessor, after hearing one of them, cut off a corner of his garment saying "Since you have never sinned I want a piece of your clothes as a relic to cure the sick." Many of them attained to great wealth, for they had no conscience in usury, saying that they were spoiling the Egyptians. They assumed airs of superiority, asserting that there was no better race on earth, nor wiser, nor shrewder, nor more honorable through their descent from the tribes of Israel.[1]

In fact, when we consider the popular detestation of the Conversos and the invitation to attack afforded by their Judaizing tendencies, the postponement in establishing the Inquisition is attributable to the all-pervading lawlessness of the period and the absence of a strong central power. The people gratified their hatred by an occasional massacre, with its accompanying pillage, but among the various factions of the distracted state no one was strong enough to attempt a systematic movement provoking the bitterest opposition of a powerful class whose members occupied confidential positions in the court not alone of the king but of every noble and prelate. Earnest and untiring as was Fray Alonso's zeal it therefore was fruitless. In August, 1461, he induced the heads of the Observantine Franciscans to address the chapter of the Geronimites urging a union of both bodies in the effort to obtain the introduction of the Inquisition. The suggestion was favorably received but the answer was delayed, and the impatient Fray Alonso, with Fray Fernando de la Plaza and other Observantines, appealed directly to King Henry, representing the prevalence of the Judaizing heresy throughout the land and the habitual circumcision of the children of Conversos.[2] The zeal of Fray Fernando outran his discretion and in his sermons he declared that he possessed the foreskins of

[1] Bernaldez, Historia de los Reyes Católicos, cap. xliii. See also Páramo de Orig. Officii S. Inquisit., p. 134.

Bernaldez evidently derives his details from the inquisitorial sentences read at the autos de fe, in which these evidences of Judaism are recited in endless repetition.

[2] Amador de los Rios, III, 142.

children thus treated. King Henry sent for him and said that this practice was a gross insult to the Church, which it was his duty to punish, ordering him to produce the objects and reveal the names of the culprits. The fraile could only reply that he had heard it from persons of repute and authority, but, on being commanded to state their names, refused to do so, thus tacitly acknowledging that he had no proof. The Conversos were not slow in taking advantage of his blunder and, to crown the defeat of the Observantines, the Geronimites changed their views. Their general, Fray Alonso de Oropesa, who himself had Jewish blood in his veins, was a man deservedly esteemed; under his impulsion they mounted the pulpit in defence of the Conversos and the Observantines for the time were silenced.[1] While the labors of the fiery Fray Alonso were unquestionably successful in intensifying the bitterness of race hatred, their only direct result was seen in the Concordia of Medina del Campo between Henry IV and his revolted nobles in 1464–5. In this an elaborate clause deplored the spread of the Judaizing heresy; it ordered the bishops to establish a searching inquisition throughout all lands and lordships, regardless of franchises and privileges, for the detection and punishment of the heretics; it pledged the king to support the measure in every way and to employ the confiscations in the war with the Moors and it pointed out that the enforcement of this plan would put an end to the tumults and massacres directed against the suspects.[2] Under this impulsion some desultory persecution occurred. In the trial of Beatriz Nuñez, by the Inquisition of Toledo in 1485, witnesses allude to her husband, Fernando González who, some twenty years before, had been convicted and reconciled.[3] More detailed is a case occurring at Llerena in 1467, where, on September 17th, two Conversos, Garcí Fernández Valency and Pedro Franco de Villareal, were discovered in the act of performing Jewish ceremonies. The alcalde mayor, Alvaro de Céspedes, at once seized them and carried them before the episcopal vicar, Joan Millan. They confessed their Judaism and the vicar at once sentenced them to be burnt alive, which was executed the same day; two women compromised in the matter were condemned to other penalties

[1] Castillo, Crónica de Enrique IV, cap. liii.—Mariana Historia de España, Lib. XXIII, cap. vi.

[2] Modesto Lafuente, Hist. Gen. de España, IX, 227.

[3] Boletin, XXIII, 300–1.

and the house in which the heresy had been perpetrated was torn down.[1] In such cases the bishops were merely exercising their imprescriptible jurisdiction over heresy, but the prelacy of Castile was too much occupied with worldly affairs to devote any general or sustained energy to the suppression of Judaizers, and the land was too anarchical for the royal power to exert any influence in carrying the Concordia into effect; the Deposition of Avila, which followed in the next year, plunged everything again into confusion and the only real importance of the attempt lies in its significance of what was impending when peace and a strong government should render such a measure feasible. Yet it is a noteworthy fact that, in all the long series of the Córtes of Castile, from the earliest times, the proceedings of which have been published in full, there was no petition for anything approaching an Inquisition. In the fourteenth century there were many complaints about the Jews and petitions for restrictive laws, but these diminish in the fifteenth century and the later Córtes, from 1450 on, are almost free from them. The fearful disorders of the land gave the procurators or deputies enough to complain about and they seem to have had no time to waste on problematical dangers to religion.[2]

This was the situation at the accession of Ferdinand and Isabella in 1474. Some years were necessary to settle the question of the succession, disputed by the unfortunate Beltraneja, and to quell the unruly nobles. During this period Sixtus IV renewed the attempt to introduce the papal Inquisition, for, in sending Nicoló Franco to Castile as legate, he commissioned him with full inquisitorial faculties to prosecute and punish the false Christians who after baptism persisted in the observance of Jewish rites.[3] The effort, however, was fruitless and is interesting chiefly from the evidence which it gives of the desire of Sixtus to give to Castile the blessing of the Inquisition. Ferdinand and Isabella, as we have seen, were habitually jealous of papal encroachments and were anxious to limit rather than to extend the legatine functions; they did not respond to the papal zeal for the purity of the faith and even when quiet was to a great

[1] Vicente Barrantes, Aparato para la Historia de Extremadura, II, 362.

[2] Córtes de los Antiguos Reinos de Leon y de Castilla, Madrid, 1861 *sqq.*

[3] Archivio Vaticano. Sisto IV, Registro 679, Tom. I, fol. 52. I have printed this bull in the American Historical Review, I, 46.

extent restored they took no initiative with regard to a matter which had seemed to Fray Alonso de Espina so immeasurably important. In his capacity of agitator he had been succeeded by Fray Alonso de Hojeda, prior of the Dominican house of San Pablo of Seville, who devoted himself to the destruction of Judaism, both open as professed by the Jews and concealed as attributed to the Conversos. The battle of Toro, March 1, 1476, virtually broke up the party of the Beltraneja, of which the leaders made their peace as best they could, and the sovereigns could at last undertake the task of pacifying the land. At the end of July, 1477, Isabella, after capturing the castle of Trugillo, came, as we have seen, to Seville where she remained until October, 1478.[1] The presence of the court, with Conversos filling many of its most important posts, excited Fray Alonso to greater ardor than ever. It was in vain, however, that he called the queen's attention to the danger threatening the faith and the State from the multitude of pretended Christians in high places. She was receiving faithful service from members of the class accused and she probably was too much occupied with the business in hand to undertake a task that could be postponed. It is said that her confessor, Torquemada, at an earlier period, had induced her to take a vow that, when she should reach the throne, she would devote her life to the extirpation of heresy and the supremacy of the Catholic faith, but this may safely be dismissed as a legend of later date.[2] Be this as it may, all that was done at the moment was that Pero González de Mendoza, then Archbishop of Seville, held a synod in which was promulgated a catechism setting forth the belief and duties of the Christian, which was published in the churches and hung up for public information in every parish, while the priests were exhorted to increased vigilance and the frailes to fresh zeal in making converts.[3] The

[1] It was during Isabella's stay in Seville that, on September 2d, she confirmed, followed by Ferdinand at Xeres, October 18, 1477, a forged decree, ascribed to Frederic II, granting certain privileges to the Inquisition of Sicily. This was done at the request of Filippo de'Barbarj, subsequently Inquisitor of Sicily, then at the court, whom both monarchs qualify as their confessor. He is said to have exercised considerable influence with them in overcoming the opposition to the establishment of the Inquisition in Castile. With regard to the forged decree of Frederic II, see the author's "History of the Inquisition of the Middle Ages," Vol. II, p. 288.

[2] Zurita, Añales de Aragon, Lib. xx, cap. xlix.

[3] Pulgar, Chronica, P. II, cap. lxxvii.—Bernaldez, cap. xliii.—Medina, Vida del Cardenal Mendoza (Memorial hist. español, VI, 235).

adoption of such a device betrays the previous neglect of all instruction of the Marranos in the new religion imposed on them.

The court left Seville and Hojeda's opportunity seemed to have passed away. Whatever alacrity the priests may have shown in obeying their archbishop, nothing was accomplished nor was the increased zeal of the frailes rewarded with success. There is a story accredited by all historians of the Inquisition that Hojeda chanced to hear of a meeting of Jews and Conversos on the night of Good Friday, March 28, 1478, to celebrate their impious rites and that he hastened with the evidence to Córdova and laid it before the sovereigns, resulting in the punishment of the culprits and turning the scale in favor of introducing the Inquisition, but there is no contemporary evidence of its truth and the dates are irreconcilable, nor was such an incentive necessary.[1] The insincerity of the conversion of a large portion of the Marranos was incontestable; according to the principles universally accepted at the period it was the duty of the sovereigns to reduce them to conformity; with the pacification of the land the time had come to attempt this resolutely and comprehensively and the only question was as to the method.

It was inevitable that there should have been a prolonged struggle in the court before the drastic remedy of the Inquisition was adopted. The efforts of its advocates were directed, not against the despised and friendless Jews, but against the powerful Conversos, embracing many of the most trusted counsellors of the sovereigns and men high in station in the Church, who could not but recognize the danger impending on all who traced their descent from Israel. There seems at first to have been a kind of compromise adopted, under which Pedro Fernández de Solis, Bishop of Cadiz, who was Provisor of Seville, with the Assistente Diego de Merlo, Fray Alfonso de Hojeda and some other frailes were commissioned to take charge of the matter, with power to inflict punishment. This resulted in a report by the commissioners to the sovereigns that a great portion of the citizens of Seville were infected with heresy, that it involved men high in station and power, and that it spread throughout not only Andalusia but Castile, so that it was incurable save by the organiza-

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[1] Páramo de Orig. Offic. S. Inquis. p. 134.

Padre Fidel Fita has pointed out the discrepancy in the dates.—Boletin, XVI, 559.

tion of the Inquisition.[1] The Archbishop Mendoza, doubtless disgusted with the failure of his methods of instruction, joined in these representations and they had a powerful supporter in Fray Thomas de Torquemada, prior of the Dominican convent of Santa Cruz in Segovia, who, as confessor of the sovereigns, had much influence over them and who had long been urging the vigorous chastisement of heresy.[2] At last the victory was won. Ferdinand and Isabella resolved to introduce the Inquisition in the Castilian kingdoms and their ambassadors to the Holy See, the Bishop of Osma and his brother Diego de Santillan, were ordered to procure the necessary bull from Sixtus IV.[3] This must have been shrouded in profound secrecy, for, in July, 1478, while negotiations must have been on foot in Rome, Ferdinand and Isabella convoked a national synod at Seville which sat until August 1st. In the propositions laid by the sovereigns before this body there is no hint that such a measure was desired or proposed and, in the deliberations of the assembled prelates, there is no indication that the Church thought any action against the Conversos necessary.[4] Even as late as 1480, after the procurement of the bull and before its enforcement, the Córtes of Toledo presented to the sovereigns a detailed memorial embodying all the measures of reform desired by the people. In this the separation of Christians from Jews and Moors is asked for, but there is no request for the prosecution of apostate Conversos.[5] Evidently there was no knowledge of and no popular demand for the impending Inquisition.

Sixtus can have been nothing loath to accomplish the introduction of the Inquisition in Castile, which his predecessors had so frequently and so vainly attempted and which he had essayed to do a few years previous by granting the necessary faculties to his legate. If the request of the Castilian sovereigns, therefore, was not immediately granted it cannot have been from humanitarian motives as alleged by some modern apologists,

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[1] Bernaldez, Historia de los Reyes Católicos, cap. xliii.

[2] Páramo, p. 135.—Medina, Vida del Cardenal Mendoza (Memorial histórico español, VI, 235).

[3] Pulgar, Crónica, P. II, cap. clxxvii.—Pulgar (cap. iv) gives sole credit to Isabella for the extirpation of heresy.

[4] The proceedings of this important assembly have been printed by Padre Fidel Fita (Boletin, XXII, 212–250).

[5] Printed by Dom Clemencin, Elogio de Doña Isabel, pp. 595–7.

but because Ferdinand and Isabella desired, not the ordinary papal Inquisition, but one which should be under the royal control and should pour into the royal treasury the resultant confiscations. Hitherto the appointment of inquisitors had always been made by the Provincials of the Dominican or Franciscan Orders according as the territory belonged to one or to the other, with occasional interference on the part of the Holy See, from which the commissions emanated. It was a delegation of the supreme papal authority and had always been held completely independent of the secular power, but Ferdinand and Isabella were too jealous of papal interference in the internal affairs of their kingdoms to permit this, and it is an evidence of the extreme desire of Sixtus to extend the Inquisition over Castile that he consented to make so important a concession. There also was doubtless discussion over the confiscations which the wealth of the Conversos promised to render large. This was a matter in which there was no universally recognized practice. In France they enured to the temporal seigneur. In Italy the custom varied at different times and in the various states, but the papacy assumed to control it and, in the fourteenth century, it claimed the whole, to be divided equally between the Inquisition and the papal camera.[1] The matter was evidently one to be determined by negotiation, and in this too the sovereigns had their way, for the confiscations were tacitly abandoned to them. Nothing was said as to defraying the expenses of the institution, but this was inferred by the absorption of the confiscations. If it was to be dependent on the crown the crown must provide for it, and we shall see hereafter the various devices by which a portion of the burden was subsequently thrown upon the Church.

The bull as finally issued bears date November 1, 1478, and is a very simple affair which, on its face, bears no signs of its momentous influence in moulding the destinies of the Spanish Peninsula. After reciting the existence in Spain of false Christians and the request of Ferdinand and Isabella that the pope should provide a remedy, it authorizes them to appoint three bishops or other suitable men, priests either regular or secular, over forty years of age, masters or bachelors in theology or doctors or licentiates of canon law, and to remove and replace

[1] Fortalicium Fidei, Lib. II, consid. xi.—History of the Inquisition of the Middle Ages, I, 512–13.

them at pleasure. These are to have the jurisdiction and faculties of bishops and inquisitors over heretics, their fautors and receivers.[1] Subsequently Sixtus pronounced the bull to have been drawn inconsiderately and not in accordance with received practice and the decrees of his predecessors, which doubtless referred to the power of appointment and removal lodged in the crown and also to the omission of the requirement of episcopal concurrence in rendering judgment.[2] The creation of inquisitors was in itself an invasion of episcopal jurisdiction, which, from the earliest history of the institution, had been the source of frequent trouble, and where, as in Spain, many bishops were of Jewish blood and therefore under suspicion, the question was more intricate than elsewhere. With respect to this, moreover, it is observable that the bull did not confer, like that of Nicholas V, in 1451, jurisdiction over bishops in any special derogation of the decree of Boniface VIII requiring them, when suspected of heresy, to be tried by the pope.[3] Both of these

[1] This bull is embodied in the first proclamation of the inquisitors, Seville, January 2, 1481, printed by Padre Fita (Boletin, XV, 449–52). It had previously been looked upon as lost. Its main provisions, however, are embodied in the cédula of Dec. 27, 1480, printed in the notes to the Novísima Recopilacion, Ed. 1805, Tom. I, p. 260.

It is a little singular that the Inquisition possessed very few documents relating to its early history. In an elaborate *consulta* of July 18, 1703, presented to Philip V on the affair of Fray Froilan Diaz, the Suprema states that it had had all the records searched with little result; many important papers had been sent to Aragon and Catalonia and had never been returned; the rest were in a chest delivered to the Count of Villalonga, secretary of Philip III, to arrange and classify and on his arrest and the sequestration of his effects they disappeared. —Biblioteca Nacional, Seccion de MSS., G, 61, fol. 198.

It is quite possible that the contents of the chest form the "Bulario de la Inquisicion perteneciente á la Orden de Santiago," consisting of eight Libros, or folio volumes (five of originals and three of copies) now in the Archivo Histórico Nacional. It is from this collection that Padre Fita has printed the proclamation above alluded to and many other important documents, and it will be seen that I have made large use of it under the name of "*Bulario de la Orden de Santiago.*" There are also vast stores of records in the Archivo Histórico Nacional of Madrid, in the archives of Simancas and Barcelona, and some in the Vatican Library. Llorente burnt many papers before leaving Madrid and carried others to Paris, some of which are in the Bibliothèque Nationale, *fonds espagnol.* The Biblioteca Nacional of Madrid also has a large number and others are dispersed through the various libraries of Europe or are in private hands.

[2] See his brief of January 29, 1482, printed by Llorente, Historia Crítica, Append. n. 1.

[3] History of the Inquisition of the Middle Ages, I, 331.

questions, as we shall see, subsequently gave rise to considerable discussion.

So far the anti-Semitic party had triumphed, but Isabella's hesitation to exercise the powers thus obtained shows that the Conversos in her court did not abandon the struggle and that for nearly two years they succeeded in keeping the balance even. It is possible also that Ferdinand was not inclined to a severity of which he could forecast the economical disadvantages, for as late as January, 1482, a letter from him to the inquisitors of his kingdom of Valencia manifests a marked preference for the use of mild and merciful methods.[1] Whatever may have been the influences at work, it was not until September 17, 1480, that the momentous step was taken which was to exercise so sinister an influence on the destinies of Spain. On that day commissions were issued to two Dominicans, Miguel de Morillo, master of theology, and Juan de San Martin, bachelor of theology and friar of San Pablo in Seville, who were emphatically told that any dereliction of duty would entail their removal, with forfeiture of all their temporalities and denationalization in the kingdom, thus impressing upon them their subordination to the crown. Still there were delays. October 9th a royal order commanded all officials to give them free transportation and provisions on their way to Seville, where, as in the most infected spot, operations were to commence. When they reached the city they waited on the chapter and presented their credentials; the municipal council met them at the chapter-house door and escorted them to the city hall, where a formal reception took place and a solemn procession was organized for the following Sunday. They were thus fairly installed but apparently they still found difficulties thrown in their way for, on December 27, it was deemed necessary to issue a royal cédula to the officials ordering them to render all aid to the inquisitors.[2]

They had not waited for this to organize their tribunal, with Doctor Juan Ruiz de Medina as assessor and Juan Lopez del Barco, a chaplain of the queen, as promotor fiscal or prosecuting officer. To these were added, May 13, 1481, Diego de Merlo,

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[1] Archivo General de la Corona de Aragon, Reg. 3684, fol. 1. See Appendix.

[2] Fidel Fita, Boletin, XVI, 452.—Llorente, Hist. Crít. cap. v, art. ii.—Relacion histórica de la Judería de Sevilla, p. 22 (Sevilla, 1849).

assistente or corregidor of Seville, and the Licentiate Ferrand Yáñez de Lobon as receivers of confiscations—an indispensable office in view of the profits of persecution. All soon found plenty of work. The Conversos of Seville had not been unmindful of the coming tempest. Many of them had fled to the lands of the neighboring nobles, in the expectation that feudal jurisdictions would protect them, even against a spiritual court such as that of the Inquisition. To prevent this change of domicile a royal decree ordered that no one should leave any place where inquisitors were holding their tribunal, but in the general terror this arbitrary command received scant obedience. A more efficient step was a proclamation addressed, on January 2, 1481, to the Marquis of Cadiz and other nobles by the frailes Miguel and Juan. This proved that no error had been made in the selection of those who were to lay the foundations of the Inquisition and that a new era had opened for Spain. The two simple friars spoke with an assured audacity to grandees who had been wont to treat with their sovereigns on almost equal terms—an audacity which must have appeared incredible to those to whom it was addressed, but to which Spain in time became accustomed from the Holy Office. The great Rodrigo Ponce de Leon and all other nobles were commanded to search their territories, to seize all strangers and newcomers and to deliver them within fifteen days at the prison of the Inquisition; to sequestrate their property and confide it, properly inventoried, to trustworthy persons who should account for it to the king or to the inquisitors. In vigorous language they were told that any failure in obeying these orders would bring upon them excommunication removable only by the inquisitors or their superiors, with forfeiture of rank and possessions and the release of their vassals from allegiance and from all payments due—a release which the inquisitors assumed to grant in advance, adding that they would prosecute them as fautors, receivers and defenders of heretics.[1] This portentous utterance was effective: the number of prisoners was speedily so great that the convent of San Pablo, which the inquisitors at first occupied, became

[1] Boletin, XV, 453–7. This was fairly within the rules of the canon law but it did not put an end to the sheltering of fugitives from the Inquisition by nobles who doubtless found it profitable. In some instructions issued by Torquemada, December 6, 1484, there is one regulating the relations between such nobles and the receiver of confiscations.—Archivo de Simancas, Inquisicion, Libro 933.

insufficient and they obtained permission to establish themselves in the great fortress of Triana, the stronghold of Seville, of which the immense size and the gloomy dungeons rendered it appropriate for the work in hand.[1]

There were other Conversos, however, who imagined that resistance was preferable to flight. Diego de Susan, one of the leading citizens of Seville, whose wealth was estimated at ten millions of maravedís, assembled some of his prominent brethren of Seville, Utrera and Carmona to deliberate as to their action. The meeting was held in the church of San Salvador and comprised ecclesiastics of high rank, magistrates and officials belonging to the threatened class. Civic tumults had been so customary a resource, when any object was to be gained, that Susan naturally suggested, in a fiery speech, that they should recruit faithful men, collect a store of arms, and that the first arrest by the inquisitors should be the signal of a rising in which the inquisitors should be slain and thus an emphatic warning be given to deter others from renewing the attempt. In spite of some faintheartedness manifested by one or two of those present, the plan was adopted and steps were taken to carry it out. When Pedro Fernández Venedera, mayordomo of the cathedral, one of the conspirators, was arrested, weapons to arm a hundred men were found in his house, showing how active were the preparations on foot. The plot would doubtless have been executed and have led to a massacre, such as we have so often seen in the Spanish cities, but for a daughter of Diego Susan, whose loveliness had won for her the name of the *Fermosa Fembra*. She was involved in an intrigue with a Christian caballero, to whom she

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[1] Bernaldez, cap. xliv. The castle of Triana continued to be the seat of the Inquisition of Seville until 1626, when it was threatened with ruin by the inundations of the Guadalquivir, and the tribunal was removed to the palace of the Caballeros Tellos Taveros in the Colacion de San Marcos. In 1639 it returned to the castle, which had been repaired and it remained there until 1789, when the continual encroachment of the river caused its transfer to the Colegio known as las Becas.—Varflora, Compendio histórico-descriptivo de Sevilla, P. II, cap. 1 (Sevilla, 1789).—Zuñiga, Annales de Sevilla, año 1693, n. 1.

The Counts of San Lucar were hereditary alcaides of Triana; in return for surrendering the castle they received the office of alguazil mayor of the Inquisition, which continued to be held by their representatives the Marquises of Leganes—a bargain which was ratified by Philip IV, November 8, 1634. In 1707 the office was valued at 150,000 maravedís a year, out of which the holder provided a deputy.—Archivo de Simancas, Inquisicion, Legajo 1465, fol. 105.

revealed the secret and it was speedily conveyed to the inquisitors.[1]

Nothing could better have suited their purpose. If there had been any feeling of opposition to them on the part of the authorities it disappeared and the most important members of the Converso community were in their power. Diego de Merlo, the assistente of Seville, arrested at the bidding of the inquisitors the richest and most honorable Conversos, magistrates and dignitaries, who were confined in San Pablo and thence transferred to the castle of Triana. The trials were prompt and at the rendering of sentence a *consulta de fe* or assembly of experts was convoked, consisting of lawyers and the provisor of the bishopric, thus recognizing the necessity of concurrent action on the part of the episcopal jurisdiction. What justified the sentence of burning it would be difficult to say. It was not obstinate heresy for one at least of the victims is stated to have died as a good Christian; it could not have been the plot, for this, in so far as it was an ecclesiastical offence, was merely impeding the Inquisition, and even the assassins of St. Peter Martyr, when they professed repentance, were admitted to penance. It was a new departure, in disregard of all the canons, and it gave warning that the New Inquisition of Spain was not to follow in the footsteps of the Old, but was to mark out for itself a yet bloodier and more terrible career.[2]

Justice was prompt and the first auto de fe was celebrated February 6, 1481, when six men and women were burnt and the sermon was preached by Fray Alonso de Hojeda, who now saw

[1] Amador de los Rios, III, 247–8.—Bernaldez, cap. xliii.—Fidel Fita, Boletin, XVI, 450 *sqq.*, 557 *sqq.*

As the parricide committed by the Fermosa Fembra entailed poverty and disgrace on her, through the confiscation of her father's property and the disabilities inflicted on his descendants, the Church interested itself in her fate. Rainaldo Romero, Bishop of Tiberias, secured for her entrance into a convent, but it can readily be understood that life there was not rendered pleasant to her and she quitted it, without taking the vows, to follow a career of shame. Her beauty disappeared and she died in want, leaving directions that her skull should be placed as a warning over the door of the house which had been the scene of her disorderly life. Her wishes were obeyed and it is still to be seen in the Calle del Artaud, near its entrance, hard by the Alcázar.—Amador de los Rios, III, 249.

[2] Bernaldez, cap. xliv. Rodrigo tells us (Hist. verdadera de la Inquisicion, II, 74–6) that only five were burnt who refused all offers of reconciliation and were impenitent to the last, but the contemporary Bernaldez says that Diego de Susan died as a good Christian in the second auto.

the efforts of so many years crowned with success. He might well say *nunc demittis*, for though a second auto followed in a few days his eyes were not to rejoice at the holy spectacle, for the pestilence which was to carry off fifteen thousand of the people of Seville was now commencing and he was one of the earliest victims. In the second auto there were only three burnings, Diego de Susan, Manuel Sauli and Bartolomé de Torralba, three of the wealthiest and most important citizens of Seville. As though to show that the work thus begun was to be an enduring one, a *quemadero*, *brasero*, or burning-place was constructed in the Campo de Tablada, so massively that its foundations can still be traced. On four pillars at the corners were erected statues of the prophets in plaster-of-Paris, apparently to indicate that, although technically the burning was the work of secular justice, it was performed at the command of religion.[1]

Further arrests and burnings promptly followed, the wealth and prominence of the victims proving that here was a tribunal which was no respecter of persons and that money or favor could avail nothing against its rigid fanaticism. The flight of the terror-stricken Conversos was stimulated afresh, but the Inquisition was not thus to be balked of its prey; flight was forbidden and guards were placed at the gates, where so many were arrested that no place of confinement sufficiently capacious for them could be found, yet notwithstanding this great numbers escaped to the lands of the nobles, to Portugal and to the Moors. The plague now began to rage with violence, God and man seemed to be uniting for the destruction of the unhappy Conversos, and they petitioned Diego de Merlo to allow them to save their lives by leaving the pest-ridden city. The request was humanely granted to those who could procure passes, on condition that they should leave their property behind and only take with them what was necessary for immediate use. Under these regulations multitudes departed, more than eight thou-

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[1] Bernaldez, cap. xliv.—Amador de los Rios, III, 250.—Field's Old Spain and New Spain, p. 279.

The remark of the good Cura de los Palacios in describing the *quemadero* is "en que los quemaban y fasta que haya heregía los quemarán." The cost of the four statues was defrayed by a gentleman named Mesa, whose zeal won for him the position of familiar of the Holy Office and receiver of confiscations. He was, however, discovered to be a Judaizer and was himself burnt on the *quemadero* which he had adorned.—Rodrigo, II, 79–80.

sand finding refuge at Mairena, Marchena and Palacios. The Marquis of Cadiz, the Duke of Medina Sidonia and other nobles received them hospitably, but many kept on to Portugal or to the Moors and some, we are told, even found refuge in Rome. The inquisitors themselves were obliged to abandon the city, but their zeal allowed of no respite; they removed their tribunal to Aracena, where they found ample work to do, burning there twenty-three men and women, besides the corpses and bones of numerous deceased heretics, exhumed for the purpose. When the pestilence diminished they returned to Seville and resumed their work there with unrelaxing ardor.[1] According to a contemporary, by the fourth of November they had burnt two hundred and ninety-eight persons and had condemned seventy-nine to perpetual prison.[2]

As novices, it would seem that the zeal of the inquisitors had plunged them into the business of arresting and trying suspects without resorting to the preliminary device, which had been found useful in the earliest operations of the Holy Office—the Term of Grace. This was a period, longer or shorter according to the discretion of the inquisitors, during which those who felt themselves guilty could come forward and confess, when they would be reconciled to the Church and subjected to penance, pecuniary and otherwise, severe enough, but preferable to the stake. One of the conditions was that of stating all that they knew of other heretics and apostates, which proved an exceedingly fruitful source of information as, under the general terror, there was little hesitation in denouncing not only friends and acquaintances, but the nearest and dearest kindred—parents and children and brothers and sisters. No better means of detecting the hidden ramifications of Judaism could be devised and, towards the middle of the year 1481, the inquisitors adopted it.[3] The mercy thus promised was scanty, as we shall see hereafter when we come to consider the subject, but it brought in vast numbers and autos de fe were organized in which they were paraded as penitents, no less than fifteen hundred being exhibited in one of these solemnities. It can readily be conceived how soon the inquisitors were in possession of information in-

[1] Bernaldez, cap. xliv. [2] Llorente, Añales de la Inquisicion, I, 44.

[3] Amador de los Rios, III, 252. Rodrigo (Hist. Verdad. II, 76) states that the first act of the inquisitors was the issue of the proclamation of the Term of Grace on January 2d, but this is scarce consistent with the narrative of Bernaldez.

culpating Conversos in every corner of the land. It was freely asserted that they were all in reality Jews, who were waiting for God to lead them out of the worse than Egyptian bondage in which they were held by the Christians.[1] Thus was demonstrated not only the necessity of the Inquisition but of its extension throughout Spain. The evil was too great and its immediate repression too important for the work to be entrusted to the two friars laboring so zealously in Seville. Permission had been obtained only for the appointment of three and application was made to Sixtus IV for additional powers. On this occasion he did not as before allow the commissions to be granted in the name of the sovereigns but issued them direct to those nominated to him by them, whereby the inquisitors held their faculties immediately from the Holy See. Thus by a brief of February 11, 1482, he commissioned seven—Pedro Ocaño, Pedro Martínez de Barrio, Alfonso de San Cebriano, Rodrigo Segarra, Thomás de Torquemada and Bernardo Santa María, all Dominicans.[2] Still more were required, of whose appointments we have no definite knowledge, to man the tribunals which were speedily formed at Ciudad-Real, Córdova, Jaen, and possibly at Segovia.[3]

The one at Ciudad-Real was intended for the great archiepiscopal province of Toledo, to which city it was transferred in 1485. The reason why it was first established at the former place may perhaps be that the warlike Archbishop Alonso Car-

[1] Bernaldez, cap. xliv. [2] Páramo, p. 136.—Boletin, XV, 462.

It is very questionable whether a tribunal was established at Segovia thus early. Colmenares (Hist. de Segovia, cap. xxxiv, § 18) asserts it positively, but the only tribunals represented in the assembly of organization, held in November, 1484, were Seville, Córdova, Jaen and Ciudad-Real. There was at first some resistance at Segovia on the part of the bishop, Juan Arias Dávila, who was of Jewish descent.—Bergenroth, Calendar of Spanish State Papers, I, xlv.

In Ciudad-Real, the earliest inquisitors, in 1483, were the Licentiate Pedro Díaz de la Costana and the Doctor Francisco de la Fuente (Archivo hist. nacional, Inquisicion de Toledo, Legajo 154, n. 375). Neither of these was a Dominican and the latter subsequently became an inquisitor-general and bishop successively of Avila and of Córdova.

In Córdova the Inquisition was established in 1482, with four inquisitors—the Bachilleres Anton Rúiz de Morales and Alvar González de Capillas, Doctor Pedro Martínez de Barrio, and Fray Martin Cazo, Guardian of the Franciscan convent. The first auto de fe was celebrated in 1483, when one of the victims was the concubine of the treasurer of the cathedral, Pedro Fernández de Alcaudete, who himself was burnt on February 28, 1484. His servants resisted his arrest and in the fray the alguazil of the Inquisition was killed.—Matute y Luquin, Autos de Fe de Córdova, pp. 1–2 (Córdova, 1839).

rillo, whether through zeal for the faith or in order to assert his episcopal jurisdiction over heresy and prevent the intrusion of the papal inquisitors, had appointed before his death, July 1, 1482, a certain Doctor Thomás as inquisitor in Toledo. To what extent the latter performed his functions we have no means of knowing, the only trace of his activity being the production and incorporation, in the records of subsequent trials by the Inquisition of Ciudad-Real, of evidence taken by him.[1] Be this as it may the Inquisition of Ciudad-Real was not organized until the latter half of 1483. It commenced by issuing an Edict of Grace for thirty days, at the expiration of which it extended the time for another thirty days. Meanwhile it was busily employed, throughout October and November, in making a general inquest and taking testimony from all who would come forward to give evidence. In the resultant trials the names of some of the witnesses appear with suspicious frequency and the nature of their reckless general assertions, without personal knowledge, shows how flimsy was much of the evidence on which prosecutions were based. That the inquest was thorough and that every one who knew anything damaging to a Converso was brought up to state it may be assumed from the trial of Sancho de Ciudad in which the evidence of no less than thirty-four witnesses was recorded, some of them testifying to incidents happening twenty years previous. Much of this moreover indicates the careless security in which the Conversos had lived and allowed their Jewish practices to be known to Christian servants and acquaintances with whom they were in constant intercourse. The first public manifestation of results seems to have been an auto de fe held November 16th, in the church of San Pedro, for the reconciliation of penitents who had come forward during the Term of Grace.[2] Soon after this the trials of those implicated commenced and were prosecuted with such vigor that, on February 6, 1484, an auto de fe was held in which four persons were burnt, followed on the 23d and 24th of the same month by an imposing solemnity involving the concremation of thirty living men and women

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[1] "En publica forma e se avia fecho en esta dicha ciudad por el Doctor Thomás, juez delegado e inquisidor deputado por el reverendisimo señor Don Alfonso Carrillo, arzobispo que fué deste dicho arzobispado de Toledo."—Arch. hist. nacional, Inq. de Toledo, Legajos 139, n. 145; 143, n. 196.

[2] Ibidem, Legajos 139, n. 145; 154, n. 356, 375.

and the bones and effigies of forty who were dead or fugitives.[1] In its two years of existence the tribunal of Ciudad-Real burnt fifty-two obstinate heretics, condemned two hundred and twenty fugitives and reconciled one hundred and eighty-three penitents.[2]

In 1485 the tribunal of Ciudad-Real was transferred to the city of Toledo where the Conversos were very numerous and wealthy. They organized a plot to raise a tumult and despatch the inquisitors during the procession of Corpus Christi (June 2d) but, as in the case of Seville, it was betrayed and six of the conspirators were hanged, after which we hear of no further trouble there. Those who were first arrested confessed that the design extended to seizing the city gates and cathedral tower and holding the place against the sovereigns.[3]

The inquisitor, Pedro Díaz, had preached the first sermon on May 24th, and, after the defeat of the conspiracy, the tribunal entered vigorously on its functions. The customary Term of Grace of forty days was proclaimed and after some delay we are told that many applied for reconciliation rather through fear of concremation than through good will. After the expiration of the forty days, letters of excommunication were published against all cognizant of heresy who should not denounce it within sixty days—a term subsequently extended by thirty more. Another very effectual expedient was adopted by summoning the Jewish rabbis and requiring them, under penalty of life and property, to place a major excommunication on their synagogues and not remove it until all the members should have revealed everything within their knowledge respecting Judaizing Christians. This was only perfecting a device that had already been employed elsewhere. In 1484, by a cédula of December 10th, Ferdinand had ordered the magistrates of all the principal towns in Aragon to compel, by all methods recognized in law, the rabbis and sacristans of the synagogues and such other Jews as might be named, to tell the truth as to all that might be asked of them, and in Seville we are told that a prominent Jew, Judah Ibn-Verga, expatriated himself to avoid compliance with a similar

[1] Archivo hist. nacional, Inquisicion de Toledo, Legajo 262.

[2] Páramo, p. 170.—Padre Fidel Fita has compiled a chronological list of the trials at Ciudad-Real preserved in the Archivo Hist. Nacional (Boletin, XI, 311 *sqq.*). These are included in the *Catálogo de las Causas contra la Fe seguidas ante el Tribunal del Santo Oficio de Toledo*, by D. Miguel Gómez del Campillo (Madrid, 1903).

[3] Relacion de la Inquisicion Toledana (Boletin, XI, 293).

demand. The quality of the evidence obtained by such means may be estimated from the fact that when, in the assembly of Valladolid, in 1488, Ferdinand and Isabella investigated the affairs of the Inquisition, it was found that many Jews testified falsely against Conversos in order to encompass their ruin, for which some of those against which this was proved were lapidated in Toledo. Whether true or false, the Toledan Inquisition reaped by these methods a plentiful harvest of important revelations. It is easy, in fact, to imagine the terror pervading the Converso community and the eagerness with which the unfortunates would come forward to denounce themselves and their kindred and friends, especially when, after the expiration of the ninety days, arrests began and quickly followed each other.[1]

The penitents were allowed to accumulate and at the first auto de fe, held February 12, 1486, only those of seven parishes —San Vicente, San Nicolás, San Juan de la leche, Santa Yusta, San Miguel, San Yuste, and San Lorenzo—were summoned to appear. These amounted to seven hundred and fifty of both sexes, comprising many of the principal citizens and persons of quality. The ceremony was painful and humiliating. Bare-headed and barefooted, except that, in consideration of the intense cold, they were allowed to wear soles, carrying unlighted candles and surrounded by a howling mob which had gathered from all the country around, they were marched in procession through the city to the cathedral, at the portal of which stood two priests who marked them on the forehead as they entered with the sign of the cross, saying "Receive the sign of the cross which you have denied and lost." When inside they were called one by one before the inquisitors while a statement of their misdeeds was read. They were fined in one-fifth of all their property for the war with the Moors; they were subjected to lifelong

[1] Relacion de la Inquisicion Toledana (Boletin, XI, 293–4).—Arch. Gen. de la Corona de Aragon, Reg. 3864, fol. 31.—Graetz, Geschichte der Juden, VIII, 323. —Pulgar, Crónica, P. III, cap. 100.

Legally, Jews were not allowed to testify against Christians and the prohibition to receive such evidence was emphatically included in the ferocious bull of Nicholas V, in 1447, but, as we shall see, in the Inquisition, all accusing witnesses, however infamous, were welcomed.

How distasteful Ferdinand knew would be the work prescribed to the Aragonese magistracy is seen by his imperious command that it must be done—"e por cosa del mundo no fagais lo contrario ni recusais de lo facer porque nos seria tan molesto que no lo podriamos con paciencia tolerar."

incapacity to hold office or to pursue honorable avocations or to wear other than the coarsest vestments unadorned, under pain of burning for relapse, and they were required to march in procession on six Fridays, bareheaded and barefooted, disciplining themselves with hempen cords.[1] The loving mother Church could not welcome back to her bosom her erring children without a sharp and wholesome warning, nor did she relax her vigilance, for this perilous process of confession and reconciliation was so devised as to furnish many subsequent victims to the stake, as we shall see hereafter.

The second auto was held on April 2, 1486, where nine hundred penitents appeared from the parishes of San Roman, San Salvador, San Cristóval, San Zoil, Sant Andrés and San Pedro. The third auto, on June 11th, consisted of some seven hundred and fifty from Santa Olalla, San Tomás, San Martin and Sant Antolin. The city being thus disposed of, the various archidiaconates of the district were taken in order. That of Toledo furnished nine hundred penitents on December 10th, when we are told that they suffered greatly from the cold. On January 15, 1487, there were about seven hundred from the archidiaconate of Alcaraz and on March 10th, from those of Talavera, Madrid and Guadalajara about twelve hundred, some of whom were condemned in addition to wear the sanbenito for life. While the more or less voluntary penitents were thus treated there were numerous autos de fe celebrated of a more serious character in which there were a good many burnings, including not a few *frailes* and ecclesiastical dignitaries, as well as cases of fugitives and of the dead, who were burned in effigy and their estates confiscated.[2]

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[1] Relacion de la Inquisicion Toledana (Boletin, XI, 295–6).

In 1629 a well-informed writer tells us that many of those who came forward and thus accused themselves were in reality good Christians, who, in the time while Jews were yet tolerated, had associated with them in their synagogues and weddings and funerals and had bought meat of their butchers. Terrified at the proceedings of the Inquisition they came and confessed and were reconciled, thus casting an indelible stain on their posterity when the records of the tribunals were searched and their names were found.—Tratado de los Estatutos de Limpieza, cap. 10 (Bibl. Nac. Seccion de MSS. Q, 418).

[2] Relacion (Ibid. pp. 292 *sqq.*, 297, 299, 301–2, 303).

In the closing years of the fifteenth century and the opening ones of the sixteenth there seems to have been a special raid made on Guadalajara. In a list of cases of that period I find 965 credited to that place.—Arch. Hist. Nacional, Inq. de Toledo, Leg. 262, n. 1.

In 1485 a temporary tribunal was set up at Guadalupe, where Ferdinand and Isabella appointed as inquisitor (under what papal authority does not appear) Fray Nuño de Arevalo, prior of the Geronimite convent there. Apparently to guide his inexperience Doctor Francisco de la Fuente was transferred from Ciudad-Real and, with another colleague, the Licentiate Pedro Sánchez de la Calancha, they purified the place of heresy with so much vigor that, within a year, they held in the cemetery before the doors of the monastery seven autos de fe in which were burnt a heretic monk, fifty-two Judaizers, forty-eight dead bodies and twenty-five effigies of fugitives, while sixteen were condemned to perpetual imprisonment and innumerable others were sent to the galleys or penanced with the *sanbenito* for life. These energetic proceedings do not appear to have made good Christians of those who were spared for, July 13, 1500, Inquisitor-general Deza ordered all the Conversos of Guadalupe to leave the district and not to return.[1] The same year, 1485, saw a tribunal assigned to Valladolid, but it must have met with effective resistance, for in September, 1488, Ferdinand and Isabella were obliged to visit the city in order to get it into working condition; it forthwith commenced operations by arresting some prominent citizens and on June 19, 1489, the first auto de fe was held in which eighteen persons were burnt alive and the bones of four dead heretics.[2] Still, the existence of this tribunal would seem to have long remained uncertain for, as late as December 24, 1498, we find Isabella writing to a new appointee that she and the inquisitor-general have agreed that the Inquisition must be placed there and ordering him to prepare to undertake it, and then on January 22, 1501, telling Inquisitor-general Deza that she approves of its lodgement in the house of Diego de la Baeza, where it is to remain for the present; she adds that she and Ferdinand have written to the Count of Cabra to see that for the future the inquisitors are well treated.[3] Permanent tribunals were also established in Llerena and Murcia,

[1] Páramo, pp. 138–9.—Fidel Fita in Boletin, XXIII, 284 *sqq.*—Archivo de Simancas, Inquisicion, Libro 939, fol. 108.

[2] Toledo, Cronicon de Valladolid (Coleccion de Documentos ineditos, XIII, 176, 179).—Pulgar, Chron. P. III, cap. 100.

[3] Archivo de Simancas, Inquisicion, Libro I. Unfortunately my copy of this important volume and also of Libro 933 are not folioed. The dates of the documents however will sufficiently guide the investigator desirous of verifying the references.

of the early records of all of which we know little. In 1490 a temporary one was organized in Avila by Torquemada, apparently for the purpose of trying those accused of the murder of the Santo Niño de la Guardia; it continued active until 1500 and during these ten years there were hung in the church the *insignias y mantetas* of seventy-five victims burnt alive, of twenty-six dead and of one fugitive, besides the sanbenitos of seventy-one reconciled penitents.[1]

The various provinces of Castile thus became provided with the machinery requisite for the extermination of heresy, and at an early period in its development it was seen that, for the enormous work before it, some more compact and centralized organization was desirable than had hitherto been devised. The Inquisition which had been so effective in the thirteenth and fourteenth centuries was scattered over Europe; its judges were appointed by the Dominican or Franciscan provincials, using a course of procedure and obeying instructions which emanated from the Holy See. The papacy was the only link between them; the individual inquisitors were to a great extent independent; they were not subjected to visitation or inspection and it was, if not impossible, a matter of difficulty to call them to account for the manner in which they might discharge their functions. Such was not the conception of Ferdinand and Isabella who intended the Spanish Inquisition to be a national institution, strongly organized and owing obedience to the crown much more than to the Holy See. The measures which they adopted with this object were conceived with their customary sagacity, and were carried out with their usual vigor and success.

At this period they were earnestly engaged in reorganizing the institutions of Castile, centralizing the administration and reducing to order the chaos resulting from the virtual anarchy of the preceding reigns. In effecting this they apportioned, in 1480, with the consent of the Córtes of Toledo, the affairs of government among four royal councils, that of administration and justice, known as the Concejo Real de Castella, that of

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[1] A list of these, made in the last century, is printed by Padre Fidel Fita (Boletin, XV, 332). It is probably not wholly complete. Of later date than 1500 there are ten *reconciliados*—one each in 1509 and 1516 and eight in 1629—sent thither by the tribunals in which they were tried.

Further details as to the organization of the various tribunals will be found in the Appendix.

Finance, or Concejo de Hacienda, the Concejo de Estado and the Concejo de Aragon, to which was added a special one for the Hermandades.[1] These met daily in the palace for the despatch of business and their effect in making the royal power felt in every quarter of the land and in giving vigor and unity to the management of the state soon proved the practical value of the device. The Inquisition was fast looming up as an affair of state of the first importance, while yet it could scarce be regarded as falling within the scope of either of the four councils; the sovereigns were too jealous of papal interference to allow it to drift aimlessly, subject to directions from Rome, and their uniform policy required that it should be kept as much as possible under the royal superintendence. That a fifth council should be created for the purpose was a natural expedient, for which the assent of Sixtus IV was readily obtained, when it was organized in 1483 under the name of the *Concejo de la Suprema y General Inquisicion*—a title conveniently abbreviated to *la Suprema*—with jurisdiction over all matters connected with the faith. To secure due subordination and discipline over the whole body it was requisite that the president of this council should have full control of appointment and dismissal of the individual inquisitors who, as exercising power delegated directly from the pope, might otherwise regard with contempt the authority of one who was also merely a delegate. It thus became necessary to create a new office, unknown to the older Inquisition—an inquisitor-general who should preside over the deliberations of the council. The office evidently was one which would be of immense weight and the future of the institution depended greatly on the character of its first chief. By the advice of the Cardinal Archbishop of Toledo, Pero González de Mendoza, the royal choice fell on Thomás de Torqemada, the confessor of the sovereigns, who was one of the seven inquisitors commissioned by the papal letter of February 11, 1482. The other members of the council were Alonso Carrillo, Bishop of Mazara (Sicily) and two doctors of laws, Sancho Velasco de Cuellar and Ponce de Valencia.[2] The exact date of Torquemada's appointment is

[1] Colmenares, Hist. de Segovia, cap. xxxv, § 18.—Garibay, Compendio Historial, Lib. XVIII, cap. 16.

[2] Páramo, p. 137.—Llorente, Añales, I, 73.—Zurita, Añales, Lib. xx, cap. xlix.—Instruciones de Sevilla, 1484, Prólogo (Arguello, fol. 2).—Archivo de Alcalá, Estado, Legajo 2843.

In the conference of Seville in 1484, besides the inquisitors and the members

not known, as the papal brief conferring it has not been found, but, as Sixtus created him Inquisitor of Aragon, Catalonia and Valencia by letters of October 17, 1483, his commission as Inquisitor-general of Castile was somewhat antecedent.[1]

The selection of Torquemada justified the wisdom of the sovereigns. Full of pitiless zeal, he developed the nascent institution with unwearied assiduity. Rigid and unbending, he would listen to no compromise of what he deemed to be his duty, and in his sphere he personified the union of the spiritual and temporal swords which was the ideal of all true churchmen. Under his guidance the Inquisition rapidly took shape and extended its organization throughout Spain and was untiring and remorseless in the pursuit and punishment of the apostates. His labors won him ample praise from successive popes. Already, in 1484, Sixtus IV wrote to him that Cardinal Borgia had warmly eulogized him for his success in prosecuting the good work throughout Castile and Leon, adding "We have heard this with the greatest pleasure and rejoice exceedingly that you, who are furnished with both doctrine and authority, have directed your zeal to these matters which contribute to the praise of God and the utility of the orthodox faith. We commend you in the Lord and exhort you, cherished son, to persevere with tireless zeal in aiding and promoting the cause of the faith, by doing which, as we are assured you will, you will win our special favor." Twelve years later, Cardinal Borgia, then pope under the name of Alexander VI, assures him in 1496, that he cherishes him in the very bowels of affection for his immense labors in the exaltation of the faith.[2] If we cannot wholly attribute to him

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of the Council there are mentioned as present Juan Gutiérrez de Lachaves, and Tristan de Medina, whom Llorente (Añales, I, 74) conjectures to have been assistants of Torquemada.

[1] Folch de Cardona, in the Consulta of the Suprema to Philip V, July 18, 1703, states that the earliest bull in the archives was one of Sixtus IV in 1483 appointing Torquemada inquisitor-general with power to deputize inquisitors and to hear cases in the first instance. It was not till 1486 that Innocent VIII granted him appellate jurisdiction.—Bibl. Nacional, Seccion de MSS., G, 61, fol. 199.

The title of Inquisitor-general was not immediately invented. In a sentence pronounced at Ciudad-Real, March 15, 1485, Torquemada is styled simply "juez principal ynquisidor."—Arch. Hist. Nac. Inq. de Toledo, Legajo 165, n. 551.

[2] Ripoll Bullar. Ord. FF. Prædic. III, 630; IV, 125. Yet modern apologists do not hesitate to argue that the papacy sought to mitigate the severity of the Spanish Inquisition (Gams, Zur Geschichte der spanischen Staatsinquisition,

the spirit of ruthless fanaticism which animated the Inquisition, he at least deserves the credit of stimulating and rendering it efficient in its work by organizing it and by directing it with dauntless courage against the suspect however high-placed, until the shadow of the Holy Office covered the land and no one was so hardy as not to tremble at its name. The temper in which he discharged his duties and the absolute and irresponsible control which he exercised over the subordinate tribunals can be fitly estimated from a single instance. There was a fully organized Inquisition at Medina, with three inquisitors, an assessor, a fiscal and other officials, assisted by the Abbot of Medina as Ordinary. They reconciled some culprits and burnt others, apparently without referring the cases to him, but when they found reason to acquit some prisoners they deemed it best to transmit the papers to him for confirmation. He demurred at this mercy and told the tribunal to try the accused again when the Licentiate Villalpando should be there as *visitador*. Some months later Villalpando came there, the cases were reviewed, the prisoners were tortured, two of them were reconciled and the rest acquitted, the sentences being duly published as final. Torquemada on learning this was incensed and declared that he would burn them all. He had them arrested again and sent to Valladolid, to be tried outside of their district, where his threat was doubtless carried into effect.[1] When such was the spirit infused in the organization at the beginning we need not wonder that verdicts of acquittal are infrequent in the records of its development. Yet withal Torquemada's zeal could not wholly extinguish worldliness. We are told, indeed, that he refused the archbishopric of Seville, that he wore the humble Dominican habit, that he never tasted flesh nor wore linen in his garments or used it on his bed, and that he refused to give a marriage-portion to his indigent sister, whom he would only assist to enter the order of *beatas* of St. Dominic. Still, his asceticism did not prevent him from living in palaces surrounded by a princely retinue of two hundred and fifty armed familiars and fifty horesemen.[2] Nor was his persecuting career purely

pp. 20–1; Hefele, Der Cardinal Ximenes, p. 269; Pastor, Geschichte der Päpste, II. 582), basing their assertions on the eagerness of the curia to entertain appeals, of which more hereafter.

[1] Archivo de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 28.

[2] Páramo, pp. 156–7.

disinterested. Though the rule of his Dominican Order forbade individual ownership of property and, though his position as supreme judge should have dictated the utmost reserve in regard to the financial results of persecution, he had no hesitation in accumulating large sums from the pecuniary penances inflicted by his subordinates on the heretics who spontaneously returned to the faith.[1] It is true that the standards of the age were so low that he made no secret of this and it is also true that he lavished them on the splendid monastery of St. Thomas Aquinas which he built at Avila, on enlarging that of Santa Cruz at Segovia of which he was prior and on various structures in his native town of Torquemada. Yet amid the ostentation of his expenditure he lived in perpetual fear, and at his table he always used the horn of a unicorn which was a sovereign preservative against poison.[2]

As delegated powers were held to expire with the death of the grantor, unless otherwise expressly defined, Torquemada's commission required renewal on the decease of Sixtus IV. Ferdinand and Isabella asked that the new one should not be limited to the life of the pope, but that the power should continue, not only during Torquemada's life, but until the appointment of his successor.[3] The request was not granted and, when Innocent VIII, by a brief of February 3, 1485, recommissioned Torquemada it was in the ordinary form. This apparently was not satisfactory, but the pope was not willing thus to lose all control of the Spanish Inquisition and a compromise seems to have been reached, for when, February 6, 1486, Torquemada was appointed Inquisitor-general of Barcelona and his commission for Spain was renewed, on March 24th of the same year, it was drawn to continue at the good pleasure of the pope and of the Holy See, which, without abnegating papal control, rendered renewals unnecessary.[4] This formula was abandoned in the commissions of Torquemada's immediate successors, but was subsequently

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[1] Ripoll, IV, 126. [2] Páramo, p. 156.

[3] Arch. Gen. de la Corona de Aragon, Reg. 3486, fol. 45.—Páramo, p. 137.

[4] Bulario de la Orden de Santiago, Lib. I de copias, fol. 6, 8.—"ad nostrum et dictæ sedis beneplacitum."

The original appointments of Miguel de Morillo and Juan de San Martin were similarly *ad beneplacitum* (Ibid. fol. 10), which may perhaps explain their assertion of independence of Torquemada.

resumed and continued to be employed through the following centuries.[1]

Torquemada's commission of 1485 contained the important power of appointing and dismissing inquisitors, but the confirmation of 1486 bore the significant exception that all those appointed by the pope were exempted from removal by him, indicating that in the interval he had attempted to exercise the power and that the resistance to it had enlisted papal support. In fact, at the conference of Seville, held in 1484 by Torquemada, there were present the two inquisitors of each of four existing tribunals; from Seville we find Juan de San Martin, one of the original appointees of 1479, but his colleague, Miguel de Morillo, has disappeared and is replaced by Juan Ruiz de Medina, who had been merely assessor, while but a single one, Pero Martínez de Barrio, of the seven commissioned by Sixtus IV in 1482 appears as representing the other tribunals—the rest are all new men, doubtless appointees of Torquemada.[2] There was evidently a bitter quarrel on foot between Torquemada and the original papal nominees, who held that their powers, delegated directly from the pope, rendered them independent of him, and, as usual, the Holy See inclined to one side or to the other in the most exasperating manner, as opposing interests brought influence to bear. Complaints against Torquemada were sufficiently numerous and serious to oblige him thrice to send Fray Alonso Valaja to the papal court to justify him.[3] He seems to have removed Miguel de Morillo, who vindicated himself in Rome, for a brief of Innocent VIII, February 23, 1487, appoints him inquisitor of Seville, in complete disregard of the faculties granted to Torquemada. Then a *motu proprio* of November 26, 1487, suspends both him and Juan de San Martin and commissions Torquemada to appoint their successors. Again, a brief of January 7, 1488, appoints Juan Inquisitor of Seville, while subsequent briefs of the same year are addressed to him concerning the business of his office as though he were discharging its duties independently of Torquemada, but his death in 1489 removed him from the scene. The quarrel evidently continued,

[1] Ibid. fol. 3, 11, 13, 15, 20; Lib. IV, fol. 91, 118, 137; Lib. V, fol. 117, 136, 138, 151, 199, 200, 251, 264, 295.—Archivo de Alcalá, Hacienda, Leg. 1049.

[2] Instruciones de Sevilla (Arguello, Copilacion de las Instruciones, fol. 2, Madrid, 1630).

[3] Páramo, p. 156.

and at one time Fray Miguel enjoyed a momentary triumph, for a papal letter of September 26, 1491, commissions him as Inquisitor-general of Castile and Aragon, thus placing him on an equality with Torquemada himself.[1] It would be impossible now to determine what part the sovereigns may have had in these changes and to what extent the popes disregarded the authority conferred on them of appointment and removal. There was a constant struggle on the one hand to render the Spanish Holy Office national and independent, and on the other to keep it subject to papal control.

Finally the opposition to Torquemada became so strong that Alexander VI, in 1494, kindly alleging his great age and infirmities, commissioned Martin Ponce de Leon, Archbishop of Messina, but resident in Spain, Iñigo Manrique, Bishop of Córdova, Francisco Sánchez de la Fuente, Bishop of Avila, and Alonso Suárez de Fuentelsaz, Bishop of Mondonego and successively of Lugo and Jaen, as inquisitors-general with the same powers as Torquemada; each was independent and could act by himself and could even terminate cases commenced by another.[2] It is quite probable that, to spare his feelings, he was allowed to name his colleagues as delegates of his powers, for in some instructions issued, in 1494, by Martin of Messina and Francisco of Avila they describe themselves as inquisitors-general in all the Spanish realms subdelegated by the Inquisitor-general Torquemada.[3] He evidently still retained his pre-eminence and was active to the

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 8, 10.—Monteiro, Historia da Inquisiçaõ, II, 415.—Boletin, XV, 490.—Ripoll IV, 5, 6.

Somewhat similar was the question which arose, in 1507, on the retirement of Diego Deza and the appointment of Ximenes as inquisitor-general of Castile. His commission as usual contained the power of appointing and removing or punishing all subordinates, but those who derived their commissions from Deza seem to have claimed that they were not amenable to Ximenes and it required a special brief from Julius II, August 18, 1509, to establish his authority over them.—Bulario, Lib. III, fol. 68; Lib. I de copias, fol. 30.

[2] Llorente, Añales, I, 214.—Francisco de la Fuente, as we have seen was inquisitor of Ciudad-Real as early as 1483. Alonso de Fuentelsaz in 1487 was one of the inquisitors of Toledo and was then merely a doctor.—Arch. hist. nacional, Inq. de Toledo, Leg. 176, n. 673.

[3] Archivo de Simancas, Inquisicion, Libro 933.—"Inquisitores generales in omnibus regnis et dominiis serenissimorum regis et reginæ dominorum nostrorum subdelegati a reverendissimo patre nostro fratre Thoma de Torquemada . . . inquisitore generali."

Yet we have the commission of Martin of Messina, in 1494, issued directly by the pope.—Bulario, Lib. I de copias, fol. 3.

last, for we have letters from Ferdinand to him in the first half of 1498 concerning the current affairs of the Inquisition, in which the Bishop of Lugo declined to interfere with him. The Instructions of Avila, in 1498, were issued in his name as inquisitor-general, and the assertion that he resigned two years before his death, September 16, 1498, is evidently incorrect.[1] In some respects, however, the Bishop of Avila had special functions which distinguished him from his colleagues, for he was appointed by Alexander VI, November 4, 1494, judge of appeals in all matters of faith and March 30, 1495, he received special faculties to degrade ecclesiastics condemned by the Inquisition, or to appoint other bishops for that function.[2] So long as they were in orders clerics were exempt from secular jurisdiction and it was necessary to degrade them before they could be delivered to the civil authorities for burning. Under the canons, this had to be done by their own bishops, who were not always at hand for the purpose, and who apparently, when present, sometimes refused or delayed to perform the office, which was a serious impediment to the business of the Inquisition, as many Judaizing Conversos were found among clerics.

This multiform headship of the Inquisition continued for some years until the various incumbents successively died or resigned. Iñigo Manrique was the first to disappear, dying in 1496, and had no successor. Then, in 1498, followed the Bishop of Avila, who had been transferred to Córdova in 1496. In the same year, as we have seen, Torquemada died, and this time the vacancy was filled by the appointment as his successor of

[1] Archivo de Simancas, Inquisicion, Lib. I.—Arguello, fol. 12.—Marieta, Hist. Ecles. Lib. XII, cap. xcii.

Torquemada was buried in a chapel of the church of his convent of Santo Tomás in Avila. In 1572 the body was removed to another chapel to make room for the interment of Francisco de Soto de Salazar, Bishop of Salamanca, when it gave forth a supernatural odor of delicious sweetness, greatly confusing to those engaged in the sacrilegious task. The Dominican provincial punished the authors of the translation and the historian Garibay petitioned the Inquisitor-general Quiroga to have the remains restored to their original resting-place, which was done in 1586.—Memorias de Garibay, Tit. x (Mem. hist. esp. VII, 393).

An anonymous biographer, writing in 1655, tells us that he retired to the convent of Avila two years before his death, Sept. 26, 1498 and that he has always there been reputed as a saint.—Biblioteca Nacional, Seccion de MSS., I i, 16.

[2] Arch. de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 22.—Bulario de la Orden de Santiago, Lib. I, fol. 136.

Diego Deza, then Bishop of Jaen (subsequently, in 1500, of Palencia, and in 1505 Archbishop of Seville) who was commissioned, November 24, 1498, for Castile, Leon and Granada, and on September 1, 1499, for all the Spanish kingdoms.[1] In 1500 died Martin Archbishop of Messina—apparently a defaulter, for, on October 26th of the same year, Ferdinand orders his auditor of the confiscations to pass in the accounts of Luis de Riva Martin, receiver of Cadiz, 18,000 maravedís due by the archbishop for wheat, hay, etc., which he forgives to the heirs.[2] From this time forward Deza is reckoned as the sole inquisitor-general and direct successor of Torquemada, but Fuentelsaz, Bishop of Jaen, remained in office, for, as late as January 13, 1503, an order for the payment of salaries is signed by Deza and contains the name of the Bishop of Jaen as also inquisitor-general.[3] He relinquished the position in 1504 and Deza remained as sole chief of the Inquisition until, in 1507, he was forced to resign as we shall see hereafter.

At the time of his retirement the kingdoms of Castile and Aragon had been separated by the death of Isabella, November 26, 1504. Ferdinand's experience with his son-in-law, Philip I, and his hope of issue from his marriage in March, 1506, with Germaine de Foix, in which case the kingdoms would have remained separate, warned him of the danger of having his ancestral dominions spiritually subordinated to a Castilian subject. Before Deza's resignation, therefore, he applied to Julius II to commission Juan Enguera, Bishop of Vich, with the powers for Aragon which Deza was exercising. Julius seems to have made some difficulty about this, for a letter of Ferdinand, from Naples, February 6, 1507, to his ambassador at Rome, Francisco de Rojas, instructs him to explain that, since he had abandoned the title of King of Castile, the jurisdiction was separated and it was necessary and convenient that there should be an Inquisition for each kingdom.[4] He prevailed and the appointments of Cardinal Ximenes for Castile and of Bishop Enguera for Aragon were issued respectively on June 6 and 5, 1507.[5] During the lifetime of Ximenes the Inquisitions remained disunited, but in

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 11, 12.
[2] Archivo de Simancas, Inquisicion, Lib. I.
[3] Ibid. Lib. I; Lib. II, fol. 35.
[4] Correspondence of Francisco de Rojas (Boletin, XXVIII, 462).
[5] Bulario de la Orden de Santiago, Lib. I de copias, fol. 13, 15.

1518, after his death, Charles V caused his former tutor, Cardinal Adrian of Utrecht, Bishop of Tortosa, who in 1516 had been made Inquisitor-general of Aragon, to be commissioned also for Castile, after which there was no further division. During the interval Ferdinand had acquired Navarre and had annexed it to the crown of Castile, so that the whole of the Peninsula, with the exception of Portugal, was united under one organization.[1]

Among other powers granted to Torquemada was that of modifying the rules of the Inquisition to adapt them to the requirements of Spain.[2] The importance of this concession it would be difficult to exaggerate, as it rendered the institution virtually self-governing. Thus the Spanish Inquisition acquired a character of its own, distinguishing it from the moribund tribunals of the period in other lands. The men who fashioned it knew perfectly what they wanted and in their hands it assumed the shape in which it dominated the conscience of every man and was an object of terror to the whole population. In the exercise of this power Torquemada assembled the inquisitors in Seville, November 29, 1484, where, in conjunction with his colleagues of the Suprema, a series of regulations was agreed upon, known as the *Instruciones de Sevilla*, to which, in December of the same year and in January, 1485, he added further rules, issued in his own name under the authority of the sovereigns. In 1488 another assembly was held, under the supervision of Ferdinand and Isabella, which issued the *Instruciones de Valladolid*.[3] In 1498 came the *Instruciones de Avila*—the last in which Torquemada took part—designed principally to check the abuses which were rapidly developing, and, for the same purpose, a brief addition was made at Seville in 1500, by Diego Deza. All these became known in the tribunals as the *Instruciones Antiguas*.[4] As the institution became thor-

[1] Ibid. fol. 20, 72.—Gachard, Correspondance de Charles-Quint et d'Adrien VI, p. 235.

[2] Páramo, p. 137.

[3] Pulgar, Crónica, P. III, cap. c.—Archivo General de Simancas, Inquisicion, Libro 933.

[4] Inquisitor-general Manrique caused the *Iustruciones Antiguas* to be printed collectively, with a supplement classifying the several articles under the head of the officials whose duties they defined. This was issued in Seville in 1537 and a copy is preserved in the Bodleian Library, Arch. Seld. A. Subt. 15. Another edition was issued in Madrid in 1576, a copy of which is in the Biblioteca Nacional of Madrid, Seccion de MSS. S, 299, fol. 1. It was reprinted again in Madrid, in 1627

oughly organized under the control of the Suprema, consultation with the subordinate inquisitors was no longer requisite and regulations were promulgated by it in *cartas acordadas*. It was difficult, however, to keep the inquisitors strictly in line, and variations of practice sprang up which, in 1561, the Inquisitor-general Fernando Valdés endeavored to check by issuing the *Instruciones Nuevas*. Subsequent regulations were required from time to time, forming a considerable and somewhat intricate body of jurisprudence, which we shall have to consider hereafter. At present it is sufficient to indicate how the Inquisition became an autonomous body—an *imperium in imperio*—framing its own laws and subject only to the rarely-exercised authority of the Holy See and the more or less hesitating control of the crown.

At the same time all the resources of the State were placed at its disposal. When an inquisitor came to assume his functions the officials took an oath to assist him, to exterminate all whom he might designate as heretics and to observe and compel the observance by all of the decretals *Ad abolendum*, *Excommunicamus*, *Ut officium Inquisitionis* and *Ut Inquisitionis negotium*—the papal legislation of the thirteenth century which made the state wholly subservient to the Holy Office and rendered incapable of official position any one suspect in the faith or who favored heretics.[1] Besides this, all the population was assembled

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and 1630, together with the *Instruciones Nuevas*, by Gaspar Isidro de Arguello. It is to this last edition that my references will be made. All these texts vary in some particulars from the originals preserved in the Simancas Archives, Inquisicion, Libro 933. Where such deviations are of importance they will be noted hereafter. Professor Ernst Schäfer has performed the service of reprinting the Arguello edition, with a German translation, in the *Archiv für Reformationsgeschichte*, 1904.

Llorente (Hist. Crít. cap. VI, art. 1) has given an abstract of the *Instruciones Antiguas*. Curiously enough, in none of the official collections are included the instructions issued by Torquemada in December, 1484, and January, 1485, except in a few extracts. As they have never been printed I give them in the Appendix, together with the 1500 Instructions of Seville, which are likewise for the most part inedited. What Llorente printed as Torquemada's additions (Añales, I, 388) are merely the extracts gathered from Arguello's compilation, where they are credited to *El prior en Sevilla*, 1485.

[1] See the oath taken, July 20, 1487, by the officials of Catalonia and Barcelona to the inquisitor Alonso de Spina in Carbonell's *De Gestis Hæreticorum* (Coleccion de Documentos de la Corona de Aragon, XXVIII, 6).

The decretals in question were issued by Lucius III, Innocent III, Clement IV

to listen to a sermon by the inquisitor, after which all were required to swear on the cross and the gospels to help the Holy Office and not to impede it in any manner or on any pretext.[1]

It is no wonder that, as this portentous institution spread its wings of terror over the land, all who felt themselves liable to its animadversion were disposed to seek safety in flight, no matter at what sacrifice. That numbers succeeded in this is shown by the statistics of the early autos de fe, in which the living victims are far outnumbered by the effigies of the absent. Thus in Ciudad-Real, during the first two years, fifty-two obstinate heretics were burnt and two hundred and twenty absentees were condemned.[2] In Barcelona, where the Inquisition was not established until 1487, the first auto de fe, celebrated January 25, 1488, showed a list of four living victims to twelve effigies of fugitives; in a subsequent one of May 23d, the proportions were three to forty-two; in one of February 9, 1489, three to thirty-nine; in one of March 24, 1490, they were two to one hundred and fifty-nine, and in another of June 10, 1491, they were three to one hundred and thirty-nine.[3] If the object had simply been to purify the land of heresy and apostasy this would have been accomplished as well by expatriation as by burning or reconciling, but such was not the policy which governed the sovereigns, and edicts were issued forbidding all of Jewish lineage from leaving Spain and imposing a fine of five hundred florins on ship-masters conveying them away.[4] This was not, as it might seem to us, wanton cruelty, although it was harsh, inasmuch as it assumed guilt on mere suspicion. To say nothing of the confiscations, which were defrauded of the portable property carried away by the fugitives, we must bear in mind that, to the orthodox of the period, heresy was a positive crime, nay the

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and Boniface VIII, and are embodied in the canon law as Cap. 9 and 13 Extra, Lib. v, Tit. vii and Cap. 11 and 18 in Sexto Lib. v, Tit. ii.

When, in 1510, the jurats of Palermo made difficulties in taking the canonical oath, Ferdinand indignantly wrote that he would take it himself if required. —Arch. de Simancas, Inquisicion, Lib. III, fol. 134.

[1] Instruciones de Sevilla, § 1 (Arguello, fol. 3). [2] Páramo, p. 170.

[3] Carbonell de Gestis Hæreticorum (Coleccion de Documentos de la Corona de Aragon, XXVIII, 12–17, 29, 40–49, 54–61). In these latter cases there is no distinction recorded between the fugitive and the dead, which would modify somewhat the proportions.

[4] Manuel de Novells Ardits, vulgarment appelat Dietari del Antich Consell Barceloni, III, 58 (Barcelona, 1894).

greatest of crimes, punishable as such by laws in force for centuries, and the heretic was to be prevented from escaping its penalties as much as a murderer or a thief. The royal edicts were supplemented by the Inquisition, and it is an illustration of the extension of its jurisdiction over all matters relating directly or indirectly to the faith, that, November 8, 1499, the Archbishop Martin of Messina issued an order, which was published throughout the realm and was confirmed by Diego Deza, January 15, 1502, to the effect that no ship-captain or merchant should transport across seas any New Christian, whether Jewish or Moorish, without a royal license, under pain of confiscation, of excommunication and of being held as a fautor and protector of heretics. To render this effective two days later Archbishop Martin ordered that suitable persons should be sent to all the sea-ports to arrest all New Christians desiring to cross the sea and bring them to the Inquisition so that justice should be done to them, all expenses being defrayed out of the confiscations.[1] These provisions were not allowed to be a dead-letter, though we are apt to hear of them rather in cases where, for special reasons, the penalties were remitted. Thus, July 24, 1499, Ferdinand writes to the Inquisitors of Barcelona that a ship of Charles de Sant Climent, a merchant of their city, had brought from Alexandria to Aiguesmortes certain persons who had fled from Spain. Even this transportation between foreign ports came within the purview of the law, for Ferdinand explains that action in this case would be to his disservice, wherefore if complaint is lodged with them they are to refer it to him or to the inquisitor-general for instructions. Again, on November 8, 1500, the king orders the release of the caravel and other property of Diego de la Mesquita of Seville, which had been seized because he had carried some New Christians to Naples—the reason for the release being the services of Diego in the war wtih Naples and those which he is rendering elsewhere. A letter from Ferdinand to the King of Portugal, November 7, 1500, recites that recently some New Christians had been arrested in Milaga, where they were embarking under pretext of going to Rome for the jubilee. On examination by the Inquisition at Seville they admitted that they were Jews but said that they had been forced in Portugal to turn Christians; as this brought them under

[1] Archivo de Simancas, Inquisicion, Libro 933.

inquisitorial jurisdiction, the inquisitors were sending to Portugal for evidence and the king was asked to protect the envoys and give them facilities for the purpose.[1] The same determination was manifested to recapture when possible those who had succeeded in effecting their flight. In 1496 Micer Martin, inquisitor of Mallorca, heard of some who were in Bugia, a sea-port of Africa. He forthwith despatched the notary, Lope de Vergara, thither to seize them, but the misbelieving Moors disregarded his safe-conduct and threw him and his party into a dungeon where they languished for three years. He at length was ransomed and, in recompense of his losses and sufferings, Ferdinand ordered, March 31, 1499, Matheo de Morrano receiver of Mallorca to pay him two hundred and fifty gold ducats without requiring of him any itemized statement of his injuries.[2]

It shows how strong an impression had already been made by the resolute character of the sovereigns, and how violent was the antagonism generally entertained for the Conversos, that so novel and absolute a tyranny could be imposed on the lately turbulent population of Castile without resistance, and that so powerful a class as that against which persecution was directed should have submitted without an effort save the abortive plots at Seville and Toledo. The indications that have reached us of opposition to the arbitrary acts of the Inquisition in making arrests or confiscations are singularly few. In the records of the town-council of Xeres de la Frontera, under date of August 28, 1482, there is an entry reciting that there had come to the town a man carrying a wand and calling himself an alguazil of the Inquisition; he had seized Gonçalo Caçabé and carried him off without showing his authority to the local officials, which was characterized as an atrocious proceeding and the town ought to

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[1] Archivo de Simancas, Inquisicion, Libro 1. By a letter of February 22, 1501, Ferdinand and Isabella congratulate the inquisitors on their action in such cases; if other New Christians assert that they had been converted by force justice is to be executed on them.

In 1511 a ship belonging to Gaspar de la Cavallería of Naples was seized in Barcelona. The master, Francisco de Santa Cruz, hurried to the court at Seville, where the inquisitor-general Enguera condemned the vessel and he gave security in its full value. Meanwhile the receiver of confiscations at Barcelona sold it without waiting for its condemnation, whereupon Ferdinand ordered the money returned and the vessel taken back.—Ibidem, Lib. III, fol. 139.

[2] Ibidem, Lib. I.

take steps with the king, the pope and the Inquisition to have it undone.[1] Doubtless the summary acts of the Holy Office, over-riding all recognized law, created such feeling in many places, as we may gather from a cédula of Ferdinand, December 15, 1484, forbidding the reception of heretics and ordering their surrender on demand of the inquisitors, and another of July 8, 1487, commanding that any one bearing orders from the inquisitors of Toledo is to be allowed to arrest any person, under a penalty of 100,000 maravedís for the rich and confiscation for others,[2] but complaints were dangerous, for they could be met by threats of punishment for fautorship of heresy. Still it required considerable time to accustom the nobles and people to unquestioning submission to a domination so absolute and so foreign to their experience. As late as the year 1500 there are two royal letters to the Count of Benalcázar reciting that he had ordered the arrest of a girl of Herrera who had uttered scandals against the faith; she was in the hands of his alcaide, Gutierre de Sotomayor, who refused to deliver her when the inquisitor sent for her. The second letter, after an interval of nineteen days, points out the gravity of the offence and peremptorily orders the surrender of the girl. She proved to be a Jewish prophetess whose trial resulted in bringing to the stake large numbers of her unfortunate disciples. There is also an anticipation of resistance in a letter, Janary 12, 1501, to the Prior of St. John, charging him to see that no impediments are placed in the way of the receiver of the Inquisition of Jaen in seizing certain confiscated property at Alcázar de Consuegra.[3] More indicative of popular repugnance is a letter of October 4, 1502, to the royal officials of a place not specified, reciting that the people are endeavoring to have Mosen Salvador Serras, lieutenant of the vicar, removed because he had spoken well of the Inquisition and had been charged by the inquisitors with certain duties to perform; they are not to allow this to be done and are to see that he is not ill-treated.[4] In 1509 Ferdinand had occasion to remonstrate with the Duke of Alva, in the case of Alonso de Jaen, a resident of Coria, because, when he was arrested, an agent of the duke had seized certain cows and sold them and, when he was condemned and his property confiscated, Alva had forbidden

[1] Boletin, XV, 323.
[2] Archivo de Simancas, Inquisicion, Libro 939, fol. 62, 146.
[3] Ibidem, Libro I.
[4] Ibidem, Lib. II, fol. 17.

any one to purchase anything without his permission. Ferdinand charges him to allow the sale to proceed freely and to account for the cows, pointing out that he had granted to him a third of the net proceeds of all confiscations in his estates.[1] This grant of a third of the confiscations was made to other great nobles and doubtless tended to reconcile them to the operations of the Inquisition. In this general acquiescence it is somewhat remarkable that, as late as 1520, when Charles V ordered Merida to prepare accommodations for a tribunal, the city remonstrated; everything there was quiet and peaceable, it said, and it feared a tumult if the Holy Office was established there, while if merely a visit was made for an inquest it would lend willing aid. Cardinal Adrian hearkened to the warning in Charles's absence and in a letter of November 27, 1520, ordered his inquisitors to settle somewhere else.[2]

At the same time it was inevitable that power so irresponsible would be frequently and greatly abused, and it is interesting to observe that, when no resistance was made, Ferdinand was, as a general rule, prompt to intervene in favor of the oppressed. Thus January 28, 1498, he writes to the inquisitors-general that recently some officials of the Inquisition of Valencia went to the barony of Serra to arrest some women who wore Moorish dress and, as they were not recognized, they were resisted by the Moors, whereupon the inquisitors proceeded to seize all the Moors of Serra who chanced to come to Valencia, so that the place was becoming depopulated. He therefore orders the inquisitors-general to intimate to their subordinates that they must find some other method whereby the innocent shall not suffer for the fault of individuals and, not content with this, he wrote directly to the Inquisitor of Valencia, instructing him to proceed with much moderation. In another case where opposition had been provoked he writes, January 18, 1499, "We have your letter and are much displeased with the maltreatment which you report of the inquisitor and his officials. It will be attended to duly. But often you yourselves are the cause of it, for if

[1] Archivo de Simancas, Inquisicion, Lib. III, fol. 42. This letter is dated Dec. 22, 1509. It is duplicated January 19, 1510 (Ibid. fol. 48). Seven of the Duke's officials had been summoned to appear before the Suprema and had disregarded the order, which was repeated January 21st under pain of confiscation and punishment at the royal pleasure.—Ibid. fol. 57.

[2] Ibidem, Libro 73, fol. 115.

each of you would attend to his duties quietly and carefully and injure no one you would be held in good esteem. Look to this in the future, for it will displease us much if you do what you ought not, with little foundation." At the same time he charges the inquisitor not to make arrests without good cause, "for in such things, besides the charge on your conscience, the Holy Office is much defamed and its officials despised." So in a letter of August 15, 1500, to the inquisitors of Saragossa, he tells them that he has received a copy of an edict which they had issued at Calatayud; it is so sharp that if it is enforced no one can be safe; they must consider such things carefully or consult him; in the present case they will obey the instructions sent by the inquisitors-general and must always bear in mind that the only object of the Inquisition is the salvation of souls. Again, when the inquisitors of Barcelona imperiously placed the town of Perpiñan under interdict, in a quarrel arising out of a censal or ground-rent on Carcella, Ferdinand writes to them, March 5, 1501, that the town is poor and must be gently treated, especially as it is on the frontier, and he sends a special envoy to arrange the matter.[1] The wearing delays, which were one of the most terrible engines of oppression by the Inquisition, were especially distasteful to him. January 28, 1498, he writes to an inquisitor about the case of Anton Rúiz of Teruel, who had been imprisoned for five months without trial for some remarks made by him to another person about the confiscation of the property of Jaime de Santangel, though application had been made repeatedly to have the case despatched. Ferdinand orders that it be considered at once; the prisoner is either to be discharged on bail or proper punishment is to be inflicted. So, January 16, 1501, he reminds inquisitors that he has written to them several times to conclude the case between the heirs of Mossen Perea and the sons of Anton Rúiz and deliver sentence; the case has been concluded for some time but the sentence is withheld; it must be rendered at once or the case must be either delegated to a competent person or be sent to the Suprema. At the same time, whenever there was the semblance of opposition to an injustice, on the part of the secular authorities, he was prompt to repress it. The action of the Inquisition of Valencia, in confiscating the property of a certain Valenzuola, excited so much feeling that

[1] Archivo de Simancas, Inquisicion, Libro I.

the governor, the auditor-general, the royal council and the jurados met to protest against it and in so doing said some things unpleasing to the inquisitors, who thereupon complained to Ferdinand. He wrote to the offenders, March 21, 1499, rebuking them severely; it was none of their business; if the inquisitors committed an injustice the appeal lay to the inquisitor-general, who would rectify it; their duty was to aid the Inquisition and he ordered them to do so in future and not to create scandal.[1] He was more considerate when the frontier town of Perpiñan was concerned, for in 1513, when the deputy receiver of confiscations provoked antagonism by the vigor of his proceedings and the consuls complained that he had publicly insulted Franco Maler, one of their number, Ferdinand ordered the inquisitor of Barcelona to investigate the matter at once and to inflict due punishment.[2]

His whole correspondence shows the untiring interest which he felt in the institution, not merely as a financial or political instrument, but as a means of defending and advancing the faith. He was sincerely bigoted and, when he had witnessed an auto de fe in Valladolid, he wrote, September 30, 1509, to the inquisitor Juan Alonso de Navia to express the great pleasure which it had given him as a means of advancing the honor and glory of God and the exaltation of the Holy Catholic faith.[3] Inquisitors were in the habit of sending him reports of the autos celebrated by them, to which he would reply in terms of high satisfaction, urging them to increased zeal. On one occasion, in 1512, and on another in 1513, he was so much pleased that he made a present to the inquisitor of two hundred ducats and ordered fifteen ducats to be given to the messenger.[4]

A quarter of a century elapsed before there was, in the Castilian kingdoms, any serious resistance to the Inquisition. The trouble which then occurred was provoked by the excesses of an inquisitor named Lucero at Córdova, which were brought to light only by the relaxation of Ferdinand's stern rule during the brief reign of Philip of Austria and the subsequent interregnum. As this affords us the only opportunity of obtaining an inside view of what was possible, under the usually impenetrable mantle of

[1] Archivo de Simancas, Inquisicion, Lib. I.
[2] Ibidem, Lib. III, fol. 221.
[3] Ibidem, Lib. III, fol. 22.
[4] Ibidem, Lib. III, fol. 193, 214.

secrecy characteristic of inquisitorial procedure, it is worthy of investigation in some detail.

Córdova was somewhat unfortunate in its inquisitors; whether more or less so than other communities it would now be impossible to say. Lucero's predecessor was Doctor Guiral, Dean of Guadix, who was transferred from there to Avila, in 1499. Falling under suspicion for irregularities, a papal brief was procured commissioning the Archbishop of Toledo to investigate him—and it is noteworthy that, although the inquisitor-general had full power of appointment, punishment and dismissal, papal intervention was deemed necessary in this case. The result showed the ample opportunities offered by the position for irregular gains and for oppression and injustice. He had received 150,000 maravedís by selling to penitents exemptions from wearing the sanbenito, or penitential garment. A large amount was secured in various ways from the receiver of confiscations, who was evidently an accomplice and who, of course, received his share of the spoils. Pilfering from sequestrated property yielded something, including ninety-three pearls of great value. Through his servants he gathered rewards or percentages offered, as we shall see, for discovering concealed confiscated property. He pocketed the fines which he imposed on reconciled penitents and was therefore interested in aggravating them. He negotiated for the Conversos of Córdova an agreement under which they compounded with 2,200,000 maravedís for confiscations to which they might become liable, and for this he received from them nearly 100,000, to which he added 50,000 by enabling two of the contributors to cheat their fellows by escaping payment of their assessments to the common fund. When transferred to Avila his field of operations was less productive, but he made what he could by extorting money from the kindred of his prisoners, and he did not disdain to take ten ducats and an ass from an official of the prison for some offence committed. As the royal fisc suffered from his practices he was arrested and tried, but, unfortunately, the documents at hand do not inform us as to the result.[1]

His successor at Córdova, Diego Rodríguez Lucero, was a criminal of larger views and bolder type, who presents himself to us as the incarnation of the evils resultant from the virtually

[1] Archivo de Simancas, Patronato real; Inquisicion, Legajo único, fol. 37.

irresponsible powers lodged in the tribunals. Our first glimpse of him is in 1495, when he figures as inquisitor of Xeres and the recipient from Ferdinand and Isabella of a canonry in Cadiz.[1] This shows that he had already gained the favor of the sovereigns, which increased after his promotion to Córdova, September 7, 1499, where, by the methods which we shall presently see, his discoveries of apostate Judaizers were very impressive. A royal letter of December 11, 1500, cordially thanked him for the ample details of a recent despatch relating how he was every day unearthing new heretics; he was urged to spare no effort for their punishment, especially of those who had relapsed, and to report at once everything that he did. His zeal scarce required this stimulation and his lawless methods are indicated by a letter of February 12, 1501, of Ferdinand and Isabella to their son-in-law Manoel of Portugal, expatiating on the numerous heretics recently discovered in Córdova, of whom two heresiarchs, Alfonso Fernández Herrero and Fernando de Córdova had escaped to Portugal, whither Lucero had despatched his alguazil to bring them back without waiting to obtain royal letters. This was an unwarrantable act and, when the alguazil seized the fugitives, Manoel refused license to extradite them until he should have an opportunity of seeing the evidence against them. Ferdinand and Isabella declare that this would be a grievous impediment to the Holy Office and disservice to God and they affectionately entreat Manoel to surrender the accused for the honor of God and also to protect from maltreatment the officials who had aided in their capture.[2]

We may not uncharitably assume that a portion, at least, of the favor shown to Lucero may have been due to the pecuniary results of his activity. By this time the confiscations, which at first had contributed largely to the royal treasury, were considerably diminished and at some places were scarce defraying the expenses of the tribunals. To this Córdova was now an exception; that its productiveness was rapidly growing is manifest from a letter of Ferdinand, March 12, 1501, to the receiver, Andrés de Medina, stating that he learns that there is much to be done and authorizing the appointment of two assistants at salaries of 10,000 maravedís and, on January 12 and 13,

[1] Informe de Quesada (Biblioteca nacional, Seccion de MSS., T, 28).
[2] Archivo de Simancas, Inquisicion, Libro I.

1503, orders were drawn on Córdova for 500,000 maravedís to defray inquisitorial salaries elsewhere. On the same date we have another illustration of Lucero's activity in the sudden arrest of four of the official public scriveners. As they were the depositaries of the papers of their clients, the sequestration of all their effects produced enormous complications, to relieve which Ferdinand ordered all private documents to be sorted out and put in the hands of another scrivener, Luis de Mesa. This shows how the operations of the Inquisition might at any moment affect the interests of any man and it illustrates another of the profits of persecution for, when these delinquents should be burnt or disabled from holding public office, there would be four vacancies to be eagerly contended for by those who had money or favor for their acquisition.[1]

As early as 1501 there is evidence of hostility between Lucero and the Córdovan authorities. When the receiver of confiscations, accompanied by Diego de Barrionuevo, scrivener of sequestrations, was holding a public auction of confiscated property, the alguazil mayor of the city, Gonzalo de Mayorga, ordered the town-crier, Juan Sánchez, who was crying the auction, to come with him in order to make certain proclamations. The scrivener interposed and refused to let Sánchez go; hot words passed in which Mayorga insulted the Inquisition and finally struck the scrivener with his wand of office, after which the alcalde mayor of the city, Diego Rúiz de Zarate, carried him off to prison. The inviolability of the officials of the Inquisition was vindicated by a royal sentence of September 6th, in which

[1] Archivo de Simancas, Inquisicion, Libro I.

The redistribution of offices may be reckoned among the influences which reconciled the Old Christians to the Inquisition. These had been largely in the hands of Conversos, causing so much jealousy that the prospect of acquiring them led numbers of aspirants to wish for the sharpest and speediest action. It was too slow for their eagerness and expectative grants were sought for and made in advance so as to profit by the next victim. The vacancies passed into the hands of the receivers and were distributed by the sovereigns as favor or policy might dictate. See Appendix for suggestive extracts from the register of the receiver of Valencia.

A significant case is that of Juan Cardona, public scrivener and notary of mortmains, who became disqualified by the condemnation of the memory of his father, Leonardo Cardona, whereupon Ferdinand treated his offices as confiscated and, by cédula of December 5, 1511, bestowed them on Juan Argent, notary of the tribunal which had rendered the sentence.—Archivo de Simancas, Inquisicion, Libro III, fol. 33, 161.

Mayorga, in addition to the arbitrary penance to be imposed on him by Lucero, was deprived of his office for life, was disabled from filling any public position whatever, and was banished perpetually from Córdova and its district, which he was to leave within eight days after notification. Zarate was more mercifully treated and escaped with six months' suspension from office.[1] This severity to civic officials of high position was a warning to all men that Lucero was not to be trifled with.

The unwavering support that he received from Ferdinand is largely explicable by the complicity of Juan Róiz de Calcena, a corrupt and mercenary official whom we shall frequently meet hereafter. He was Ferdinand's secretary in inquisitorial affairs, conducting all his correspondence in such matters, and was also secretary to the Suprema, and thus was able in great degree to control his master's action, rendering his participation in the villainies on foot essential to their success. How these were worked is displayed in a single case which happens to be described in a memorial from the city of Córdova to Queen Juana. The Archdeacon of Castro, Juan Muñoz, was a youth of seventeen, the son of an Old Christian mother and a Converso hidalgo. His benefice was worth 300,000 maravedís a year and he was a fair subject of spoliation, for which a plot was organized in 1505. His parents were involved in his ruin, all three were arrested and convicted and he was penanced so as to disable him from holding preferment. The spoils were divided between Cardinal Bernardino Carvajal, for whom bulls had been procured in advance, Morales the royal treasurer, Lucero and Calcena. The governor and chapter of Córdova gave the archdeaconry to Diego Vello, chaplain of the bishop, but the Holy See conveniently refused confirmation and bestowed it on Morales; Lucero obtained a canonry in Seville and some benefices in Cuenca, while Calcena received property estimated at 4,000,000 maravedís—doubtless an exaggerated figure representing the aggregate of his gains from complicity throughout Lucero's career.[2]

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[1] Archivo de Simancas, Inquisicion, Libro I.

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.—Juan Gomez Bravo, Catálogo de los Obispos de Córdova, I, 392.

In 1513 an attempt was made to review the trial of the parents and son, when Ferdinand summoned the Royal Council to sit with the Suprema in the case showing his determination that the sentence should not be set aside (Archivo de

It was probably in 1501 that the combination was formed which emboldened Lucero to extend his operations, arresting and condemning nobles and gentlemen and church dignitaries, many of them Old Christians of unblemished reputation and *limpios de sangre*. It was easy, by abuse and threats, or by torture if necessary, to procure from the accused whatever evidence was necessary to convict, not only themselves but whomsoever it was desired to ruin. A great fear fell upon the whole population, for no one could tell where the next blow might fall, as the circle of denunciation spread through all ranks. Apologists from that time to this have endeavored to extenuate these proceedings by suggesting that those compromised endeavored to secure allies by inculpating in their confessions men of rank and influence, but in view of Lucero's methods and the extent of his operations such an explanation is wholly inadequate to overthrow the damning mass of evidence against him.[1]

His views expanded beyond the narrow bounds of Córdova, and he horrified the land by gathering evidence of a vast conspiracy, ramifying throughout Spain, for the purpose of subverting Christianity and replacing it with Judaism, which required for its suppression the most comprehensive and pitiless measures. In memorials to Queen Juana the authorities, ecclesiastic and secular, of Córdova described how he had certain of his prisoners assiduously instructed in Jewish prayers and rites so that they could be accurate in the testimony which, by menaces or torture, he forced them to bear against Old Christians of undoubted orthodoxy. In this way he proved that there were twenty-five *profetissas* who were engaged in traversing the land to convert it to Judaism, although many of those designated had never in their lives been outside of the city gates. Accompanying them were fifty distinguished personages, including ecclesiastics and preachers of note.[2] Of course, these stories lost nothing in passing from mouth to mouth, and it was popularly said that some of these prophetesses, in their unholy errand, travelled as

Simancas, Inq., Libro 9, fol. 146). The effort to obtain justice was unsuccessful for, in 1515, we happen to find Calcena in possession of a house renting at 9000 mrs. per annum which had formed part of the confiscation (Ibid., Libro 3, fol. 439).

[1] Epistt. Pet. Mart. Anglerii, Epist. 374.—Zurita, Hist. del Rey Hernando, Lib. VII, cap. xxix.—Rodrigo, Hist. verdadera, II, 238. Cf. Lorenzo de Padilla, Crónica de Felipe I (Coleccion de Documentos, VIII, 153).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.

drunken Bacchantes and others were transported on goats by the powers of hell.[1] A single instance, which happens to have reached us, illustrates the savage thoroughness with which he protected the faith from this assault. A certain Bachiller Membreque was convicted as an apostate Judaizer who had disseminated his doctrines by preaching. Lists were gathered from witnesses of those who had attended his sermons and these, to the number of a hundred and seven, were burnt alive in a single auto de fe.[2] The inquisitorial prisons were filled with the unfortunates under accusation, as many as four hundred being thus incarcerated, and large numbers were carried to Toro where, at the time, Inquisitor-general Deza resided with the Suprema.

The reign of terror thus established was by no means confined to Córdova. Its effects are energetically described by the Capitan Gonzalo de Avora, in a letter of July 16, 1507, to the royal secretary Almazan. After premising that he had represented to Ferdinand, with that monarch's assent, that there were three things requisite for the good of the kingdom—to conduct the Inquisition righteously without weakening it, to wage war with the Moors, and to relieve the burdens of the people—he proceeds to contrast this with what had been done. "As for the Inquisition," he says, "the method adopted was to place so much confidence in the Archbishop of Seville (Deza) and in Lucero and Juan de la Fuente that they were able to defame the whole kingdom, to destroy, without God or justice, a great part of it, slaying and robbing and violating maids and wives to the great dishonor of the Christian religion. . . . As for what concerns myself I repeat what I have already written to you, that the damages which the wicked officials of the Inquisition have wrought in my land are so many and so great that no reasonable person on hearing of them would not grieve."[3] When a horde of rapacious officials, clothed in virtual inviolability, was let loose upon a defenceless population, such violence and rapine were inevitable incidents, and the motive of this was explained, by the Bishop of Córdova and all the authorities of the city, in a petition to the pope, to be the greed of the inquisitors for the confiscations which they habitually embezzled.[4]

[1] Epistt. Pet. Mart., Epist. 385.
[2] Archivo de la Catedral de Córdova, Cajon I, n. 300; Cajon J n. 295, 296.
[3] Boletin, XVII, 447–51.
[4] Archivo de la Catedral de Córdova, Cajon I, n. 304.

It was probably in 1505, after the death of Isabella, November 16, 1504, that the people of Córdova first ventured to complain to Deza. He offered to send the Archdeacon Torquemada who, with representatives of the chapter and the magistrates, should make an impartial investigation, but when the city accepted the proposition he withdrew it. A deputation consisting of three church dignitaries was then sent to him asking for the arrest and prosecution of Lucero. He replied that if they would draw up accusations in legal form he would act as would best tend to God's service, and, if necessary, would appoint judges to whom they could not object.[1] This was a manifest evasion, for the evidence was under the seal of the Inquisition and Deza alone could order an investigation. Apparently realizing that it was useless to appeal to Ferdinand, whose ears were closed by Calcena, their next recourse was to Isabella's daughter and successor, Queen Juana, then in Flanders with her husband Philip of Austria. Philip was eager to exercise an act of sovereignty in the kingdom, which Ferdinand was governing in the name of his daughter and, on September 30, 1505, a cédula bearing the signatures of Philip and Juana was addressed to Deza, alleging their desire to be present and participate in the action of the Inquisition and meanwhile suspending it until their approaching arrival in Castile, under penalty of banishment and seizure of temporalities for disobedience, at the same time protesting that their desire was to favor and not to injure the Holy Office. Although a circular letter to all the grandees announced this resolution and commanded them to enforce it, no attention was paid to it. Don Diego de Guevara, Philip's envoy, in fact wrote to him the following June that his action had produced a bad impression, for the people were hostile to the Conversos and there was talk of massacres like that of Lisbon.[2]

The next step of the opponents of Lucero was to recuse Deza as judge and to interject an appeal to the Holy See, leading to an active contest in Rome between Ferdinand and his son-in-law. A letter of the former, April 22, 1506, to Juan de Loaysa, agent of the Inquisition in Rome, described the attempt as an audacious and indecent effort to destroy the Inquisition which was more

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.—Zurita, Hist. del Rey Hernando, Lib. VII, cap. xxix.

[2] Coleccion de Documentos, VIII, 336, 337.—Gachard, Voyages des Souverains, I, 519.

necessary than ever. Loaysa was told that he could render no greater service to God and to the king than by defeating it; minute instructions were given as to the influences that he must bring to bear, and he was reminded that Holy Writ permits the use of craft and cunning to perform the work of God. The extreme anxiety betrayed in the letter indicates that there was much more involved than the mere defence of Lucero and Deza; it was with Philip and Juana that he was wrestling and the stake was the crown of Castile. On the other hand, Philip, doubtless won by the gold of the Conversos, had fairly espoused their cause and was laboring to obtain for them a favorable decision from the pope. His ambassador, Philibert of Utrecht, under date of June 28th, reported that he had urged Julius II not to reject the appeal of the Marranos but the politic pontiff replied that he must reserve his decision until Ferdinand and Philip had met.[1]

Undeterred by the mutterings of the rising storm, Lucero about this time saw in Isabella's death a chance to strike at a higher quarry than he had hitherto ventured to aim at. The Geronimite Hernando de Talavera had won her affectionate veneration as her confessor and, on the conquest of Granada, in 1492, she had made him archbishop of the province founded there. He had a Jewish strain in his blood, as was the case in so many Spanish families; he was in his eightieth year, he was reverenced as the pattern and exemplar of all Christian virtues and he devoted himself unsparingly to the welfare of his flock, spending his revenues in charity and seeking by persuasion and example to win over to the faith his Moorish subjects. Yet he was not without enemies, for he had been the active agent in the reclamation by Ferdinand and Isabella, in 1480, of royal revenues to the amount of thirty millions of maravedís, alienated by Henry IV to purchase the submission of rebellious nobles and, although a quarter of a century had passed, it is said that the vengeful spirit thus aroused was still eager to encompass his ruin.[2]

Whatever may have been Lucero's motive, inquisitorial

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 198.—Biblioteca nacional, Seccion de MSS., D, 118, n. 11, fol. 24.—Llorente, Añales, I, 328.—Gachard, Voyages des Souverains, I, 548.

[2] Clemencin, Elogio de la Reina Isabel, pp. 144–5.—Pedraza, Hist. de Granada, P. IV, cap. xxxi (Granada, 1638).

methods afforded abundant facilities for its accomplishment. He selected a woman whom he had tortured on the charge of being a Jewish prophetess and maintaining a synagogue in her house. He threatened her with further torture unless she should testify to what she had seen in a room in Talavera's palace and, on her replying that she did not know, he instructed her that an assembly was held, divided into three classes; in the first was the archbishop, with the bishops of Almería, Jaen and others; in the second, the dean and the provisor of Granada, the treasurer, the alcaide and other officials; in the third the prophetesses, the sister and nieces of Talavera, Doña María de Peñalosa and others. They agreed to traverse the kingdom, preaching and prophesying the advent of Elias and the Messiah, in concert with the prophets who were in the house of Fernan Alvárez of Toledo, where they were crowned with golden crowns.[1] All this was duly sworn to by the witness, as dictated to her by the fiscal, and formed a basis for the prosecution of Talavera and his family, doubtless supported by ample corroborative evidence, readily obtainable in the same manner. The occurrence of the name of the Bishop of Jaen suggests a further political intrigue; he was Alfonso Suárez de Fuentelsaz, the former colleague of Deza as inquisitor-general and was no doubt known as inclining to the Flemish party, as he subsequently accepted from Philip the presidency of the Royal Council.

Impenetrable secrecy was one of the most cherished principles of inquisitorial procedure, but Lucero probably desired to prepare the public for the impending blow and whispers concerning it began to circulate. Peter Martyr of Anghiera, who was attached to the royal court, wrote on January 3, 1506, to the Count of Tendilla, Governor of Granada, that Lucero, by means of witnesses under torture, had succeeded in imputing Judaism to the archbishop and his whole family and household; as there was no one more holy than Talavera, he found it difficult to believe that any one could be found to fabricate such a charge.[2] The attack commenced by arresting, in the most public and offensive manner, Talavera's nephew, the dean and the officials of his church, during divine service and in his presence, evidently with the purpose of discrediting him. The arrest followed of his sister, his nieces and his servants, and we can readily conceive

[1] Archivo de la Catedral de Córdova, Cajon J, n. 297.

[2] Pet. Mart. Angler. Epist. 295.

the means by which even his kindred were compelled to give evidence incriminating him, as we gather from a letter of Ferdinand, June 9, 1506, to his ambassador at Rome, Francisco de Rojas, in which he says that the testimony against Talavera is that of his sisters and kindred and servants.[1] Before he could be arrested and prosecuted, however, special authorization from the Holy See was requisite, for, by a decree of Boniface VIII, inquisitors had no direct jurisdiction over bishops. For this, Ferdinand's intervention was necessary and, after some hesitation, he consented to make the application. The inculpatory evidence given by Talavera's family was sent to Rome; Francisco de Rojas procured the papal commission for his trial and forwarded it, June 3, 1506.[2]

Before it was despatched, however, Ferdinand's position had changed with the arrival in Spain of his daughter Juana, now Queen of Castile, and her husband Philip of Austria. Eager to throw off Ferdinand's iron rule and to win the favor of the new sovereigns, most of the nobles had flocked to them and with them the Conversos, who hoped to secure a modification in the rigor of the Inquisition. They had been aroused by the sufferings of their brethren in Córdova, whose cause was their own, and they were becoming an element not to be disregarded in the political situation; they had already secured a hearing in the Roman curia, always ready, as we shall see hereafter, to welcome appellants with money and to sacrifice them after payment received; they had obtained from Julius II commissions transferring from the Inquisition cognizance of certain cases—commissions which Ferdinand repeatedly asked the pope to withdraw and doubtless with success, as they do not appear in the course of events; they had even approached Ferdinand himself, while in Valladolid, with an offer of a hundred thousand ducats if he would suspend the Inquisition until the arrival of Juana and Philip. This offer, he says in a letter of June 9, 1506, to Rojas, he spurned, but we may perhaps doubt his disinterestedness when he adds that, as Philip has disembarked and is unfamiliar

[1] Llorente, Hist. crít. Append. n. 9.—Correspondence of Rojas (Boletin, XXVIII, 448).

[2] Dom Clemencin (Elogio, Illust. XVIII) prints a noble and touching letter of reproof from Talavera to Ferdinand. He had had the direction of royal consciences too long to feel awe of royal personages. Spiritually he felt himself the king's superior and his perfectly frank simplicity of character led him to manifest this without disguise.

with Spanish affairs, he had secretly ordered Deza to suspend the operations of all the tribunals—the motive of which evidently was to create the belief that Philip was responsible for it. As for Talavera, he adds, as it would greatly scandalize the new converts of Granada, if they thought there were errors of faith in him whom they regarded as so good a Christian, he had concluded to let the matter rest for the present and would subsequently send instructions.[1] He evidently had no belief in Lucero's fabricated evidence, a fact to be borne in mind when we consider his attitude in the ultimate developments of the affair. This despatch, of course, reached Rojas too late to prevent the issuing of the commission to try Talavera, but it explains why that document was suppressed when it arrived. Deza denied receiving it; it disappeared and Talavera, in his letter of January 23, 1507, to Ferdinand, manifests much anxiety to know what had become of it, evidently dreading that it would be opportunely found when wanted.

By the agreement of Villafáfila, June 27, 1506, Ferdinand bound himself to abandon Castile to Philip and Juana; he departed for Aragon and busied himself with preparations for a voyage to Naples, whither he set sail September 4th. Philip assumed the government and disembarrassed himself of his wife by shutting her up as unfit to share in the cares of royalty. He was amenable to the golden arguments of the Conversos and doubtless had not forgotten the contempt with which had been treated his order of the previous year to suspend the Inquisition. He therefore naturally was in no haste to revive its functions. Ferdinand's secretary Almazan writes to Rojas, July 1st, that the king and the grandees have imprisoned Juana and no one is allowed to see her; he has in vain sought to get some prelates to carry letters from her to her father, but no one ventures to do so; the grandees have done this to partition among themselves the royal power, the Conversos to free themselves from the Inquisition, which is now extinct.[2]

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[1] Correspondence of Rojas (Boletin, XVIII, 444, 448).—Gachard, Voyages des Souverains, I, 534, 540.

[2] Correspondence of Rojas (Boletin, XVIII, 452).

The story of Queen Juana la loca is one of the saddest in the annals of royalty and her treatment by her father, husband and son is a libel on human nature, but no one who has impartially examined all the evidence can doubt that she was incapable of governing.

The people of Córdova made haste to take advantage of the situation. They sent a powerful appeal to Philip and Juana, stating that their previous complaints had been intercepted through Deza's influence and accusing Lucero of the most arbitrary iniquities.[1] They asked that all the inquisitorial officials at Córdova and Toro should be removed and the whole affair be committed to the Bishop of Leon. Philip referred the matter to the Comendador mayor, Garcilasso de la Vega and to Andrea di Borgo, ambassador of Maximilian I, two laymen, to the great scandal, we are told, of all ecclesiastics.[2] The Conversos were triumphant and the Inquisition succumbed completely. The Suprema, including Deza himself, hastened to disclaim all responsibility for Lucero's misdeeds in a letter addressed to the chapter of Córdova, in which it said that the accusations brought against him seemed incredible, for even highwaymen, when robbing their victims, spare their lives, while here not only the property but the lives of the victims were taken and the honor of their descendants to the tenth generation. But, after hearing the narrative of the Master of Toro there could no longer be doubt and to tolerate it would be to approve it. Therefore, the chapter was instructed to continue to prevent these iniquities and their majesties would be asked to apply a remedy and to punish their authors.[3] The remedy applied was to compel Deza to subdelegate irrevocably to Diego Ramírez de Guzman, Bishop of Catania and member of the Council of State, power to supersede Lucero and revise his acts, which was confirmed by a papal brief placing in Guzman's hands all the papers and prisoners in Córdova, Toro and Valladolid.[4] Lucero endeavored to anticipate this by burning all his prisoners so as to get them out of the way, but after the auto de fe was announced there came orders from the sovereigns which fortunately prevented the holocaust.[5]

The relief of the sufferers seemed assured, but the situation was radically changed by the sudden death of Philip, September 25, 1506, for although Juana was treated nominally as queen, she exercised no authority. Deza promptly revoked Guzman's commission, of which the papal confirmation seems not to have been

[1] Archivo de la Catedral de Córdova, Cajon A, n. 5.
[2] Zurita, Hist. del Rey Hernando, Lib. VII, cap. vi.
[3] Archivo de la Catedral de Córdova, Cajon I, n. 302.
[4] Ibidem, n. 300.
[5] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.

received; he took possession of the prisoners at Toro and sent the Archdeacon of Torquemada to Córdova to do the same, but Francisco Osorio, the representative of Guzman, refused to obey. The people of Córdova were in despair. It was in vain that they sent delegations to Deza and petitioned the queen to save them. Deza was immovable and the queen refused to act in this as in everything else. The chapter, every member of which was an Old Christian, proud of his *limpieza*, assembled on October 16th to consider the situation. Some of the most prominent dignitaries of the Church had already been arrested by Lucero and had been treated by him as Jewish dogs; he had asserted that all the rest, and most of the nobles and gentlemen of the city and of other places, were apostates who had converted their houses into synagogues; in view of the impending peril, it was unanimously resolved to defend themselves, while the citizens at large declared that they would sacrifice life and property rather than to submit longer to such insupportable tyranny.[1]

If the eclipse of the royal authority had enabled Deza to restore Lucero to power it also afforded opportunity for forcible resistance. The grandees of Castile were striving to recover the independence enjoyed under Henry IV, and a condition of anarchy was approaching rapidly. The two great nobles of Córdova, the Count of Cabra, Lord of Baena and the Marquis of Priego, Lord of Aguilar and nephew of the Great Captain, were nothing loath to listen to the entreaties of the citizens, especially as the marquis had been summoned by Lucero to appear for trial. Meetings were held in which formal accusations of Lucero and his promotor fiscal, Juan de Arriola, were laid before Padre Fray Francisco de Cuesta, comendador of the convent of la Merced, who seems to have assumed the leadership of the movement. He pronounced judgement, ordering Lucero and the fiscal to be arrested and their property to be confiscated. Under the lead of Cabra and Priego the citizens arose to execute the judgement. On November 9th they broke into the alcázar, where the Inquisition held its seat, they seized the fiscal and some of the subordinates and liberated the prisoners, whose recital of their wrongs excited still more the popular indignation, but no blood was shed and Lucero saved himself by flight.[2] The whole pro-

[1] Archivo de la Catedral de Córdova, Cajon J, n. 295, 298.—Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.

[2] Archivo de la Catedral de Córdova, Cajon I, n. 301.

ceeding appears to have been orderly; a commission of ecclesiastics and laymen was appointed, to which the kinsmen and friends of the prisoners gave security that they should be forthcoming for trial, as soon as there should be a king in the land to administer justice. This engagement was duly kept and their temporary liberation under bail was justified on the ground that many of them had been incarcerated for six or seven years and that all were in danger of perishing by starvation, for they were penniless, their property having been confiscated and Deza having ordered the receiver of confiscations not to provide for them.[1]

When the news of this uprising reached Deza he promptly, November 18th, commissioned his nephew, Pedro Juárez de Deza, Archbishop-elect of the Indies, to prosecute and punish all concerned, while by his orders the tribunal of Toledo intercepted and threw into prison Doctor Alonso de Toro, sent by the city to present its case to the queen. Other envoys, however, bore instructions to ask for the removal of Deza and the prosecution of Lucero and his officials, coupled with the intimation that steps had been taken to convoke all the cities of Andalusia and Castile to devise measures of protection against the intolerable tyranny of the Inquisition.[2] This plan seems to have been abandoned but, early in January, 1507, the Bishop of Córdova, Juan de Daza, in conjunction with the clerical and secular authorities, sent a solemn appeal to the pope, asking him to appoint Archbishop Ximenes and the Bishop of Catania or of Málaga, with full power to investigate and to act, and this they accompanied, January 10th, with a petition to Ferdinand, who was still in Naples, to support their request to the pope.[3] Deza, however, continued to command Ferdinand's unwavering support and the result was seen in the prompt and uncompromising action of Julius II. He wrote to Deza that the Jews, pretending to be Christians, who had dared to rise against the Inquisition, must be exterminated root and branch; no labor was to be spared to suppress this pestilence before it should spread, to hunt up all who had participated in it and to exercise the utmost severity in punishing them, without appeal, for their crimes.[4]

[1] Lorenzo de Padilla, Crónica de Felipe I (Coleccion de Documentos, VIII, 153).—Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 46.

[2] Archivo de la Catedral de Córdova, Cajon I, n. 301.—Archivo de Simancas, *loc. cit.*

[3] Archivo de la Catedral de Córdova, Cajon A, n. 5; Cajon I, n. 304.

[4] Bulario de la Orden de Santiago, Lib. III, fol. 320.—See Appendix.

Thus stimulated and encouraged, Lucero resumed his activity and the liberated prisoners were surrendered to him. Peter Martyr writes from the court, March 7, 1507, to Archbishop Talavera, that his sister and his nephew the Dean of Granada, Francisco Herrera—who had doubtless been released in the rising of November 9th—had been thrown in prison in Córdova. Talavera himself, moreover, was put on trial before the papal nuncio, Giovanni Ruffo, and assessors duly commissioned by the pope, showing that Ferdinand's scruples as to scandalizing the people of Granada had vanished in the fierce resolve to vindicate Lucero and that the missing papal brief had been duly found. Peter Martyr describes his earnest efforts to convince the judges of Talavera's holy life and spotless character, to which they replied that all this might be true but their business was to ascertain the secrets of his heart.[1] By the time the evidence was sent to Rome, however, his conviction was no longer desired; the testimony was pronounced to be worthless and Pascual de la Fuente, Bishop of Burgos, who was in attendance on the curia, was an earnest witness in his favor.[2] The papal sentence was acquittal and this apparently carried with it the exoneration of his kindred—but it came too late. On May 21st Peter Martyr exultingly writes to him that the dean and his sister with their mother and the rest of his innocent household had been set free, but already he had gone to a higher tribunal. On Ascension-day (May 13th) he had walked, bareheaded and barefooted, in the procession through the streets of Granada, when a violent fever set in and carried him off the next day. He had accumulated no treasure, having spent all his revenues on the poor; he left no provision for his family and the Bishop of Málaga charitably gave to his sister a house in Granada to shelter her old age. His reputation for sanctity is seen in the accounts which at once were circulated, with universal credence of the miracles wrought by him in curing the sick.[3]

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[1] Pet. Mart. Epistt., 333, 334, 335.

[2] Pedraza, Hist. eccles. de Granada, P. iv, cap. 31–34.

[3] Pet. Mart. Epistt., 342, 344, 457.—Pedraza, *loc. cit.*

The Inquisition which had hunted him to the death could never forgive him for his escape. When, in 1559, Inquisitor-general Valdés compiled the first Index of prohibited books, a long-forgotten controversial tract against the Jews, printed by Talavera in 1480, was resuscitated and condemned in order to cast a slur upon his memory and this was carefully preserved through the long series

The reaction in favor of the Inquisition, led by Ferdinand and Julius II, had evidently been short-lived, for the political situation dominated everything and king and pope found it advisable to yield. Juana was keeping herself secluded with the corpse of her husband and was refusing to govern. The rival factions of the two grandfathers of Charles V, Maximilian I and Ferdinand, each striving for the regency during his minority, were both desirous of the support of the Conversos and thus the question of the Córdovan prisoners attained national importance as one on which all parties took sides. Ximenes, the Duke of Alva and the Constable of Castile, the heads of Ferdinand's party, held a conference at Cavia and listened to the complaints against Deza, for which they promised to find a remedy. The friends of the prisoners, however, seemed more inclined towards the faction of Maximilian; they offered money to defray the expenses of troops to be sent to Spain to resist Ferdinand's return and it was currently rumored that four thousand men were gathered in a Flemish port ready to embark. It is not easy to penetrate the secret intrigues culminating in the settlement which gave the regency to Ferdinand, but Ximenes, who represented him, took advantage of the situation, with his usual skill, to further his own ambition, which was to gain the cardinal's hat and Deza's position as inquisitor-general.[1] For the former of these Ferdinand had made application as early as November 8, 1505, and had repeated the request October 30, 1506; it was granted in secret consistory, January 4, 1507, and was published May 17th.[2] For the latter, the complaints of the Conversos afforded substantial reasons; we have seen that Córdova had petitioned the pope to commission Ximenes as its judge and his appointment would help to pacify the troubles. Ferdinand at length recog-

of Spanish Indexes down to the last one in 1790.—Reusch, Die Indices Libror. Prohib., p. 232.—Indice Ultimo, p. 262.

[1] Zurita, Hist. del Rey Hernando, Lib. VII, cap. xxix, xxxiv, xlii; Lib. VIII, cap. i, v.—Villa, La Reina Juana, pp. 462, 463.

Zurita, who, as an official of the Suprema, no doubt reflects the tradition of the Inquisition, says that many murmured at seeing Ferdinand, to win over Ximenes, sacrifice Deza, for the latter was a most notable prelate, a man of great learning and devoted to the king's service. He has claims too on our respect as the patron of Columbus, befriending and encouraging him when disheartened by the incredulity of the court.—Irving's Life and Voyages of Columbus, Book II, Chap. 3, 4; Book XVIII, Chap 3.

[2] Correspondence of Rojas (Boletin, XXVIII, 440, 457).—Ciacconii et Oldoini Vit. Pontif. III, 261.

nized that Deza's sacrifice was inevitable, and the way was made easy for him, as he was allowed to resign. On May 18th Ferdinand writes to Ximenes from Naples that he had received Deza's resignation and had taken the necessary steps to secure for him the succession; he has two requests to make—that he shall foster piety and religion by appointing only the best men and that he shall exercise the utmost care that nothing shall be allowed to impair Deza's dignity.[1] The commission as inquisitor-general was duly issued on June 5, 1507.

The hatred excited by Lucero had been too wide-spread and the friends of the prisoners were too powerful to be satisfied with the mere substitution of Ximenes for Deza, and there was evidently an understanding that the matter was not to be dropped. As early as May 1st, Peter Martyr writes that it is reported that the imprisoned witnesses, corrupted by Lucero, are to be released and that he will expiate with due punishment his unprecedented crimes.[2] Some such promise was probably necessary for the pacification of the land, but the delay in its performance is significant of protection at the fountain-head of justice. It assumed at first the shape of an action brought by the chapter and city of Córdova before the pope, charging Lucero with the evil wrought by his suborning some witnesses and compelling others by punishment to testify that the plaintiffs were heretics. Julius II commissioned Fray Francisco de Mayorga as apostolic judge to try the case, and, on October 17, 1507, he decreed that Lucero be imprisoned and held to answer at law. Nothing further was done, however, and the impatient citizens addressed a memorial to Queen Juana, asking her to send some one to inform himself about it and report to her.[3] The action of the apostolic judge seems to have been regarded as a mere formality; the months passed away and it was not until May 18, 1508, that the Suprema took independent cognizance of the matter, when Ximenes and his colleagues, except Aguirre, all voted that Lucero should be arrested.[4] Peter Martyr intimates more than

[1] Gomesii de Rebus gestis Francisci Ximenii, fol. 77 (Compluti, 1569).

[2] Pet. Mart. Epist., 339.

[3] Archivo de la Catedral de Toledo, Cajon I, n. 303.

[4] Biblioteca nacional, Seccion de MSS., G, 61, fol. 208.

The Licenciado Ortuño Ibañez de Aguirre was a layman whom Ferdinand forced into the Suprema against the earnest resistance of its members, probably with the view of screening Lucero. He was the *âme damnée* of Ferdinand who corresponded with him confidentially when he wanted anything done. His fidelity

once that numbers of the Suprema were suspected of complicity with Lucero and assures us that the Council did not act without thorough investigation of numerous witnesses and interminable masses of documents, revealing an incredible accumulation of impossible and fantastic accusations contrived to bring infamy on all Spain.[1]

It was apparently the first time that an inquisitor had been thus publicly put on trial for official malfeasance and the opportunity was improved to render the spectacle a solemn one, fitted not only to satisfy the national interest felt in the case but to magnify the office of the accused by the scale of the machinery employed to deal with him. Lucero was carried in chains to Burgos, where the court was in residence, and was confined in the castle under strict guard. Ximenes assembled a *Congregacion Católica*, composed of twenty-one members besides himself, including a large portion of the Royal Council, the Inquisitor-general of Aragon and other inquisitors, several bishops and various other dignitaries—in short, an imposing representation of the piety and learning of the land.[2] After numerous sessions, presided over by Ximenes, sentence was rendered July 9, 1508, and was published August 1st, at Valladolid, whither the court had removed, in presence of Ferdinand and his magnates and a great concourse assembled to lend solemnity to this restoration of the honor of Castile and Andalusia, which had been so deeply compromised by the pretended revelations extorted by Lucero. This weighty verdict declared that there were no grounds for the asserted existence of synagogues, the preaching of sermons and the assemblies of missionaries of Judaism or for the prosecution of those accused. The witnesses—or rather prisoners—were discharged and everything relating to these fictitious crimes was ordered to be expunged from the records. To complete the vindication of the memory of the victims, Ferdinand ordered the rebuilding of the houses which had been

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was stimulated with favors, as when in December, 1513, Ferdinand gave him an order on the receiver of Seville for 300,000 mrs. (Archivo de Simancas, Inquisicion, Lib. 9, fol. 145). Las Casas, however, expresses a favorable opinion of him and he was one of the executors of Isabella's testament.—Hist. de las Indias, Lib. III, cap. 138 (Coleccion de Documentos, LXVI, 81).

[1] Pet. Mart. Epistt., 370, 382, 385.

[2] In contrast with these spectacular proceedings was the removal, by the inquisitor-general in 1500, without even stating the reasons, of Diego Fernández de Bonilla, Inquisitor of Extremadura.—Llorente, Añales, I, 260.

torn down under the provisions of the canon law requiring the destruction of the conventicles of heresy.[1] By implication, the acquittal of the prisoners convicted Lucero, but all this was merely preliminary to his trial.

Ferdinand's hand had been forced; he had been obliged to yield to public opinion, but his resolve was inflexible to undo as far as he could the results reached by Ximenes. In October he visited Córdova, where he rewarded some officials of the tribunal by grants out of the confiscated estates, which should have been restored when the proceedings were annulled. It is true that the judge of confiscations, Licenciado Simancas, was suspended, but in November, 1509, he was ordered to resume his functions and to act as he had formerly done. We happen to know that, in 1513, the house of the unfortunate Bachiller Membreque was still in possession of the Inquisition. There was no relief for those who had suffered. When the new inquisitor, Diego López de Cortegano, Archdeacon of Seville, revoked Lucero's sentence on the Licenciado Daza, who had been penanced and his property confiscated, the purchasers who had bought it complained to Ferdinand and he expressed his wrath by promptly dismissing the inquisitor and ordering all the papers in the case to be sent to the Suprema for review and action. The vacancy thus created was not easy to fill, for when, in September, 1509, Ferdinand offered the place to Alonso de Mariana he declined, saying that it would kill him, but he agreed to take the tribunal of Toledo, and it was not until February, 1510, that the Licenciado Mondragon was transferred from Valladolid to take Cortegano's place. In fact, the interests involved in the confiscations were too many and too powerful for the victims to obtain justice. Martin Alonso Conchina had been condemned by Lucero to reconciliation and confiscation; when the pressure was removed he revoked his confession as having been extorted by threats and fear, whereupon the confiscated property was placed in sequestration awaiting the result.

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[1] Pet. Mart. Epist., 393.—Llorente, Memoria histórica, p. 145 (Madrid, 1812). —Llorente, Añales, I, 356.—Gomesii de Rebus F. Ximenii, fol. 77.—Lorenzo de Padilla (Coleccion de Documentos, VIII, 154).

Llorente's account of the proceedings at Valladolid is drawn from Bravo's "Catálogo de los Obispos de Córdova" (Córdova, 1778). It is perhaps worth remarking that, in my copy of that work, the sheet containing these passages is lacking—probably owing to inquisitorial censorship.

Unluckily for him one of the items, a ground-rent of 9000 mrs. a year had been given, in April, 1506, to the unprincipled secretary Calcena, with the result that one of the new inquisitors, Andrés Sánchez de Torquemada, promptly arrested Conchina, tried him again, convicted him and sentenced him to perpetual imprisonment, so that the confiscation held good and the ground-rent, with all arrears, was confirmed to Calcena by a royal cédula of December 23, 1509. There seems to have still been some obstacle to this reaction in the episcopal Ordinary, Francisco de Simancas, Archdeacon of Córdova for, in February, 1510, Ferdinand wrote to the bishop that, without letting it be known that the order came from the king, he must be replaced with some one zealous for the furtherance of justice and, a month later, this command was peremptorily repeated. It is true that the extravagant wickedness of Lucero was scarce to be dreaded, but, with a tribunal reconstructed under such auspices, the people of Córdova could not hope for justice tempered with mercy and its productive activity is evidenced by the large drafts made, in 1510, on its receiver of confiscations. We may assume that Ximenes looked on this with disfavor for, in a letter to Ferdinand, after his return from the expedition to Oran in 1509, he supplicates that the decision of the Congregation be maintained for he has never infringed it and never intends to do so.[1]

As for the author of the evil, Lucero himself, he was sent in chains to Burgos with some of his accomplices. Ximenes, as inquisitor-general, had full power, as we have seen, to dismiss and punish them but, for some occult reason, a papal commission for their trial was applied for. This caused delay under which Ferdinand chafed, for he wrote, September 30, 1509, to his ambassador complaining that it caused great inconvenience and ordering him to urge the pope to issue it at once so that it could be sent by the first courier.[2] When it came, it empowered the Suprema to try the case and Ferdinand, who warmly espoused Lucero's cause, expressed his feelings unequivocally in a letter of April 7, 1510—"the prisoners say that they have been long in prison and those who informed against them have gone to Portugal or other parts, and others have been burnt or penanced

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 12, 13, 21, 31, 32, 33, 41, 42, 43, 48, 58, 61, 62, 72, 80, 86, 130; Lib. 9, fol. 146; Patronato Real, Inquisicion, Leg. único, fol. 33.

[2] Ibidem, Libro 3, fol. 23.

as heretics, showing clearly that they testified falsely, and they supplicate me to provide that their trial be by inquisitorial and not by accusatorial process, so that they shall not be exposed to greater infamy than hitherto by dead or perjured witnesses, especially as the law provides that the trial be summary and directed only to reach the truth. There is great compassion for their long imprisonment and suffering, wherefore I beg and charge you to look well into the matter and treat it conscientiously and with diligence for its speedy termination, with which I shall be well pleased."[1]

In spite of this urgency the trial dragged on, much delay being caused by the difficulty of finding an advocate willing to undertake Lucero's defence. The Suprema selected the Bachiller de la Torre, but he declined to serve and Ferdinand, on May 16th, expressed his fear that no one would assume the duty. July 19th he writes that Lucero complains that he still has no counsel and he suggests that, if none of the lawyers of the royal court can be trusted, Doctor Juan de Orduña of Valladolid be called in and his fees be paid by the Inquisition. The suggestion was adopted and, on August 20th, Ferdinand wrote personally to Orduña ordering him to take charge of the defence and see that Lucero suffered no wrong, and at, the same time, he wrote to the University of Valladolid to give Orduña the requisite leave of absence. Under this royal pressure, and considering that the adverse witnesses had been largely burnt or frightened into flight, it is perhaps rather creditable to the Suprema that it ventured to dismiss Lucero, without inflicting further punishment on him. He retired to the Seville canonry, which he had acquired by the ruin of the Archdeacon of Castro, and there he ended his days in peace. In 1514, Ferdinand manifested his undiminished sympathy by a gift of 15,000 mrs. to Juan Carrasco, the former *portero* of the tribunal of Córdova, to indemnify him for losses and sufferings which he claimed to have endured in the rising of 1506.[2] Yet before we utterly condemn him for his share in this nefarious business we should make allowance for the influence of Lucero's accomplice, his secretary Calcena, who was always at hand to poison his mind and draft his letters. To the same malign obsession may doubtless also be attributed an order of Charles V, in 1519, requiring the Córdovan authorities to bestow

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 84.

[2] Ibidem, fol. 90, 106, 118, 119, 375.—Gomesii de Rebus Ximenii, fol. 77.

the first vacant scrivenership on Diego Marino, who had been Lucero's notary.[1]

That Lucero was an exceptional monster may well be admitted, but when such wickedness could be safely perpetrated for years and only be exposed and ended through the accidental intervention of Philip and Juana, it may safely be assumed that the temptations of secrecy and irresponsibility rendered frightful abuses, if not universal at least frequent. The brief reign of Philip led other sorely vexed communities to appeal to the sovereigns for relief, and some of their memorials have been preserved. One from Jaen relates that the tribunal of that city procured from Lucero a useful witness whom for five years he had kept in the prison of Córdova to swear to what was wanted. His name was Diego de Algeciras and, if the petitioners are to be believed, he was, in addition to being a perjurer, a drunkard, a gambler, a forger and a clipper of coins. This worthy was brought to Jaen and performed his functions so satisfactorily that the wealthiest Conversos were soon imprisoned. Two hundred wretches crowded the filthy gaol and it was requisite to forbid the rest of the Conversos from leaving the city without a license. With Diego's assistance and the free use of torture, on both accused and witnesses, it was not difficult to obtain whatever evidence was desired. The notary of the tribunal, Antonio de Barcena, was especially successful in this. On one occasion he locked a young girl of fifteen in a room, stripped her naked and scourged her until she consented to bear testimony against her mother. A prisoner was carried in a chair to the auto de fe with his feet burnt to the bone; he and his wife were burnt alive and then two of their slaves were imprisoned and forced to give such evidence as was necessary to justify the execution. The cells in which the unfortunates were confined in heavy chains were narrow, dark, humid, filthy and overrun with vermin, while their sequestrated property was squandered by the officials, so that they nearly starved in prison while their helpless children starved outside. Granting that there may be exaggeration in this, the solid substratum of truth is clear from the fact that the petitioners only asked that the tribunal be placed under the control of the Bishop of Jaen—that bishop being Alfonso Suárez de Fuentelsaz, one of Torquemada's inquisitors,

[1] Archivo de Simancas, Inquisicion, Libro 9, fol. 26.

who had risen to be a colleague of Deza. He had not been a merciful judge, as many of his sentences attest, yet the miserable Conversos of Jaen were ready to fly to him for relief.[1]

A memorial from Arjona, a considerable town near Jaen, illustrates a different phase of the subject. It relates that a certain Alvaro de Escalera of that place conspired with other evil men to report to the inquisitors of Jaen that there were numerous heretics in Arjona, so that when confiscations came to be sold they could buy the property cheap. In due time an inquisitor came with the notary Barcena. No Term of Grace was given, but the Edict of Faith was published, frightening the inhabitants with its fulminations unless they testified against their neighbors. Then a Dominican preached a fiery sermon to the effect that all Conversos were really Jews, whom it was the duty of Christians to destroy. The inquisitors then sent for the slaves of the Conversos, promising them liberty if they would testify against their masters and assuring them of secrecy. The notary followed by traversing the town with Escalera and his friends, proclaiming that there was a fine of ten reales on all who would not come forward with testimony, and the exaction of the fine from a number had a quickening influence on the memories of others. Then a house to house canvass was made for evidence; the women were told that it was impossible that they should not know the Jewish tendencies of their neighbors; they could give what evidence they pleased for their names would not be divulged; they were not obliged to prove it, for the accused had to disprove it. Those who would not talk were threatened that they would be carried to Jaen and made to accuse their neighbors, and, in fact, a number were taken and compelled to give evidence in prison. Then the inquisitors departed with the accumulated testimony; there was peace in Arjona for three months and the Conversos recovered from their fright. Suddenly one night there arrived the notary, the receiver and some officials; they quietly aroused the regidores and alcaldes and made them collect a force of armed men who were stationed to guard the walls and gates. When morning came the work of arresting the suspects was commenced; their property was sequestrated, their houses locked and their children were turned into the street, while the officials carried off their prisoners, who were thrust into the already crowded gaol of

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43.

Jaen. The confiscations were auctioned off and those who had plotted the raid had ample opportunity of speculating in bargains.[1]

Still other methods are detailed in a memorial from Llerena, the seat of one of the older tribunals with jurisdiction over Extremadura. It stated that for many years the Inquisition there had found little or nothing to do, until there came a new judge, the Licenciado Bravo. He was a native of Fregenal, a town of the province, where he had bitter law-suits and active enmities; he had had two months' training under Lucero at Córdova and he came armed with ample evidence gathered there. On his arrival, without waiting for formalities or further testimony, he made a large number of arrests and sent to Badajoz where he seized forty more and brought them to Llerena. They were mostly men of wealth whose fortunes were attractive objects of spoliation, and Bravo took care of his kindred by appointing them to positions in which they could appropriate much of the sequestrated property. The treatment of the prisoners was most brutal, and when his colleague, Inquisitor Villart, who was not wholly devoid of compassion, was overheard remonstrating with him and saying that the death of the captives would be on their souls, Bravo told him to hold his peace, for he who had placed him there desired that they should all die off, one by one. The petitioners were quite willing to be remitted to the tribunal of Seville or to have judges who would punish the guilty and discharge the innocent, but they earnestly begged, by the Passion of Christ, that they should not be left to the mercy of Inquisitor-general Deza. Orders, they said, had been given to him to mitigate in some degree the sufferings of the people of Jaen, which he suppressed and replaced with instructions to execute justice. What this meant we may gather from a last despairing appeal, by the friends of the prisoners of Jaen, to Queen Juana; a junta of lawyers, they said, had been assembled, a scaffold of immense proportions was under construction; their only hope was in her and they entreated her to order that no auto de fe be held until impartial persons should ascertain the truth as to the miserable captives.[2] Juana was in no condition to respond to this agonized prayer, and we may safely assume that greed and cruelty claimed their victims. These glimpses into the

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43.
[2] Ibidem, fol. 44, 45.

methods of the tribunals elucidate the statements of the Capitan Avora as to the desolation spread over the land by the Inquisition.

It would seem that these fearful abuses were creating a general feeling of hostility to the institution and its officials, for Ferdinand deemed it necessary to issue a proclamation, January 19, 1510, calling upon all officials, gentlemen and good citizens to furnish inquisitors and their subordinates with lodgings and supplies at current prices and not to maltreat or assail them, under penalty of 50,000 maravedís and punishment at the royal discretion. A month later, February 22d, we find him writing to the constable of Castile that inquisitors are to visit the districts of Burgos and Calahorra, and he asks the constable to give orders that they may not be impeded. Somewhat similar instructions he gave in March to the provisor and corregidor of Cuenca, when the inquisitors of Cartagena were preparing to visit that portion of their district, as though these special interpositions of the royal power were requisite to ensure their comfort and safety in the discharge of their regular duties. Even these were sometimes ineffectual as was experienced, in 1515, by the inquisitor Paradinas of Cartagena, who, while riding on his mule in the streets of Murcia, was set upon, stabbed and would have been killed but for assistance, while the assassins escaped, calling forth from Ferdinand the most emphatic orders for their arrest and trial.[1]

Yet, however rudely the Inquisition may have been shaken, it was too firmly rooted in the convictions of the period and too energetically supported by Ferdinand to be either destroyed or essentially reformed. When he died, January 23, 1516, his testament, executed the day previous, laid strenuous injunctions on his grandson and successor Charles V—"As all other virtues are nothing without faith, by which and in which we are saved, we command the said illustrious prince, our grandson, to be always zealous in defending and exalting the Catholic faith and that he aid, defend and favor the Church of God and labor, with all his strength, to destroy and extirpate heresy from our kingdoms and lordships, selecting and appointing throughout them ministers, God-fearing and of good conscience, who will conduct the Inquisition justly and properly, for the service of God and the exalta-

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 47, 49, 63, 70, 329, 407.

tion of the Catholic faith, and who will also have great zeal for the destruction of the sect of Mahomet.'"[1]

With his death, during the absence of his successor, the governing power was lodged in the hands of Inquisitor-general Ximenes. From the papal brief of August 18, 1509, alluded to above (p. 178), we may infer that he had already endeavored to effect a partial reform, by dismissing some of the more obnoxious inquisitors, and he now made use of his authority to strike at those who had hitherto been beyond his reach. Aguirre was one of these and another was the mercenary Calcena, concerning whom he wrote to Charles, December, 1516, that it was necessary that they should in future have nothing to do with the Inquisition in view of their foul excesses. Another removal, of which we chance to have cognizance, was that of Juan Ortiz de Zarate, the secretary of the Suprema. Whatever were the failings of the inflexible Ximenes, pecuniary corruption was abhorrent to him and, during the short term of his supremacy in Castile, we may feel assured that he showed no mercy to those who sought to coin into money the blood of the Conversos.[2] With his death, however, came a speedy return to the bad old ways. Adrian of Utrecht, though well-intentioned, was weak and confiding. When appointed Inquisitor-general of Aragon, he had made Calcena, February 12, 1517, secretary of that Suprema and, after the death of Ximenes we find Calcena acting, in 1518, as royal secretary of the reunited Inquisition, a position which he shared with Ugo de Urries, Lord of Ayerbe, another appointee of Adrian's, who long retained that position under Charles V. Aguirre had the same good fortune, having been appointed by Adrian to membership in the Suprema of Aragon and resuming his position in the reunited Inquisition after the death of Ximenes. His name occurs as signed to documents as late as 1546, when he seems to be the senior member.[3]

Ferdinand's dying exhortation to his grandson was needed. Charles V, a youth of seventeen, was as clay in the hands of the potter, surrounded by grasping Flemish favorites, whose sole object, as far as concerned Spain, was to sell their influence to

[1] Mariana, Hist. de España, T. IX, Append. p. lvi (Valencia, 1796).

[2] Gomesii de Rebus Fr. Ximenii, fol. 173.—Cartas de Jimenez, p. 190 (Madrid, 1867).

[3] Archivo de Simancas, Inquisicion, Libro 3, fol. 448; Libro 4, fol. 143, 152; Libro 9, *passim;* Libro 926, fol. 76, 166; Libro 940, fol. 59.

the highest bidder. During the interval before his coming to take possession of his new dominions, he fluctuated in accordance with the pressure which happened momentarily to be strongest. The Spaniards who came to his court gave fearful accounts of the Inquisition, which they said was ruining Spain, and we are told that his counsellors were mostly Conversos who had obtained their positions by purchase.[1] In his prologue to his subsequent abortive project of reform, Charles says that while in Flanders he received many complaints about the Inquisition, which he submitted to famous men of learning and to colleges and universities, and his proposed action was in accordance with their advice.[2] Ximenes was alive to the danger and it was doubtless by his impulsion that the Council of Castile wrote to Charles that the peace of the kingdom and the maintenance of his authority depended on his support of the Inquisition.[3] A more adroit manœuvre was the advantage which he took of the death, June 1, 1516, of Bishop Mercader, Inquisitor-general of Aragon. It would probably not have been difficult for him to have reunited the Inquisitions of the two crowns under his own headship, but he took the more politic course of urging Charles to nominate his old tutor, Adrian of Utrecht, then in Spain, as his representative, and to secure for him the succession to Mercader's see of Tortosa. Charles willingly followed the advice; July 30th he replied that in accordance with it he had written to Rome for the commission; November 14th Pope Leo commissioned Adrian as Inquisitor-general of Aragon, and we shall see hereafter how complete was the ascendancy which he exercised over Charles in favor of the Holy Office.[4]

Meanwhile Charles continued to vacillate. At one time he proposed to banish from his court all those of Jewish blood, and sent a list of names in cypher with instructions to report their genealogies, to which the Suprema of Aragon replied, October 27, 1516, with part of the information, promising to furnish the rest and expressing great gratification at his promises of aid and support in all things.[5] Then there came a rumor that he proposed

[1] Bergenroth, Spanish State Papers, II, 281.—Cartas de los Secretarios de Cisneros, p. 209 (Madrid, 1876).

[2] Archivo de Simancas, Inquisicion, Libro 13, fol. 68.

[3] Ibidem, Libro 21, fol. 111.

[4] Llorente, Añales, II, 94.—Cartas del Cardenal Jimenez, p. 115.—Gachard, Correspondance de Charles-Quint avec Adrian VI, p. 235 (Bruxelles 1859).

[5] Archivo de Simancas, Inquisicion, Libro 921, fol. 38.

to abolish the suppression of the names of witnesses, which was one of the crowning atrocities of inquisitorial procedure. For this there must have been some foundation for, March 11, 1517, Ximenes sent to his secretary Ayala a commission as procurator of the Inquisition at Charles's court, with full power to resist any attempt to restrict or impede it, and he followed this, March 17th, with a letter to Charles, more vigorous than courtly, telling him that such a measure would be the destruction of the Inquisition and would cover his name with infamy; Ferdinand and Isabella, when in straits for money during the war with Granada, had refused 1,200,000 ducats for such a concession, and Ferdinand had subsequently rejected an offer of 400,000.[1]

It can readily be imagined that, in spite of the character of Ximenes, the death of Ferdinand and the uncertainty as to the views of the distant sovereign had sensibly diminished the awe felt for the Inquisition. There is an indication of this in a complaint made by the Suprema, in September, 1517, that, when it moved with the court from place to place, the alcaldes of the palace refused to furnish mules and wagons to transport its books and papers and personnel, or, at most, only did so after all the other departments of the government had been supplied.[2] There is significance also in a tumult occurring in Orihuela, in 1517, when the inquisitors of Cartagena made a visitation there, obliging the Licenciado Salvatierra to invoke the royal intervention.[3] The Conversos, though decimated and impoverished, still had money and influence and the abuses which Ximenes had not been able to eradicate still excited hostility. When Charles, after his arrival in Spain, in September, 1517, held his first Córtes at Valladolid in 1518, the deputies petitioned him to take such order that justice should be done by the Inquisition, so that the wicked alone should be punished and the innocent not suffer; that the canons and the common law should be observed; that the inquisitors should be of gentle blood, of good conscience and repute and of the age required by law, and, finally, that episcopal Ordinaries should be judges in conformity with justice.[4] Although drawn in general terms this formal complaint indicates that the people felt the Holy Office to be an engine of oppression, for the furtherance of the private ends

[1] Ibidem, Libro 4, fol. 95; Libro 921, fol. 46.
[2] Ibidem, Libro 5, fol. 17.
[3] Ibidem, Libro 10, fol. 50.
[4] Córtes de los antiguos Reinos de Leon y de Castilla, IV, 272.

of the officials, to the disregard of law and justice. Charles made reply that he would consult learned and saintly men, with whose advice he would so provide that injustice should cease and meanwhile he would receive memorials as to abuses and projects of reform. The deputies made haste to give him ample information as to the tribulations of his subjects and the injury resulting to his dominions, and the outcome of the consultations of his advisers was a series of instructions to the officials of the Inquisition which, if carried into effect, would have deprived the Holy Office of much of its efficiency for persecution as well as of its capacity for injustice. Peter Martyr tells us that the New Christians, to procure this, gave to the high chancellor, Jean le Sauvage, who was a thoroughly corrupt man, ten thousand ducats in hand, with a promise of ten thousand more when it should go into effect, but that, fortunately for the Inquisition, he fell sick towards the end of May and died early in July.[1] The Instructions had been finally engrossed and lacked only the signatures; they were drawn in the names of Charles and Juana and were addressed not only to the officials of the Inquisition but to those of the state and secular justice, but nothing more was heard of them, for the new chancellor, Mercurino di Gattinara, was a man of different stamp, and Charles as yet was swayed by the influences surrounding him. The elaborate project is therefore of no interest except as an acknowledgement, in its provisions for procedure, of the iniquity of the inquisitorial process as we shall see it hereafter, and, in its prohibitory clauses, that existing abuses exaggerated in every way the capacity for evil of the system as practised. Thus it prohibited that the salaries of the inquisitors should be dependent on the confiscations and fines which they pronounced, or that grants should be made to them from confiscated property or benefices of those whom they condemned, or that sequestrated property should be granted away before the condemnation of its owners; that inquisitors and officials abusing their positions should be merely transferred to other places instead of being duly punished; that those who complained of the tribunals should be arrested and maltreated; that those who appealed to the Suprema should be

[1] Pet. Mart. Epistt., 620, 622.

Las Casas however gives to le Sauvage the highest character for intelligence and rectitude. He also speaks highly of Gattinara.—Hist. de las Indias, Lib. III, cap. 99, 103, 130 (Coleccion de Documentos, LXV, 366, 388; LXVI, 35).

maltreated; that inquisitors should give information to those seeking grants as to the property of prisoners still under trial; that prisoners under trial should be debarred from hearing mass and receiving the sacraments; that those condemned to perpetual prison should be allowed to die of starvation.[1] The general tenor of these provisions indicate clearly what a tremendous stimulus to persecution and injustice was confiscation as a punishment of heresy, how the whole business of the Inquisition was degraded from its ostensible purpose of purifying the faith into a vile system of spoliation, and how those engaged in it were inevitably vitiated by the tempting opportunity of filthy gains.

Although Charles, on the death of his chancellor, dropped the proposed reform, he seems to have recognized the existence of these evils. When his Inquisitor-general, Cardinal Adrian, was elevated to the papacy in 1522, he sent from Flanders his chamberlain La Chaulx to congratulate him before he should leave Spain, and among the envoy's instructions was the suggestion that he should be careful in his appointments and provide proper means to prevent the Inquisition from punishing the innocent and its officials from thinking more about the property of the condemned than the salvation of their souls—a pious wish but perfectly futile so long as the methods of the institution were unchanged, and its expenses were to be met and its officials enriched by fines and confiscations.[2]

The sufferers had long recognized this and offers had more than once been vainly made to Ferdinand to compound for the royal right of confiscation—offers of which we know no details. With the failure of the comprehensive scheme of reform, this plan was revived and, before Charles left Spain, May 21, 1520, to assume the title of King of the Romans, a formal proposition was made to him to the effect that if justice should be secured in the Inquisition, by appointing judges free from suspicion who should observe the law, so that the innocent might live secure and the wicked be punished and the papal ordinances be obeyed, there were persons who would dare to serve him as follows. Considering that greed is the parent of all evils; that it is the law of the Partidas that the property of those having Catholic children should not be confiscated[3] and further that the royal treasury

[1] Archivo de Simancas, Inquisicion, Libro 13, fol. 68–73.

[2] C. v. Höfler, Papst Adrian VI, p. 144 (Wien, 1880).

[3] This it rather assumed than expressed in Part. VII, Tit. xxvi, ley 3

derived very little profit from the confiscations, as they were all consumed in the salaries and costs of the judges and receivers who enriched themselves, his Majesty could well benefit himself by a composition and sale of all his rights therein, for himself and his descendants for ever, obtaining from the pope a bull prohibiting confiscations and pecuniary penances and fines. If this were done the parties pledged themselves to provide rents sufficient, with those that Ferdinand had assigned towards that purpose, to defray all the salaries and costs of the Inquisition, on a basis to be defined by Charles. Moreover, they would pay him four hundred thousand ducats—one hundred thousand before his departure and the balance in three equal annual payments at the fair of Antwerp in May. Or, if he preferred not to do this in perpetuity, he could limit the term, for which two hundred thousand ducats would be paid, in similar four instalments. For the collection of the sum to meet these engagements there must be letters and provisions such as the Catholic king gave for the compositions of Andalusia, and it must be committed in Castile to the Archbishop of Toledo (Cardinal de Croy), and in Aragon to the Archbishop of Saragossa (Alfonso de Aragon) from whose decisions there was to be no appeal. But to furnish the necessary personal security for the fulfilment of this offer, it was significantly added that it would be necessary for the king and Cardinal Adrian to give safe-conducts to the parties, protecting them from prosecution by the Inquisition and these must be issued in the current month of October so that there might be time to raise the money.[1] It is scarce necessary to say that this proposition was unsuccessful. Charles was under the influence of Cardinal Adrian and Adrian was controlled by his colleagues. It was asking too much of inquisitors that they should agree to allow themselves to be restricted to the impartial administration of the cruel laws against heresy, to be content with salaries and forego the opportunities of peculation. It was also in vain that the Córtes of Coruña, in 1520, repeated the request of those of Valladolid for a reform in procedure.[2] Charles sailed for Flanders leaving his subjects exposed to all the evils under which they had groaned so long. There were still occasional ebullitions of

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 49. See Appendix.

[2] Colmeiro, Córtes de los antiguos Reinos de Leon y Castilla, II, 110 (Madrid, 1884).

resistance for, in 1520, when the tribunal of Cuenca arrested the deputy corregidor it gave rise to serious troubles and Inquisitor Mariano of Toledo was despatched thither with his servants and familiars to restore peace, a task which occupied him for five months.[1]

A still further project for mitigating the rigors of the Inquisition was laid before Charles in 1520, apparently after his arrival in Flanders. This proposed no payment, but suggested that the expenses should be defrayed by the crown, which should wholly withdraw the confiscations from the control of the inquisitors. With this were connected various reforms in procedure—revealing the names of witnesses, allowing the accused to select his advocate and to see his friends and family in presence of the gaoler, the punishment of false witness by the *talio*, the support of wife and children during the trial from the sequestrated property and some others.[2] There would seem also, about 1522, to have been a further offer to Charles of seven hundred thousand ducats for the abandonment of confiscation, but it does not appear what conditions accompanied it.[3] It was all useless. The grasp of the Inquisition on Spain was too firm and its routine too well established for modification.

In the revolt of the Comunidades, which followed the departure of Charles, the affairs of the Inquisition had no participation. Some ten years later, however, in 1531, the tribunal of Toledo came upon traces of an attempt to turn the popular movement to account in removing one of the atrocities of inquisitorial procedure. The treasurer, Alfonso Gutiérrez, is said to have spent in Rome some twelve thousand ducats in procuring a papal brief which removed the seal of secrecy from prisons and witnesses. He endeavored to secure for his scheme the favor of Juan de Padilla, the popular leader, by a loan of eight hundred ducats on the pledge of a gold chain, but Padilla, while accepting the loan, prudently refused to jeopardize his cause by arousing inquisitorial hostility.[4]

What Gutiérrez failed to obtain was sought for again from

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[1] Archivo de Simancas, Inquisicion, Libro 5, fol. 24.

[2] From the Brussels Archives de l'État, Registre sur le faict des hérésies et inquisiteurs, fol. 652. Kindly communicated to me by Professor Paul Fredericq.

[3] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 35.

[4] Biblioteca pública de Toledo, Sala 5, Estante 11, Tabla 3.—See also Padre Fidel Fita in Boletin, XXXIII, 307.

Charles V in 1526. About this time commenced the efforts to subject the Moriscos of Granada to the Holy Office and apparently in preparation for this Granada was separated from Córdova and was favored with a tribunal of its own, transferred thither from Jaen. The frightened inhabitants made haste to petition Charles to do away with the secrecy which was so peculiarly provocative of abuses. They pointed out that a judge, if licentiously disposed, had ample opportunity to work his will with the maidens and wives brought before him as prisoners and even with those merely summoned to appear, whose terror betrayed that they would dare to offer no resistance. In the same way the notaries and other subordinates, who were frequently unmarried men, had every advantage with the wives and daughters of the prisoners, eagerly seeking to obtain some news of the accused, immured *incomunicado* in the secret prison, from which no word could escape, and ready, in their despairing anxiety, to make any sacrifice to learn his fate. Or, if the officials preferred, they could sell information for money and all this was so generally understood that these positions were sought by evil-minded men in order to gratify their propensities. Bad as was this, still worse was the suppression of the witnesses' names in procuring the conviction of the innocent while facilitating the escape of the guilty. The memorial assumes, what was practically the fact, that the only defence of the accused lay in guessing the names of the adverse witnesses and discrediting and disabling them for mortal enmity, and it pointed out how, in diverse ways, this facilitated miscarriage of justice. It did not confine itself to argument, however, but added that the little kingdom of Granada would pay fifty thousand ducats for the removal of secrecy from the procedure and prisons of the Inquisition, and that a very large sum could be thus obtained from the other provinces of Spain.[1] The only possible answer to the reasoning of the memorial was that the faith would suffer by any change, but this always sufficed and the Inquisition continued to shroud its acts in the impenetrable darkness which served to cover up iniquity and give ample scope for injustice.

When Charles had returned to Spain and again held the Córtes at Valladolid, in 1523, they repeated the petitions of

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 55.—See Appendix.

1518 and 1520, adding that nothing had been done. They further suggested that inquisitors should be paid salaries by the king and not draw their pay from the proceeds of their functions, and that false witnesses should be punished in accordance with the Laws of Toro. This shows that the old abuses were felt as acutely as ever, but Charles merely replied that he had asked the pope to commission as inquisitor-general the Archbishop of Seville, Manrique, whom he had especially charged to see that justice was properly administered. Again, in 1525, the Córtes of Toledo complained of the excesses of the inquisitors and the disorders committed by the familiars and asked that the secular judges might be empowered to restrain abuses, but they obtained only a vague promise that, if abuses existed, he would have them corrected.[1] It required no little courage for deputies to arraign the Inquisition publicly in the Córtes, and it is not surprising that the hardihood to do so disappeared with the recognition of the fruitlessness of remonstrance.

Thus all efforts proved futile to mitigate or ameliorate inquisitorial methods, and the Holy Office, in its existing form, was firmly established in Castile for three centuries momentous to the Spanish people.

NAVARRE.

When Ferdinand, in 1512, made the easy conquest of Navarre he presumably no longer had hope of issue by his Queen Germaine, to whom he could leave the kingdoms of his crown of Aragon. To avoid, therefore, for the new territory the limitations on sovereignty imposed by the Aragonese fueros, in the Córtes of Burgos, in 1515, he caused Navarre to be incorporated with the crown of Castile.[2] Its Inquisition thus finally became Castilian, although at first it was scarce more than a branch of that of Saragossa.

When the Castilian invaders under the Duke of Alva occupied

[1] Córtes de los antiguos Reinos de Leon y de Castilla, IV, 381, 415.

[2] Mariana, Hist. de España, Lib. xxx, cap. xxiv.—Galindez Carvajal, Memorial, ann. 1515 (Col. de Doc. XVIII, 336)

Pampeluna they found there the Dominican friar, Antonio de Maya, armed with a commission as inquisitor, issued by his provincial and confirmed by the pope. The office had doubtless been a sinecure under the House of Albret, but the transfer of the land to the Catholic king gave promise of its future usefulness, for the little kingdom had served as an asylum for refugees from the rest of Spain. The good fraile lost no time in obtaining from Alva permission to exercise his office and in despatching an envoy to Ferdinand at Logroño to secure the royal confirmation and suggest the necessity of appointing a staff of salaried officials. Besides, the episcopal vicar-general of Pampeluna was seeking to exercise the office, and the king was asked to order him not to interfere. Ferdinand, with his usual caution, wrote on September 30, 1512, to the Duke of Alva, as captain-general, and to the Bishop of Majorca as governor, expressing his earnest desire to forward the good work and desiring information as to the character of Maya; meanwhile, if the inquisitors of Saragossa sent to claim fugitives, they were to be promptly surrendered.

No further action was taken for a year, during which Fray Maya did what he could in the absence of assistance. At length a royal letter of September 26, 1513, to the Marquis of Comares, lieutenant and captain-general, announced that Inquisitor-general Mercader had appointed as inquisitors Francisco González de Fresneda, one of the inquisitors of Saragossa, and Fray Antonio de Maya, to whom the customary oath of obedience was to be taken; the only other official designated was Jaime Julian, as *escribano de secuestras*, with a salary of 2500 sueldos. Further delays, however, occurred and, on December 21st, the king wrote to Fresneda to lose no time in going to Pampeluna with his officials, where he would find Maya awaiting him. On the 24th a proclamation announced that Leo X had ordered the continuance of the Inquisition in all the kingdoms of Spain and especially in that of Navarre, wherefore in order that dread of loss of property might not deter those conscious of guilt from coming forward and confessing, the king granted release from confiscation to all who would confess and apply for reconciliation within the Term of Grace of thirty days which the inquisitors would announce. As a preparation for those who should disregard this mercy, already, on the 22d, Martin Adrian had been commissioned to the important office of receiver of

the confiscations which were expected to supply the funds for the machinery of persecution and, on January 1, 1514, he was empowered to pay himself a salary of 6000 sueldos and one of 3000 to Fray Maya. As nothing is said about the salaries of the other officials, they presumably were carried on the pay-roll of the tribunal of Saragossa. The process of manning the new Inquisition was conducted with great deliberation. It was not until July 13, 1514, that receiver Adrian was informed that Bishop Mercader had appointed Juan de Villena as fiscal, or prosecuting officer, to whom a salary of 2500 sueldos was to be paid. The close connection of the tribunal of Pampeluna with that of Aragon is seen in the fact that Adrian was also notary of the Inquisition of Calatayud and continued in service there for which he received his accustomed salary. Juan de Miades, also, the alguazil of Saragossa, was put in charge of the prison at Pampeluna, for which he was allowed an additional salary of 500 sueldos, until, October 15, 1515, Bernardino del Campo, of Saragossa, was appointed gaoler at Pampeluna with a salary of 500 sueldos. We also hear of Miguel Daoyz, notary *del secreto* of Saragossa acting for the Inquisition of Pampeluna. This may partly be attributable to Ferdinand's policy, as expressed, March 23, 1514, in a letter to the Marquis of Comares, that the officials must not be Navarrese, for he had elsewhere experienced the disadvantage of employing natives. More urgent, however, was the pressure of economy, for the Pampeluna Inquisition had apparently little to do; Navarre had never had a population of Moors and Jews comparable to that of the southern kingdoms and the refugees there doubtless hastened their departure as soon as the shadow of the Inquisition spread over the land, although one of the earliest orders of Ferdinand to Comares, December 21, 1513, had been to place guards secretly at all ports and passes to prevent their escape. How little material existed for the Holy Office is manifested by the fact that the confiscations did not pay the very moderate expenses and in May, 1515, it was necessary to transfer from Valencia two hundred ducats to enable Martin Adrian to meet the necessary charges. In September, 1514, we find the inquisitors making a visitation of their district and, in the following month, Fray Maya returned to the seclusion of his convent, but of the actual work of the tribunal we hear little. It is true that a letter of the Suprema, October 11, 1516, respecting the collection of a

penance of 300 ducats imposed on Miguel de Sant Jaime shows that occasionally a lucrative prize was secured, but chances of this kind must have been few for, in 1521, Cardinal Adrian, in view of the necessities of the tribunal, ruthlessly cut down the salaries of all the officials. Its authority cannot have been well assured for, in 1518, the Viceroy, Duke of Najera, expresses doubts whether a sentence of sanbenitos, pronounced on Rodrigo de Osca and his wife, of Pampeluna, can be enforced, in view of their numerous kindred, to which the Suprema replies by instructing him to see that nothing is allowed to impede it. Little as it had to do, the business of the tribunal was delayed by its imperfect organization. In 1519 eight citizens of Pampeluna complained to the Suprema that, for trifling causes, their fathers and mothers, wives and brothers, were in the prison of the Inquisition, where three of them had died and the rest were sick. They had been detained for seven or eight months, although their cases were finished, awaiting *consultores* from Saragossa to vote on them, wherefore the petitioners asked that decisions be reached without further delay and that, when discharged, the prisoners should not be ruined by pecuniary penances greater than their substance, as had occurred on previous occasions. The Suprema, January 12, 1519, forwarded this petition to the inquisitors with instructions that, within fifteen days, one of them should bring to Saragossa all the cases concluded, to be duly voted on, while the remainder were to be finished as soon as possible and within fifteen days thereafter to be similarly brought to Saragossa for decision. As in this letter the Council describes itself as entrusted with the business of the Inquisition in all the kingdoms and lordships of the crown of Aragon and Navarre, it shows that the latter still remained subject to the section of the Suprema pertaining to Aragon.

While the tribunal of Pampeluna was thus of little service for its ostensible objects, it was turned to account politically in the perturbations which followed the death of Ferdinand, January 23, 1516. Jean d'Albret, supported by France, naturally made an effort to recover his dominions, but his ineffective siege of Saint-Jean-Pied-du-Port, and the defeat and capture of the Marshal of Navarre at Roncesvalles, speedily put an end to the invasion. It was important for the Spanish government to ascertain the extent to which assistance had been pledged to him by his former subjects. The Inquisition was unpopular

among them and would undoubtedly have been overthrown had d'Albret succeeded, so that an investigation into those concerned in the movement could come within an elastic definition of its functions, while its methods fitted it admirably to obtain the information desired. Accordingly a cédula of April 21, 1516, instructed the inquisitors to spare no effort, in every way, to discover the names of those engaged in the affair and to obtain all the information they could about the whole matter. This probably did not increase the popularity of the Holy Office and the French invasion of 1521 offered an opportunity, which was not neglected, of expressing in action the hostility of the people. After the expulsion of the enemy, reprisals were in order which Cardinal Adrian committed to the Precentor of Tudela. Apparently he was not sufficiently vigorous in the work for, in 1523, we find the Suprema stimulating him to greater activity.[1]

Spanish domination being thus assured, the Navarrese tribunal became useful chiefly as a precaution to prevent the subject kingdom from continuing to be an asylum for heretics. It had been shifted from Pampeluna to Estella and thence to Tudela, where, in 1518, the Suprema instructs the inquisitors to find a suitable building, in order to relieve the monastery of San Francisco in which the tribunal was temporarily lodged. Some years later there was talk of returning it to Pampeluna, but finally it was recognized as having a district inadequate to its support, while the monarchy felt itself strong enough to disregard the old boundaries of nationality. At some time prior to 1540, Calahorra, with a portion of Old Castile, was detached from the enormous district of Valladolid and was made the seat of a tribunal of which the jurisdiction extended over Navarre and Biscay. About 1570 this was transferred to Logroño, on the boundary between Old Castile and Navarre, and there it remained, as we shall have occasion to see, until the dissolution of the Holy Office.[2]

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[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 199, 200, 256, 259, 263, 267, 268, 271, 299, 311, 337, 339, 341, 344, 348, 352, 353, 354, 368, 392, 438, 449; Libro 72, P. 1, fol. 49, P. 2, fol. 47; Libro 73, fol. 193, 276; Libro 74, fol. 116; Libro 75, fol. 6.

[2] Ibid. Libro 72, P. 2, fol. 116; Libro 73, fol. 142, 247–8; Libro 78, fol. 216, 226, 285; Libro 82, fol. 5.

CHAPTER V.

THE KINGDOMS OF ARAGON.

THE Crown of Aragon comprised the so-called kingdoms of Aragon and Valencia, the principality of Catalonia, the counties of Rosellon and Cerdaña, and the Balearic Isles, with the outlying dependencies of Sicily, Sardinia and Corsica. Although marriage had united the sovereigns of Castile and Aragon, the particularism born of centuries of rivalry and frequent war kept the lands jealously apart as separate nations and Ferdinand ruled individually his ancestral dominions. What had been accomplished in Castile for the Inquisition had therefore no effect across the border and the extension of the Spanish organization there was complicated by the character of the local institutions and the fact that the papal Inquisition was already in existence there since its foundation in the middle of the thirteenth century.

Aragon had not undergone the dissolving process of Castilian anarchy which enabled Ferdinand and Isabella to build up an absolute monarchy on the ruins of feudalism. Its ancient rights and liberties had been somewhat curtailed during the tyrannical reigns of Ferdinand of Antequera and his successors, but enough remained to render the royal power nominal rather than real and the people were fiercely jealous of their independence. The Córtes were really representative bodies which insisted upon the redress of grievances before voting supplies and, if we may believe the Venetian envoy, Giovanni Soranzo, in 1565, the ancient formula of the oath of allegiance was still in use: "We, who are as good as you, swear to you who are no better than we, as to the prince and heir of our kingdom, on condition that you preserve our liberty and laws and if you do otherwise we do not swear to you."[1]

[1] Relazioni Venete, Serie I, T. V, p. 85.

This is virtually the same as the formula given by Antonio Pérez in his *Relaciones*, written in 1598: "Nos que valemos tanto como vos os hazemos nuestro Rey y Señor con tal que nos guardeys nuestros fueros y libertades y sino No!" (Obras, Ed. 1654, p. 163). The learned Javier de Quinto (Discursos políticos, Madrid, 1848) had not seen Soranzo's statement when he proved that this formula was invented by Hotman in his *Franco Gallia*, first printed in 1573. On

In dealing with a people whose liberties were so extensive and whose jealousy as to their maintenance was so sensitive, Ferdinand was far too shrewd to provoke opposition by the abrupt introduction of the Inquisition such as he had forced upon Castile. His first endeavor naturally was to utilize the institution as it had so long existed. This, although founded as early as 1238, had sunk into a condition almost dormant in the spiritual lethargy of the century preceding the Reformation, and in Aragon, as in the rest of Europe, it appeared to be on the point of extinction. It is true that, in 1474, Sixtus IV had ordered Fra Leonardo, the Dominican General, to fill all the tribunals of the Holy Office and he had complied by appointing Fray Juan as Inquisitor of Aragon, Fray Jaime for Valencia, Fray Juan for Barcelona and Fray Francisco Vital for Catalonia, but we have no record of their activity.[1] So little importance, indeed, was attached to the functions of the Inquisition that in Valencia, where in 1480 the Dominicans Cristóbal de Gualbes and Juan Orts were inquisitors, they held faculties enabling them to act without the concurrence of the episcopal representative—an unexampled privilege, only explicable on the assumption that the archbishop declined to be troubled with matters so trivial. The archbishop at the time was Cardinal Rodrigo Borgia, papal vice-chancellor, better known as Alexander VI, who speedily woke up to the speculative value of his episcopal jurisdiction over heresy, when the fierce persecution, which arose in Andalusia in January, 1481, with its attendant harvest of fines and compositions, showed that a similar prospect might be anticipated in his own province. Accordingly a brief of Sixtus IV, December 4, 1481, addressed to the inquisitors, withdrew their faculties of independent action and went to the other extreme by directing them in future to do nothing without the concurrence of the vicar-general, Mateo Mercader, senior archdeacon of Valencia.[2]

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the other hand there is nothing of the kind in the oath of allegiance taken to Charles V in 1518, though he was obliged first to swear to observe the fueros and privileges of the land.—Argensola, Añales de Aragon, Lib. I, cap. lx.

A good account of the ancient constitution of Aragon will be found in Swift's "Life and Times of James the First, King of Aragon," London, 1894.

[1] Monteiro, Historia da Santa Inquisiçaõ, II, 340.

[2] Archivio Vaticano, Sisto IV, Registro 674, T. XV, fol. 13.

Even in the dormant condition of the Inquisition, there must have been some opportunities rendering the office of inquisitor desirable. A brief of Sixtus IV, Jan. 21, 1479 (Ripoll, III, 572), to the Dominican General, recites that his prede-

In reviving and stimulating to activity this papal institution, Ferdinand was fully resolved to have it subjected to the crown as completely as in Castile. Hitherto it had been a Dominican province, with inquisitors holding office at the pleasure of the Dominican authorities and his first step therefore was to procure, in 1481, from the Dominican General, Salvo Caseta, a commission to Fray Gaspar Juglar to appoint and dismiss inquisitors at the royal will and pleasure.[1] This gave him control over the personnel of the Inquisition, but to render it completely dependent and at the same time efficient, it was necessary that the appointees should be well paid and that the pay should come from the royal treasury. A hundred years earlier, Eymerich, the Inquisitor of Aragon, had sorrowfully recorded that princes were unwilling to defray the expenses, because there were no rich heretics left whose confiscations excited their cupidity; the Church was equally disinclined, so that, in the absence of regular financial support, the good work languished.[2] Now, however, greed and fanaticism joined hands at the prospect of wealthy Conversos to be punished and Ferdinand, by a rescript of February 17, 1482, provided ample salaries for the manning of the tribunal of Valencia, with all the necessary officials.[3] We may reasonably assume

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cessor had appointed, some years previously, Jaime Borell as inquisitor of Valencia, who had recently been removed without cause by Miguel de Mariello, Provincial of Aragon, and replaced by Juan Marques. Sixtus now orders Marques ejected and Borell restored. Neither of these names appear in the documents of the period.

[1] Archivo general de la Corona de Aragon, Registro 3684, fol. 7, 8.

[2] Eymeric. Direct. Inquis. P. III, Q. cviii.

[3] Arch. Gen. de la C. de A., Reg. 3684, fol. 9. This quaint document shows us the primitive organization of a tribunal and the salaries regarded as ample. There are apparently two clerical errors which balance each other, in the salaries of the inquisitors and scrivener.

"La forma infra sequent es la voluntat nostra ques tenga en la solucio e paga dels salaris dels officials e treballants en la officio de la Inquisicio.

E primerament á cascu dels inquisidors que son dos, cent quaranta lliures cascun any que sumen . . .	CLXXX llrs.
Item á un bon jurista que sia advocat dels inquisidors e advocat fiscal, cinquanta lliures lany	L llrs.
Item al procurador fiscal vint e cinch lliures lany . .	XXV llrs.
Item al scriva de la inquisicio doscentes lliures lany . .	CC llrs.
Item al alguacil et al sag cent e vint lliures	CXX llrs.
Item al porter que va citant vint lliures lany . . .	XX llrs.
Item á Dominguez que reeb los actos de las confiscacions	XXV llrs.

Que sumen tots les dits quantitats sex cent vint lliures moneda reals de

that he commenced there in the anticipation of meeting less obstinate resistance than in the older and stronger provinces of Aragon and Catalonia. He was, however, not yet fully satisfied with his control over appointments and he applied to Sixtus IV for some larger liberty, but the pope, who was beginning to recognize that the Castilian Inquisition was more royal than papal, refused, by a brief of January 29, 1482, alleging that to do so would be to inflict disgrace on the Dominicans to whom it had always been confided.[1]

The reorganized tribunal speedily produced an impression by its activity. The Conversos became thoroughly alarmed; opposition began to manifest itself, while the more timid sought safety in flight. A certain Mossen Luis Masquo, one of the jurats of Valencia, made himself especially conspicuous in exciting the city against the inquisitors and in stimulating united action in opposition by the Estates of the kingdom. A letter to him from Ferdinand, February 8, 1482, censures him severely for this and vaguely threatens him with the royal wrath for persistence. Another letter of the same date to the Maestre Racional, or chief accounting officer of the kingdom, shows that the severity with which the property of those arrested was seized and sequestrated was arousing indignation, for it explains the necessity of this so that not a *diner* shall be lost; if the inquisitors have not power to do this, it shall be conferred on them.[2] The Maestre Racional had suggested that for those who should spontaneously come forward and confess a form of abjuration and reconciliation might be adopted which should spare them the humiliation of public penance while still keeping them subject to the penalties of relapse. To this, after consultation with learned canonists, Ferdinand assented and sent him the formula agreed upon, with instructions that it should appear to be the act of the local authorities and not his—doubtless to prevent his Castilian subjects from claiming the same exemption from the humiliating penitential processions in the autos de fe.[3]

Allusions in this correspondence to special cases of arrests and

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Valencia, los quals e no mas es nostra voluntat que en la forma dessus dita se paguen á les sobredits persones. Dada en la vila de Medina del Campo á XVII dias de febrer del any de la nativitat de nostro senyor MCCCCLXXXII. Yo el Rey. Dominus Rex mandavit mihi Petro Camanyas."

[1] Printed by Llorente, Hist. crít. Append. 1.

[2] Arch. Gen. de la C. de A., Reg. 3684, fol. 3, 4.

[3] Ibidem, fol. 1, 2, 4, 5.

fugitives and sequestrations show that Ferdinand was succeeding in moulding the old Inquisition as he desired and that it was actively at work, when suddenly a halt was called. In the general terror it is presumable that the Conversos had recourse to the Holy See and furnished the necessary convincing arguments; it may also be conjectured that Sixtus was disposed, by throwing obstacles in the way, to secure the recognition of his profitable but disputed right to entertain appeals and that he was unwilling, without a struggle, to lose control of the Inquisition of Aragon as he had done with that of Castile. There are traces also of the hand of Cardinal Borgia seeking to recover his episcopal jurisdiction over heresy in Valencia. Whatever may have been the impelling cause, the first move of Sixtus was to cause the Dominican General, Salvo Caseta, to withdraw the commission given to Fray Gaspar Juglar to appoint inquisitors at Ferdinand's dictation. At this the royal wrath exploded in a letter to the General, April 26, 1482, threatening the whole Order with the consequences of his displeasure; Gualbes and Orts had done their duty fearlessly and incorruptibly, while Fray Francisco Vital—appointed to Catalonia by the Dominican General—had been taking bribes and had been banished the kingdom; he will never allow inquisitors to act, except at his pleasure; even with the royal favor they can accomplish little in the face of popular opposition and without it they can do nothing; meanwhile Gualbes and Orts will continue to act. This heated epistle was followed, May 11th, by one in a calmer mood, asking that Juglar's commission be renewed or another one be issued, failing which he would obtain papal authority and overslaugh the Dominican Order.[1]

The next move by Sixtus was the issue, April 18, 1482, of the most extraordinary bull in the history of the Inquisition—extraordinary because, for the first time, heresy was declared to be, like any other crime, entitled to a fair trial and simple justice. We shall have abundant opportunity to see hereafter how the inquisitorial system, observed since its foundation in the thirteenth century, presumed the guilt of the accused on any kind of so-called evidence and was solely framed to extort a confession by depriving him of the legitimate means of defence and by the free use of torture. It was also an invariable rule that sacramental confession of heresy was good only in the forum of conscience and

[1] Arch. Gen. de la C. de A., Reg. 3684, fol. 7, 8.

was no bar to subsequent prosecution. There was brazen assurance therefore in Sixtus's complaining that, for some time, the inquisitors of Aragon had been moved not by zeal for the faith but by cupidity; that many faithful Christians, on the evidence of slaves, enemies and unfit witnesses, without legitimate proofs, had been thrust into secular prisons, tortured and condemned as heretics, their property confiscated and their persons relaxed to the secular arm for execution. In view of the numerous complaints reaching him of this, he ordered that in future the episcopal vicars should in all cases be called in to act with the inquisitors; that the names and evidence of accusers and witnesses should be communicated to the accused, who should be allowed counsel and that the evidence for the defence and all legitimate exceptions should be freely admitted; that imprisonment should be in the episcopal gaols; that for all oppression there should be free appeal to the Holy See, with suspension of proceedings, under pain of excommunication removable only by the pope. Moreover, all who had been guilty of heresy should be permitted to confess secretly to the inquisitors or episcopal officials, who were required to hear them promptly and confer absolution, good in both the forum of conscience and that of justice, without abjuration, on their accepting secret penance, after which they could no longer be prosecuted for any previous acts, a certificate being given to them in which the sins confessed were not to be mentioned, nor were they to be vexed or molested thereafter in any way—and all this under similar pain of excommunication. The bull was ordered to be read in all churches and the names of those incurring censure under it were to be published and the censures enforced if necessary by invocation of the secular arm; while finally all proceedings in contravention of these provisions were declared to be null and void, all exceptions from excommunication were withdrawn and all conflicting papal decrees were set aside.[1] It is evident that the Conversos had a hand in framing this measure and they could scarce have asked for anything more favorable. In fact Ferdinand in December, 1482, writes to Luis Cabanilles, Governor of Valencia, that he learns that Gonsalvo de Gonsalvo Royz was concerned in procuring the bull for the Conversos: he is therefore

[1] Archivio Vaticano: Sisto IV, Regestro 674, T. XV, fol. 366.

As Llorente states (Hist. crít. Append. n. 2) that the contents of this bull are unknown and as ignorance of its purport has wholly misled him, I give it in the Appendix.

to be arrested at once and is not to be released without a royal order, while Luis de Santangel, the royal *escribano de racion*, will convey orally the king's intentions concerning him.[1]

In this elaborate and carefully planned decree Sixtus formally threw down the gage of battle to Ferdinand and announced that he must be placated in some way if the Inquisition of Aragon was to be allowed to perform its intended functions. That it was simply a tactical move—rendered doubly advantageous by liberal Converso payment—and that he is to be credited with no humanitarian motives, is sufficiently evident from his subsequent action and also from the fact that the bull was limited to Aragon and in no way interfered with the Castilian tribunals. Ferdinand promptly accepted the challenge. He did not await the publication of the bull but addressed, on May 13th, a haughty and imperative letter to Sixtus. He had heard, he said, that such concessions had been made, which he briefly condensed in a manner to show that his information was accurate, and further that the inquisitors Gualbes and Orts had been removed, at the instance of the New Christians who hoped for more pliable successors. He refused to believe that the pope could have made grants so at variance with his duty but, if he had thus yielded to the cunning persuasions of the New Christians, he, the king, did not intend ever to allow them to take effect. If anything had been conceded it must be revoked; the management of the Inquisition must be left to him; he must have the appointment of the inquisitors, as only through his favor could they adequately perform their functions; it was through lack of this royal power that they had hitherto been corrupted and had allowed heresy to spread. He therefore asked Sixtus to confirm Gualbes and Orts and the commission to Gaspar Juglar, or to give a similar commission to some other Dominican, for he would permit no one to exercise the office in his dominions except at his pleasure.[2]

Sixtus seems to have allowed five months to elapse before answering this defiance, but in the meanwhile the Inquisition went on as before. Ferdinand had formed in Valencia a special

[1] Archivo Gen. de la C. de A., Reg. 3684, fol. 9.—It is significant that in the papal register there is a note appended to this bull "Duplicata sub eadem data et scripta per eundem scriptorem et taxata ad xxx" [grossos?], showing that an authentic copy was obtained and paid for at the time by some one, doubtless to provide against accident or fraud.

[2] Arch. Gen. de la C. de A., Reg. 3684, fol. 7. See Appendix. Bergenroth (Calendar of Spanish State Papers, I, xliv) gives an incorrect extract from it.

council for the Holy Office and this body ventured to remonstrate with him about the confiscations and especially the feature of sequestration, by which, as soon as an arrest was made, the whole property of the accused was seized and held; this was peculiarly oppressive and the council represented that it violated the fueros granted by King Jaime and King Alfonso, but Ferdinand replied, September 11th, that he was resolved that nothing belonging to him should be lost but should be rigidly collected, while what belonged to others should not be taken. Another letter of September 6th to the Governor Luis Cabanilles refers to an arrangement of a kind that became frequent, under which the Conversos agreed to pay a certain sum as a composition for the confiscations of those who might be proved to be heretics.[1]

At length, on October 9th, Sixtus replied to Ferdinand in a manner to show that he was open to accommodation. The new rules, he said, had been drawn up with the advice of the cardinals deputed for the purpose; they had scattered in fear of the impending pestilence but, when they should return to Rome, he would charge them to consider maturely whether the bull should be amended; meanwhile he suspended it in so far as it contravened the common law, only charging the inquisitors to observe strictly the rules of the common law—the "common law" here being an elastic expression, certain to be construed as the traditional inquisitorial system.[2] Thus the unfortunate Conversos of Aragon, as we shall see hereafter were those of Castile, were merely used as pawns in the pitiless game of king and pope over their despoilment and the merciful prescriptions of the bull of April 18th were only of service in showing that, in his subsequent policy, Sixtus sinned against light and knowledge. What negotiations followed, the documents at hand fail to reveal, but an understanding was inevitable as soon as the two powers could agree upon a division of the spoil. It required a twelvemonth to effect this and in the settlement Ferdinand secured more than he had at first demanded. It was no longer a question of commissioning a fraile to appoint inquisitors at his pleasure, but of including in the organization of the Castilian Inquisition the whole of the Spanish dominions. On October 17, 1483, the agreement was ratified by a bull appointing Torquemada as inquisitor of Aragon, Valencia and Catalonia, with power to appoint subordinates. In this, with characteristic

[1] Arch. Gen. de la C. de A., Reg. 3684, fol. 8, 9.

[2] Llorente, Hist. crít. Append. n. 2.—Fidel Fita (Boletin, XV, 467).

shamelessness, Sixtus declares that he is only discharging his duty as pope, while his tender care for the reputation of the Dominicans is manifested by his omitting to prescribe that the local inquisitors should be members of that Order, the only qualification required being that they should be masters in theology.[1]

During the interval, prior to this extension of Torquemada's jurisdiction, there was an incident showing that Sixtus had yielded the appointment of inquisitors, while endeavoring to retain the power of dismissing them. Cristóbal Gualbes, who was acting in Valencia to the entire satisfaction of Ferdinand, became involved in a bitter quarrel with the Archdeacon Mercader for whom, as we have seen, Cardinal Borgia had obtained a papal brief, virtually constituting him an indispensable member of the tribunal—a power which he doubtless used speculatively to the profit of Borgia and himself. It is to the interference of Gualbes with these worthies that we may reasonably attribute the action of Sixtus, who wrote, May 25, 1483, to Ferdinand and Isabella that the misdeeds of Gualbes merited heavy punishment, but he contented himself with removing him and asked them to fill his place with some fitting person on whom he in advance conferred the necessary powers. He evidently felt doubtful as to their acquiescence, for he wrote on the same day to Iñigo Archbishop of Seville, asking him to use his influence to induce the sovereigns to concur in this.[2] Ferdinand was not inclined to abandon Gualbes for, in a letter of August 8th, he orders the Maestre Racional of Valencia to pay to "lo devot religios maestre Gualbes" forty libras to defray his expenses in coming to the king at Córdova and in order that he might without delay return to work.[3] In the final settlement however Gualbes was sacrificed, for when

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[1] Ripoll, III, 622.—When Innocent VIII, by letters of February 11, 1486, confirmed or reappointed Torquemada, the qualification of his appointees was modified by requiring them to be fitting ecclesiastics, learned and God-fearing, provided that they were masters in theology or doctors or licentiates of laws or canons of cathedrals or holding other church dignities.—Páramo, p. 137.

Ferdinand, July 9, 1485, had requested that the condition of holding grades in the church should not be insisted upon for there were few of such who were fitted for the work.—Arch. Gen. de la C. de A., Reg. 3684, fol. 59.

[2] Arch. Gen. de la C. de A., Reg. 3684, fol. 34.—Boletin, XV, 472.—Bulario de la Orden de Santiago, Lib. I, fol. 43.

Zurita (Añales, XX, xlix) is evidently in error in stating that Ferdinand, May 20, 1483, asked Sixtus to remove Gualbes and Orts.

[3] Arch. Gen. de la C. de A., Reg. 3684, fol. 11.

Torquemada was made Inquisitor-general of Aragon, Sixtus expressly forbade him from appointing that son of iniquity Cristóbal Gualbes who, for his demerits, had been interdicted from serving as inquisitor.[1]

If Ferdinand imagined that he had overcome the resistance of his subjects by placing them under the Castilian Inquisition with Torquemada at its head, he showed less than his usual sagacity. They had been restive under the revived institution conducted by their own people and the intense particularism of the Aragonese could not fail to arouse still stronger opposition to the prospect of subjection to the domination of a foreigner such as Torquemada, whose sinister reputation for pitiless zeal gave assurance that the work would be conducted with greater energy than ever.

In Castile the introduction of the Inquisition had been done by the arbitrary power of the crown; in Aragon the consent of the representatives of the people was felt to be necessary for the change from the old to the new and a meeting of the Córtes was convoked at Tarazona for January 15, 1484. Ferdinand and Isabella arrived there on the 19th and remained until May, when the opening of the campaign against Granada required their presence elsewhere. Torquemada was there ready to establish the tribunals; what negotiations were requisite we do not know, though we hear of his consulting with persons of influence, and an agreement was reached on April 14th. It was not until May 7th, however, that Ferdinand issued from Tarazona a cédula addressed to all the officials throughout his dominions, informing them that with his assent the pope had established the Inquisition to repress the Judaic and Mahometan heresies and ordering that

[1] Ripoll, III, 622.—Bulario de la Orden de Santiago, Lib. I, fol. 182.

When he had no further use for Gualbes Ferdinand also turned against him, for in March, 1486, on hearing that Gualbes proposed to visit a Dominican convent he wrote earnestly to the Governor and Inquisitor of Valencia to prevent it as it would be a scandal.—Arch. Gen. de la C. de A., Reg. 3684, fol. 90.

It is possible that there may have been some rancor on Ferdinand's part against Gualbes who, as an eloquent preacher and fervid popular orator, had done much, in 1461, to stimulate the resistance of the Catalans to Juan II, after the death of the heir-apparent, Carlos Prince of Viana, which was attributed to poison administered by Queen Juana Henríquez to open for her son Ferdinand the path to the throne (Zurita, Añales, Lib. xvii, cap. xxvi, xlii; Lib. xviii, cap. xxxii). It is true that Zurita is not certain whether there may not have been two Cristóbal Gualbes (Lib. xx, cap. xlix) but Bofarull y Broca (Hist. de Cataluña, VI, 312) has no such doubts.

the inquisitors and their ministers should be honored and assisted everywhere under pain of the royal wrath, of deprivation of office and of ten thousand florins.[1]

Under the plenary powers of Torquemada's commission, steps were taken to reorganize the Inquisition and adapt it to the active discharge of its duties. Tribunals were to be established permanently in Valencia, Saragossa and Barcelona with new men to conduct them. Gualbes was disposed of by the enmity of Sixtus IV. Orts still figures in an order for the payment of salaries, April 24, 1484, and, on May 10th, Ferdinand, writing from Tarazona, says that he is there and will be sent to Saragossa, but he never appeared at the latter place, though he was not formally removed from office until February 8, 1486, by Innocent VIII, when he was styled Inquisitor of Valencia and Lérida.[2]

VALENCIA.

In the Spring of 1484 Torquemada appointed, for Valencia, Fray Juan de Epila and Martin Iñigo, but the popular resistance and effervescence were such that their operations were greatly delayed. The jurats, or local authorities, prevented the opening of their tribunal and, by the advice of Miguel Dalman, royal advocate fiscal, presented an appeal to the Córtes of the kingdom, imploring their intervention. The Córtes had assembled and all four *brazos* or Estates united in remonstrances against the threatened violation of the fueros and privileges of the land and threw every impediment in the way of the inquisitors. All this we learn from a series of letters despatched, July 27th, by Ferdinand to the various officials, from the governor down, in which he gives free vent to his wrath and indignation, declaring his will to be unchangeable, threatening with punishment and dismissal all who resist it and pronouncing as frivolous the argument that the Inquisition was an invasion of the privileges of the land. At the same time he wrote to the inquisitors informing them of his proposed measures, instructing them to perform their duties without

[1] Zurita, Añales, Lib. xx, cap. lvi, lxv.

[2] Arch. Gen. de la C. de A., Reg. 3684, fol. 11, 12.—Bulario de la Orden de Santiago, Lib. 1, fol. 51.

fear and cautioning them to observe the fueros and privileges and to show clemency and mercy, in so far as they could with a good conscience, to those who confessed their errors and applied for reconciliation.[1]

Energetic and determined as was the tone of these letters they produced no effect upon the obstinate Valencians. The Córtes and the city joined in sending a deputation to the king to remonstrate against the proposed violation of their rights. The Maestre Racional stood by and did nothing to remove the dead-lock. Even the Royal Council of Valencia prevented the inquisitors from opening their tribunal, on the ground that they were foreigners while, by the fueros, none but natives could exercise official functions. All this produced another explosion of royal anger under date of August 31st. Ferdinand roundly scolded his officials and threatened punishment proportioned to the gravity of the offence; the reasons alleged by the envoys and the council were brushed aside as untenable; he ordered the governor to set the inquisitors at work, without caring what the Córtes might do or what the people might say, and he exhorted the inquisitors to lose no time in performing their duties.[2] The struggle continued but at length opposition was broken down and, on November 7, 1484, the inquisitors were able formally to assume their functions by preaching their *sermon de la fe* and publishing their edicts. Although they were thus in shape to carry on the business of the tribunal, the usual solemnities were omitted and they did not venture to exact, from the secular and ecclesiastical dignitaries, the customary oaths—all of which Ferdinand subsequently ordered to be performed.[3]

Scarcely had the inquisitors commenced operations when Borgia's representative, the Archdeacon Mateo Mercader, was the cause of fresh trouble. Discord arose between him and Juan de Epila which threatened to have even more serious results than his quarrels with Gualbes, which had compromised the attempt to revive the old Inquisition. Ferdinand's patience was exhausted and so serious did he consider the situation that he despatched his secretary, Antonio Salavert, to Valencia armed with peremptory orders to Mercader and the governor. The former was

[1] Arch. Gen. de la C. de A., Reg. 3684, fol. 19–22.

[2] Ibidem, Reg. 3684, fol. 25, 26.

[3] Zurita, Añales, Lib. xx, cap. lxv.—Páramo, p. 187.—Arch. Gen. de la C. de A., Reg. 3684, fol. 34.

required to make over his episcopal functions to Martí Trigo, another vicar-general, to surrender the bull of December 4, 1481, delegating to him inquisitorial powers, and no longer to meddle in any way with the Holy Office. In case of disobedience, the governor was instructed, without a moment's delay, to order him under pain of five thousand florins, to depart within twenty-four hours for the royal court and to be beyond the frontier of Valencia within six days; if he failed in this all his temporalities were to be seized to defray the fine and further contumacy was to be met by banishing him from the kingdom as a disobedient rebel. The inquisitors were also told no longer to summon him to their deliberations and not to allow him to take part in their action.[1] All this was in flagrant violation of the fueros of the land and independence of the Church and shows what latitude Ferdinand allowed himself when the Inquisition was concerned. It was successful however and we hear no more of Mercader, though it was not until February 8, 1486, that the curia assented to this arbitrary illegality by withdrawing his commission along with those of the old inquisitors.[2]

Still, Valencia was not disposed to allow to the Inquisition the untrammelled exercise of its powers or to render to it the assistance required of all the faithful. The nobles continued for some months to offer resistance and when this was nominally broken down it continued in a passive form. To meet it, Ferdinand, in a letter of August 17, 1485, ordered Mossen Joan Carrasquier, alguazil of the Inquisition, at the simple bidding of the inquisitors, to arrest and imprison any one, no matter how high in station. For this he was not to ask the concurrence of any secular authority, for the whole royal power was committed to him and all officials, under pain of two thousand gold florins, and other arbitrary punishment, were required to lend him active assistance. Even this infraction of the royal oath to respect the liberties of the subject did not suffice, for another letter of January 23, 1486, states that the nobles continued to give refuge in their lands to fugitives from the Inquisition, even to those condemned and burnt in effigy, wherefore they were summoned, under their allegiance and a penalty of twenty thousand gold florins, to surrender to the alguazil all whom he might designate and to aid him in seizing them. About the same time Ferdinand placed the royal palace

[1] Arch. Gen. de la C. de A., Reg. 3684, fol. 32, 34.

[2] Bulario de la Orden de Santiago, Libro 1, fol. 31.

of Valencia at the service of the Inquisition and ordered to be built in it the necessary prisons. His own officials apparently had by this time been taught obedience for in March, 1487, he writes to the governor warmly praising their zeal.[1] To stimulate this, on July 28, 1487, he issued a safe-conduct, taking under the royal protection all the officials of the Inquisition, their families and goods; all royal officials, from the highest to the lowest, were required, under pain of five thousand florins and the king's wrath, to assist them and to arrest whomsoever they might designate.[2]

Still, there were occasional ebullitions of resistance which were met with prompt and effective measures. In 1488 the Lieutenant-general of the kingdom ventured to remove by force, from the inquisitorial prison, a certain Domingo de Santa Cruz, condemned for heresy, and was at once summoned by Torquemada to answer for his temerity. Ferdinand at the same time wrote to him severely to come without delay and, that the kingdom might not be without a governor, sent him a commission in blank to fill in with the name of a deputy to act during his absence or until the king should otherwise provide; moreover, all who had assisted in the removal of the prisoner were to be forthwith arrested by the inquisitors.[3] So, when in 1497 the notaries of Valencia claimed that the notaries of the Holy Office had no power to certify documents concerning the sales of confiscated property and other similar business and summoned them before the secular authorities, Ferdinand threatened them with severe punishment, besides the prosecution by the inquisition to which they were liable for impeding it, for it was not subject to any of the laws or privileges of the land. He also wrote to the Duke of Segorbe, his lieutenant-general, to support the Inquisition; the fiscal of the Suprema presented a *clamosa* claiming that those guilty of this action were excommunicate and liable to the penalties for fautorship of heresy, and the inquisitor-general forwarded this to them with a summons to appear within fifteen days and defend themselves.[4] The Inquisition was so sacred that a mere attempt to decide at law a question of business was a crime involving heavy penalties. Ferdinand's sharp rebuke, in 1499, when a case of confiscation, involving peculiar

[1] Arch Gen. de la C. de A., Reg. 3684, fol. 61, 73, 86, 89, 90.

[2] Archivo de Simancas, Inquisicion, Libro 688, fol. 504.

[3] Portocarrero, Sobre la Competencia de Jurisdicion, fol. 64 (Madrid, 1624).

[4] Archivo de Simancas, Inquisicion, Libro 1.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 309, Notarios, fol. 1.

hardship, provoked the royal officials and local magistrates to meet and draw up a protest in terms unflattering to the tribunal has already been referred to (p. 189). It was probably one of the results of this that, on June 28, 1500, the inquisitors summoned all the officials and the Diputados before them and, when all were assembled, read to them the apostolic letters and those of the king respecting the tribunal and its fees and required all present to take the oath of obedience, which was duly acceded to without objections.[1] The unintermitting pressure of the throne was thus finally effective and, in spite of its fueros, the little kingdom was brought under the yoke.

The tribunal had been active and efficient. Already, in June, 1488, a list of those reconciled under the Edicts of Grace amounted to 983 and, among these, no less than a hundred women are described as the wives or daughters of men who had been burnt. Those included in this enumeration were given assurance that their property would not be subject to confiscation—unless it had already been sequestrated—and that they could effect sales and make good titles. Apparently inquisitorial zeal disregarded this assurance for these penitents applied for and obtained its confirmation, May 30, 1491.[2] Of course they had been subjected to heavy fines under the guise of pecuniary penance and we can readily imagine how large was the sum thus contributed to the coffers of the Inquisition, to which as yet these fines enured.

ARAGON.

The parent state of Aragon proper seemed at first sight to present an even more arduous problem than Valencia. The people were proud of their ancient liberty and resolute in its maintenance, through institutions sedulously organized for that purpose. The Conversos were numerous, wealthy and powerful, occupying many of the higher offices and intermarried with the noblest houses and, in the fate of their brethren of Castile, they had ample warning of what was in store for them. In the revival of the old Inquisition, Valencia was the scene of action and we hear little

[1] Escolano, Hist. del Ciudad y Reyno de Valencia, II, 1442 (Valencia, 1611).
[2] Archivo hist. nacional, Inquisicion de Valencia, Legajos 98, 374.

of Gualbes and Orts beyond its boundaries. The acceptance, however, by the Córtes of Tarazona, in the Spring of 1484, of Torquemada's jurisdiction, of course included Aragon; he lost no time in organizing a tribunal in Saragossa, by the appointment, May 4th, as inquisitors of Fray Gaspar Juglar and of Maestre Pedro Arbués, a canon of the cathedral, with the necessary subordinates and, by May 11th, the appointments for a full court were completed, as we learn by an order for the payment of the salaries.[1] The expense was large but it was already provided for; Torquemada must himself have employed his leisure in acting as inquisitor for, on May 10th, an auto de fe was held in the cathedral in which four persons were penanced and subjected to confiscation.[2] Gaspar Juglar in this appointment obtained his reward for the services he had rendered as a nominator of inquisitors, but he did not long enjoy it; he disappears almost immediately, poisoned, as it was said, by the Conversos in some *rosquillas* or sweet cakes.[3] No time was lost in getting to work. Ferdinand had written from Tarazona, May 10th, that the Edict of Grace which had been resolved upon was not to be published, but that proceed-

[1] Arch. gén. de la de C. de A., Reg. 3684, fol 16.

To Maestre Gaspar Juglar, inquisitor	3000	sueldos.
" ——— ———, inquisitor	3000	"
" Maestre Pedro de Epila, inquisitor	1000	"
" Micer Martin de la Raga, assessor	1000	"
" Francisco de Santa Fe, notary	2000	"
" Juan de Anchias, notary	1000	"
" Ruy Sánchez de Suazo, promotor fiscal	2500	"
" Don Ramon de Mur, advocate fiscal	1000	"
" Diego López, alguazil	5000	"
" Juan de Exea, receiver	1500	"

The blank for the second inquisitor is doubtless to be filled with the name of Maestre Martin García, who appears in a later portion of the document classed with Arbués (Pedro de Epila). The large salary of the alguazil arose from his bearing the charges of the prisons. The salaries of Arbués, Raga, Mur and Anchias were to begin with May 1st, showing that they alone were already at work. The rest were to commence on the day on which they would swear that they left their homes.

[2] Memoria de diversos Autos (see Appendix).

[3] Ibidem. In this MS. he is called Maestre Julian, presumably the error of a copyist. Lanuza (Hist. de Aragon, II, 168, 177) says that he died in January, 1485, in the monastery of Lérida; that some asserted that he was poisoned by the heretics and that the manner of his death was investigated by the chapter of his convent, but that no decision seems to have been reached. In 1646 a memorial from the authorities of Aragon to Philip IV classes Juglar with Arbués as a martyr to the faith.—Bibl. nacional, Seccion de MSS., Mm, 123.

ings should go on as if it had been proclaimed and had expired, thus depriving the Conversos of the opportunity of coming forward for confessing, and explaining the absence at Saragossa of the long lists of penitents that we find elsewhere.[1] Thus, although some time must have been required for the members of the tribunal to assemble, by June 3d it was ready for another auto, held in the courtyard of the archiepiscopal palace. This time it was not bloodless, for two men were executed and a woman was burnt in effigy.[2]

No more autos were held in Saragossa for eighteen months. Thus far the people had been passive; they had accepted the action of the Córtes of Tarazona, apparently under the impression that the new Inquisition would be as inert as the old had so long been, but, as they awoke to the reality, an opposition arose which called a halt and Arbués never celebrated another auto. Not only the Conversos but many of the Old Christians denounced the Inquisition as contrary to the liberties of the land. The chief objections urged against it were the secrecy of procedure and the confiscation of estates and, as these were the veriest commonplaces of inquisitorial business, it shows how completely the old institution had been dormant. So many Conversos were lawyers and judges and high officials that they had abundant opportunity to impede the action of the tribunal by obtaining injunctions and decisions of the courts as to confiscations, which they regarded as the most assailable point, believing that if these could be stopped the whole business would perish of inanition.[3]

To overcome this resistance, resort was had to the rule compelling all who held office to take the oath of obedience to the Inquisition. On September 19th, the royal and local officials were assembled and solemnly sworn to maintain inviolably the holy Roman Catholic faith, to employ all their energies against every one of whatever rank, who was a heretic or suspect of heresy or a fautor of heresy, to denounce any one whom they might know to be guilty and to appoint to office no one suspect in the faith or incapacitated by law. A few days later the same oath was taken by the Governor of Aragon, Juan Francisco de Heredia and his assessor, Francisco de Santa Fe, son of that Geronimo de Santa Fe the convert, who had stimulated the popular abhorrence of

[1] Arch. gén. de la C. de A., Reg. 3684, fol. 12.

[2] MS. Memoria (see Appendix).

[3] Zurita, Añales, Lib. xx, cap. lxv.—Páramo, pp. 180–1.

Judaism. Other nobles were subsequently required to take the oath, and it was gradually administered to all the different Estates. Then, in November, followed Torquemada's assembly of inquisitors at Seville, whose instructions were duly transmitted to Aragon for observance, although Aragon had not been represented in the conference. Thus far the tribunal seems to have had no definite quarters, but it was now settled in some houses between the cathedral and the archiepiscopal palace, convenient to the ecclesiastical gaol.[1]

Agitation grew stronger and those who deemed themselves in danger began to seek safety in flight, whereupon Ferdinand, on November 4th, issued orders to the authorities of the three kingdoms to adopt whatever means might be necessary to prevent the departure of all who were not firm in the faith. The effort proved ineffective, as it was decided to be in violation of the fueros, but the Inquisition was superior to the fueros and Ferdinand instructed the inquisitors to issue an edict forbidding any one to leave the kingdom without their license, under pain of being held as a relapsed heretic in case of return, and this scandalous stretch of arbitrary power he sarcastically said that he would enforce so that the object might be attained without infringing on the liberties of the kingdom.[2]

The rich Conversos offered large amounts to the sovereigns if they would forego the confiscations, but the proposition was rejected. A heavy sum was subscribed to propitiate the curia, but the arrangement by which the land was subjected to Torquemada was too recent to be changed. The lieutenant of the Justicia of Aragon, Tristan de la Porta, was urged to prohibit the Inquisition altogether, but in vain. Then the Four Estates of the realm were called together to deliberate on a subject which involved the liberties of the whole land. To forestall their action Ferdinand, on December 10th, addressed a circular letter to the deputies and to the leading nobles, entreating them affectionately to favor and aid the inquisitors of Saragossa and Teruel, but this had no influence and a solemn embassy was sent to remonstrate with him. To their representations he answered, disposing of their arguments by assuming practically that he was only the agent of the Church in enforcing the well-known principles of the canons. The essence of his answer is embodied in responding to

[1] Zurita, Añales, Lib. xx, cap. lxv.

[2] Arch. gén. de la C. de A., Reg. 3684, fol. 28, 86.

their demand that the Inquisition be carried on as in times past, for in any other way it violated the liberties of the kingdom. "There is no intention" he said "of infringing on the fueros but rather of enforcing their observance. It is not to be imagined that vassals so Catholic as those of Aragon would have demanded, or that kings so Catholic would have granted, fueros and liberties adverse to the faith and favorable to heresy.. If the old inquisitors had acted conscientiously in accordance with the canons there would have been no cause for bringing in the new ones, but they were without conscience and corrupted with bribes. If there are so few heretics as is now asserted, there should not be such dread of the Inquisition. It is not to be impeded in sequestrating and confiscating and other necessary acts, for be assured that no cause or interest, however great, shall be allowed to interfere with its proceeding in future as it is now doing."[1]

Meanwhile there had been, at Teruel, a more open resistance to the Inquisition, in which the inflexible purpose of the monarch to enforce obedience at any cost was abundantly demonstrated. Simultaneously with the organization of the Saragossa tribunal, Fray Juan Colivera and Mossen Martin Navarro were sent to Teruel with their subordinates to establish one there. Teruel was a fortified city of some importance, near the Castilian border, the capital of its district, although it was not elevated into a separate bishopric until 1577. When the reverend fathers appeared before the gates, the magistrates refused them entrance and they prudently retired to Cella, a village about four leagues distant, whence they fulminated an edict excommunicating the magistrates and casting an interdict on the town. From the venal papal court Teruel had no difficulty in procuring letters in virtue of which the dean, Francisco Savistan, and Martin de San Juan, rector of Villaquemada, absolved the excommunicates and removed the interdict, nor is it likely that any success attended Ferdinand's order to his son, the Archbishop of Saragossa, to send to his official at Teruel secret instructions to seize the two priests and hold them in chains. The town sent a supplication to him by Juan de la Mata and Micer Jaime Mora, but he only ordered them to send home a peremptory command to submit, under pain of such punishment as should serve as a perpetual example. This he also communicated to the Governor of Aragon, Juan Fernández de Heredia, with instructions to take it to Teruel and read it to the

[1] Arch. gén. de la C. de A., Reg. 3684, fol. 29, 35.

magistrates, when, if they did not yield, a formal summons to appear before him was to be read to each one individually—all of which was doubtless performed without effect. Ferdinand had also ordered the envoys not to leave the court, but they fled secretly and his joy was extreme when, six months later, Juan de la Mata was captured by Juan Garcés de Marzilla.

The next step of the Inquisition was a decree, October 2, 1484, confiscating to the crown all the offices in Teruel and pronouncing the incumbents incapable of holding any office of honor or profit —a decree which Ferdinand proceeded to execute by stopping their salaries. It was in vain that the Diputados of Aragon interceded with him; he replied curtly that the people of Teruel had nothing to complain of and were guilty of madness and outrage. Then the inquisitors took final action, which was strictly within their competence, by issuing a letter invoking the aid of the secular arm and summoning the king to enable them to seize the magistrates and confiscate their property. To this he responded, February 5, 1485, with an *Executoria invocationis brachii sæcularis*, addressed to all the officials of Aragon, requiring them and the nobles to assemble all the horse and foot that they could raise and put them at the service of the inquisitors, under a captain whom he would send to take command. Under pain of the royal wrath, deprivation of office, a fine of twenty thousand gold florins and discretional penalties, they were ordered to seize all the inhabitants of Teruel and their property and deliver them to the inquisitors to be punished for their enormous crimes in such wise as should serve for a lasting example. The people of Cella, also, were ordered to deliver their castle to the inquisitors to serve as a prison and to make all repairs necessary for that purpose. Apparently the response of Aragon to this summons was unsatisfactory for Ferdinand, in defiance of the fuero which forbade the introduction of foreign troops into the kingdom, took the extreme step of calling upon the nobles of Cuenca and other Castilian districts contiguous to the border, to raise their men and join in the holy war, while the receiver of confiscations was ordered to sell enough property to meet the expenses. Whether this formidable array was raised or not, the documents do not inform us, nor of the circumstances under which Teruel submitted, but it had braved the royal will as long as it dared and it could not hold out against the forces of two kingdoms. By April 15th Ferdinand was in position to appoint Juan Garcés de Marzilla, the captor of Juan

de la Mata, as *assistente* or governor of Teruel, with absolute dictatorial powers, and the spirit in which he exercised them may be gathered from his declaration that he did not intend to allow fueros or privileges to stand in the way. The lot of the inhabitants was hard. Ferdinand ordered Marzilla to banish all whom the inquisitors might designate, thus placing the whole population at their mercy, and their rule must have been exasperating, for, in January, 1486, Ferdinand reproaches Marzilla because his nephew, who had aided in the capture of la Mata, had recently attempted to slay the alguazil of the Inquisition. Presumably the inquisitorial coffers were filled with the fines and confiscations which could be inflicted at discretion on the citizens for impeding the Inquisition. During the long struggle Teruel had been at the disadvantage that the surrounding country supported the inquisitors, won over through an astute device by which the inquisitors, while at Cella, had guaranteed, on the payment of certain sums, the remission of all debts and the release of all *censos* or bonds and groundrents, which might be due to heretics who should be convicted and subjected to confiscation in Teruel. All debtors were thus eager for the success of the inquisitors and for the punishment of heresy among the money-lending Conversos of the town.[1]

Meanwhile, in Saragossa, the Conversos were growing desperate. All peaceful means of averting the fate that hung over them had failed and events at Teruel demonstrated the futility of resistance. The bolder spirits began to whisper that the only resource left was to kill an inquisitor or two, when the warning would deter others from incurring the hazard. They knew that secret informations were on foot gathering from all sources testimony against them all. Inquisitor Arbués was almost openly said to be ready to pay for satisfactory evidence, and the life and fortune of every man was at the mercy of the evil-minded.[2] Sancho de Paternoy, the Maestre Racional of Aragon, when on trial, admitted to prejudice against Juan de Anchias, secretary of the tribunal, because

[1] Arch. gén. de la C. de A., Reg. 3684, fol. 12, 23, 27, 31, 35, 38, 39, 42, 47–9, 51–3, 55–8, 60, 63, 72, 98.

In 1502, with characteristic faithlessness, the inquisitors at Teruel proposed to collect all the debts due to the confiscated estates, but Ferdinand intervened and sternly forbade it.—Archivo de Simancas, Inquisicion, Libro 2, fol. 16.

[2] Bibl. nacionale de France, fonds espagnol, 80, fol. 4.

he had enquired of a Jewish tailor whether Paternoy had a seat in the synagogue.[1] Suspense was becoming insupportable; the project of assassination gradually took shape and, when the friends of the Conversos at the royal court were consulted, including Ferdinand's treasurer Gabriel Sánchez, they approved of it and wrote that if an inquisitor was murdered it would put an end to the Inquisition.[2]

At first the intention was to make way not only with Pedro Arbués but with the assessor, Martin de la Raga, and with Micer Pedro Francés, and a plot was laid to drown the assessor while he was walking by the Ebro, but he chanced to be accompanied by two gentlemen and it was abandoned.[3] The whole attention of the conspirators was then concentrated on Arbués. Maestre Epila, as he was commonly called, was not a man of any special note, though his selection by Torquemada indicates that he was reputed to possess the qualities necessary to curb the recalcitrant Aragonese, and we are told that he was an eloquent preacher. He possessed the gift of prophecy, if we may believe the story that he foretold to his colleague Martin García that he would reach the episcopate, for García, in 1512, became Bishop of Barcelona, but such foresight is not necessary to explain his reluctance to accept the inquisitorship, for, although this was always a promising avenue to promotion, the post was evidently to be an arduous one.[4] His hesitation was overcome and we have seen how energetically he commenced his new career, yet the interruptions which supervened had prevented him from accomplishing much and he fell a victim rather to fear than to revenge.

The conspirators were evidently irresolute, for the plot was long in hatching, but the secret was wonderfully well kept, considering that the correspondence respecting it was extensive. Rumors however were not lacking and, as early as January 29, 1485, Ferdinand wrote to the Governor of Aragon that a conspiracy was on foot and that a large sum was being raised to embarrass the Inquisition in every way, yet at the same time he thanked the jurats for their zeal in aiding the inquisitors.[5] If suspicion was

[1] Libro Verde de Aragon (MS., fol. 67).

[2] Libro Verde (Revista de España, CVI, 281–2).

[3] Zurita, Añales, Libro xx, cap. lxv.

[4] Trasmiera, Epitome de la santa Vida y relacion de la gloriosa muerte del Venerable Pedro de Arbués, pp. 15, 32, 50 (Madrid, 1664).—Villanueva, Viage literario, XVIII, 50.

[5] Arch. gén. de la C. de A., Reg. 3684, fol. 37, 38.

then aroused, it slumbered again and for six months meetings were held without being discovered. It was determined to raise a fund for hiring assassins and three treasurers were appointed. Juan de Esperandeu, a currier, known as a desperate man, whose father had been arrested, undertook to find the bravos and hired Juan de la Badía for the purpose. In April or May, 1485, an attempt was made on the house where Arbués lodged, but the men were frightened off and the matter was postponed for several months. At length, on the night of September 15th, Esperandeu went to the house of la Badía and wakened him; together they returned to Esperandeu's, where they found the latter's servant Vidau Durango, a Frenchman, with Mateo Ram, one of the leaders of the plot, his squire Tristanico Leonis and three others who were masked and who remained unknown. They all went to the cathedral and entered by the chapter door, which was open on account of the service of matins. Arbués was kneeling in prayer between the high altar and the choir, where the canons were chanting; he knew that his life was threatened, for he wore a coat of mail and a steel cap, while a lance which he carried was leaning against a pillar. La Badía whispered to Durango "There he is, give it to him!" Durango stole up behind and, with a back-stroke, clove his neck between his armor. He rose and staggered towards the choir, followed by la Badía, who pierced him through the arm, while Mateo Ram was also said to have thrust him through the body. He fell; the assassins hurried away and the canons, alarmed at the noise, rushed from the choir and carried him to his house near by, where surgeons were summoned who pronounced the wounds to be mortal. He lay for twenty-four hours, repeating, we are told, pious ejaculations, and died on September 17th, between 1 and 2 A.M. Miracles at once attested his sanctity. On the night of the murder the holy bell of Villela tolled without human hands, breaking the bull's pizzle with which the clapper was secured. His blood, which stained the flagstones of the cathedral, after drying for two weeks, suddenly liquefied, so that crowds came to dip in it cloths and scapulars and had to be forcibly driven off when he was buried on the spot where he fell: when the conspirators were interrogated by the inquisitors, their mouths became black and their tongues were parched so that they were unable to speak until water was given to them. It was popularly believed that when, in their flight, they reached the boundaries of the kingdom, they became divinely benumbed

until seized by their captors. More credible is the miracle, reported by Juan de Anchias, that their trials led to the discovery of innumerable heretics who were duly penanced or burnt.[1] Pecuniarily the affair had not been costly; the whole outlay had been only six hundred florins, of which one hundred was paid to the assassin.[2]

Like the murder of Pierre de Castelnau in Languedoc, this crime turned the scale. Its immediate effect was to cause a revulsion of popular feeling, which hitherto had been markedly hostile to the Inquisition. The news of the assassination spread through the city with marvellous rapidity and before dawn the streets were filled with excited crowds shouting "Burn the Conversos who have slain the inquisitor!" There was danger, in the exaltation of feeling, not only that the Conversos would be massacred but that the Judería and Morería would be sacked. By daylight the archbishop, Alfonso de Aragon, mounted his horse and traversed the streets, calming the mob with promises of speedy justice. A meeting was at once called of all the principal persons in the city, which resolved itself into a national assembly and empowered all ecclesiastical and secular officials to proceed against every one concerned with the utmost vigor and without observing the customs and fueros of the kingdom.[3] For some days the Con-

[1] Memoria de diversos Autos (Appendix).—Libro Verde (Revista de España, CVI, 281–6, 288).—Raynald Annal. ann. 1485, n. 23, 24.—Zurita, Añales, Lib. xx, cap. lxv.—Juan Gines Sepúlveda, Descriptio Collegii Hespanorum Bononiensis.—Blancas, Aragon. Rerum Comment. p. 268.—Bibliothèque nat. de France, fonds espagnol, 80, fol. 33.

In spite of these miracles and of innumerable others which manifested the sanctity of Arbués, the Holy See was distinctly averse to his canonization. A papal brief even ordered the removal from the cathedral of the sanbenitos of the assassins and strenuous efforts were required to procure its revocation.

Repeated investigations were made by successive popes without result—at the request of Charles V in 1537; of Philip III in 1604, 1615 and 1618; of Philip IV in 1622 and 1652, until at length in 1664 he was beatified (Trasmiera, pp. 98, 99, 133, 137, 139). The matter then rested for two centuries until, in 1864, it was taken up again and finally, June 29, 1867, he was canonized by Pius IX (Dom. Bartolini, Comment. Actor. Omnium Canonizationis, Romæ, 1868).

It is significant that the Inquisition did not await the tardy action of Rome. Instructions of the Suprema in 1603, 1623 and 1633 show that his feast was regularly celebrated with prescribed offices (MSS. of Royal Library of Copenhagen, 218b, p. 257) and, during the 17th and 18th centuries, he is constantly spoken of, in the documents of the Inquisition relating to the feast, as San Pedro Arbués.

[2] Memoria de diversos Autos, Auto 25 (Appendix). [3] Zurita, *loc. cit.*

versos continued to flatter themselves that with money they would disarm Ferdinand's wrath; they had, they said, the whole court with them and the sympathies of all the magnates of the land,[1] but they miscalculated his shrewd resolve to profit to the utmost by their blunder and the consequent weakness of their friends. The royal anger, indeed, was much dreaded and the Diputados, a few days later, wrote to the king reporting what had been done; the criminals had already scattered in flight; the city had offered a reward of five hundred ducats; the judges had written to foreign lands to invoke aid in intercepting the fugitives and both city and kingdom would willingly undergo all labor and expense necessary to avenge the crime. A proclamation was also issued excommunicating all having knowledge of the conspiracy who should not within a given time come forward and reveal what they knew.[2]

It was probably in consequence of the murder that Ferdinand and Isabella succeeded in obtaining, from Innocent VIII, papal letters of April 3, 1487, ordering all princes and rulers and magistrates, to seize and deliver to the Inquisition of Spain all fugitives who should be designated to them, thus extending its arms everywhere throughout Christendom and practically outlawing all refugees; no proof was to be required, simple requisition sufficed, the surrender was to be made within thirty days and safe-conduct assured to the frontier, under pain of excommunication and the penalties for fautorship of heresy. Fortunately for humanity this atrocious attempt to establish a new international law by papal absolutism was practically ignored.[3]

[1] Memoria, *loc cit.*

[2] Gams, Zur Geschichte der spanischen Staatsinquisition, p. 34.—Bibl. nationale de France, fonds espagnol, 81.

[3] This brief is printed in the Boletin, XVI, 368 by Padre Fidel Fita, who is in error in assuming its obedience in France from the case of Juan de Pedro Sánchez, reported in an essay of mine on the Martyrdom of Arbués. This was merely an instance of friendly co-operation between the Inquisitions of Toulouse and Saragossa and occurred too early to be the result of the papal letters which were not received in Córdova until May 31, 1487.

We have seen (p. 191), by a case occurring in 1501, that Manoel of Portugal considered that there was no obligation to return fugitives from the Inquisition; it was a matter of comity to be decided on the merits of each case. There was a similar one in 1500, and when, in 1510 and 1514, fugitives were asked for, under plea that they were wanted as witnesses, Manoel refused to surrender them without absolute pledges that they should suffer no harm (Archivo de Simancas, Inquisicion, Libro 1; Libro 3, fol. 85, 107, 110).

When Portugal obtained an Inquisition, the two inquisitors-general, in 1544,

There was one case however in which its punitive clauses seem to have been invoked. Several of the accomplices in the assassination found refuge in Tudela, a frontier city of Navarre and, on January 27, 1486, Ferdinand wrote to the magistrates there affectionately requesting that, if the inquisitors should send for the accused, all aid should be rendered, seeing that he had given orders to obey such requisitions throughout his own kingdoms. This application was unsuccessful and in May he repeated it imperiously, threatening war upon them as defenders of heretics.[1] The condition of the perishing kingdom of Navarre, under the youthful Catherine and Jean d'Albret, was not such as to protect it from the insults of a sovereign like Ferdinand and the inquisitors presumed so far as to instruct Don Juan de Ribera, then in command of the frontier, to carry the royal threats into execution. That prudent officer refused to make war upon a friendly state without the protection of an express order bearing the signatures of Ferdinand and Isabella, whereupon, on June 30th, the inquisitors complained of him to the king. He was in Galicia, suppressing a rising of the Count of Lemos and reducing the lawless nobles to order and from Viso, July 22d, he replied that he would at once have sent the order but that he had brought with him all the frontier troops; as soon as his task was accomplished he would send back forces with orders to Don Juan to make war on Tudela in such fashion as to compel it to do what was requisite for the service of God.[2] A letter of the same date to Torquemada states that the inquisitors have asked for letters of marque and reprisal against Tudela on account of Luis de Santangel, but this must be preceded by a *carta requisitoria*, which he instructs Torquemada to prepare and send to him when he will execute it.[3] It was not until the end of November that the sovereigns returned to Salamanca and it is presumable that the campaign against Tudela was postponed until the Spring. Of course the fugitives had long before sought some safer asylum, but the papal brief of April 3,

came to an agreement, with the assent of the respective monarchs, which superseded extradition. The fugitive was to be tried in the country where he was captured and the Inquisition from which he had fled was to furnish the evidence. —Bibl. nacional, Seccion de MSS. X, 257, fol. 218.

[1] Arch. gén. de la C. de A., Reg. 3684, fol. 75.—Amador de los Rios, III, 269.

[2] Arch. gén. de la C. de A., Reg. 3684, fol. 103.

[3] Ibidem, fol. 102 (see Appendix). It was Martin de Santangel, not Luis, who took refuge in Tudela. He was not caught, but was burnt in effigy, July 28, 1486.

1487, could be enforced against the magistrates and they endured the humiliation of submitting to the tribunal of Saragossa. At an auto de fe held March 2, 1488, the alcalde and eight of the citizens appeared and performed penance.[1]

Ferdinand recognized the opportunity afforded by the assassination of Arbués and was resolved to make the most of it. Prominent among the means for this was the stimulation of the popular veneration of the martyr. On September 29, 1486, his solemn exequies were celebrated with as much solemnity as those of the holiest saint; a splendid tomb was built to which his remains were translated, December 8, 1487; a statue was erected with an inscription by the sovereigns and over it a bas-relief representing the scene of the murder. During a pestilence, in 1490, the city ordered a silver lamp, fifty ounces in weight, to be placed before the tomb and another silver lamp to burn day and night.[2] His cult as a saint was not allowed to await the tardy recognition of the Holy See.

The conspirators miscalculated when they imagined that his murder would deter others from taking his place. There was no danger for inquisitors now in Aragon and the tribunal of Saragossa was promptly remanned and enlarged for the abundant harvest that was expected.[3] It was not long in getting to work and on December 28, 1485, an auto was celebrated in which a man and a woman were burnt.[4] The tribunal was removed to the royal palace-fortress outside of the walls, known as the Aljafería, as an evidence that it was under the royal safeguard and Ferdinand proclaimed that he and his successors took it under their special protection.[5] Strict orders were sent to the Estates of the kingdom

[1] Memoria de diversos Autos, Auto 29 (Appendix).

In after years, Ferdinand was less inclined to invade friendly territory. February 25, 1501, writing to the Archdeacon of Almazan, Inquisitor of Catalayud, about an inhabitant of Fitero, a town just beyond the border, he says that if the culprit can be arrested within his jurisdiction it can be done, but there must be no deceit and no scandal.—Archivo de Simancas, Inquisicion, Libro 1.

[2] Zurita, Añales, Lib. xx, cap. lxv.—Llorente, Hist. crít. Cap. vi, Art. ii, n. 1. —Trasmiera, p. 101.

[3] Arch. gén. de la C. de A., Reg. 3684, fol. 67, 68, 83, 86.

[4] Memoria de diversos Autos, Auto 3 (see Appendix).

[5] Zurita, *loc. cit.*—The order to receive the tribunal in the Aljafería bears date January 12, 1486 (Arch. gén. de la C. de A., Reg. 3684, fol. 83). Subsequently it was transferred to the archiepiscopal palace in order to let the Aljafería be occupied by a member of the royal family, but the inquisitors complained and were allowed to return in 1498. They encroached upon the royal apartments, much to Ferdi-

and to the local officials to suppress summarily all resistance to the confiscations, which were becoming so extensive that the receiver at Saragossa had his hands full and was empowered to appoint deputies throughout the land to attend to the work in their respective districts.[1]

In the prevailing temper pursuit was hot after the murderers of Arbués and the avengers were soon upon their track. There were some hair-breadth escapes, and much curious detail, for which space fails us here, will be found in the *Memoria de diversos Autos* in the Appendix, some of it showing that there were powerful secret influences in favor of individuals. One party, consisting of the chief contriver of the plot, Juan de Pedro Sánchez and his wife, Gaspar de Santa Cruz and his wife, Martin de Santangel, García de Moras, Mossen Pedro Mañas and the two Pedro de Almazan, effected their escape by way of Tudela, for which, as we have seen, that city was held responsible, and the Lord of Cadreyta, an ancestor of the Dukes of Alburquerque, was penanced for giving them shelter and receiving sixty florins in payment.[2]

Although by decree both secular and ecclesiastical courts were empowered to punish the guilty, the prosecutions seem to have been left altogether to the Inquisition and it had the satisfaction of burning the effigies of the fugitives. Many, however, paid the penalty in their persons. Vidau Durango was soon caught at Lérida, when he made no difficulty in revealing the details of the plot and the names of the accomplices. The work of retribution followed and was continued for years. In the auto of June 30, 1486, Juan de Pedro Sánchez was burnt in effigy; Vidau Durango was treated mercifully, doubtless in consideration of his communicativeness; his hands were cut off and nailed to the door of the Diputacion, or House of Diputados, and it was not until he was dead that he was dragged to the market-place when he was beheaded and quartered and the fragments were suspended in the streets. The punishment of Juan de Esperandeu was more harsh; he was dragged while living to the portal of the cathedral when his hands were cut off; he was then dragged to the market-place,

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nand's disgust, as expressed in a letter of September 30, 1511. In January, 1515, he ordered them to leave the palace and rent accommodations in the city, but finally they obtained permanent possession.—Archivo de Simancas, Inquisicion, Libro 1; Libro 3, fol. 155, 321, 322.

[1] Arch. gén. de la C. de A., Reg. 3684, fol. 76.

[2] Memoria de diversos Autos, Auto 27, n. 3 (see Appendix).

beheaded and quartered, as in the case of Durango. On July 28th, Gaspar de Santa Cruz and Martin de Santangel were burnt in effigy and Pedro de Exea, who had contributed to the fund, was burnt alive. On October 21st, María de la Badía was burnt as an accessory. On December 15th an auto was hastily arranged; Francisco de Santa Fe, assessor of the Governor of Aragon and son of the great Converso Jeronimo de Santa Fe, was fatally compromised in the conspiracy; hopeless of escape he threw himself from the battlement of the tower in which he was confined and was dashed to pieces and the same day his remains were burnt and his bones, enclosed in a box, were cast into the Tagus as though it was feared that they would be venerated as those of a martyr. Juan de la Badía eluded his tormentors in even more desperate fashion. An auto was arranged for January 21, 1487, in which he was to suffer; in his cell the day before he broke in pieces a glass lamp and swallowed the fragments, which speedily brought the death he craved; the next day his corpse was dragged and quartered and the hands were cut off and on the same occasion there were burnt in effigy as accomplices Pedro de Almazan the elder, Anton Pérez and Pedro de Vera. On March 15th Mateo Ram, who superintended the murder, had his hands cut off and was then burnt, with Joan Francés, who was suspected of complicity and the effigies of three accomplices, Juan Ram, Alonso Sánchez and García de Moras. August 8th, Luis de Santangel, who was one of the chief conspirators, was beheaded in the market-place, his head was set upon a pole and his body was burnt.[1]

Thus the ghastly tragedy went on for years, as the ramifications of the conspiracy were explored and all who were remotely connected with it were traced. It was not until 1488 that Juan de la Caballería was placed on trial, the wife of Gaspar de la Caballería having testified that her husband told her that Juan had offered him five hundred florins to kill the inquisitor. Juan admitted having learned from Juan de Pedro Sánchez that there was a fund for the purpose and that he had mentioned it to Gaspar but concluded that Gaspar had not sufficient resolution for the deed; he died in gaol in 1490 and his body was burnt in the auto of July 8, 1491, while Gaspar was penanced in that of September 8, 1492.[2] In this latter auto Sancho de Paternoy, Maestre Racional

[1] Memoria de diversos Autos, Autos 10, 11, 14, 16, 18, 20, 22 (Appendix)

[2] Bibl. nacionale de France, fonds espagnol, 81.—Memoria de diversos Autos, Auto 43, n. 6; Auto 45, n. 1.

of Aragon, was penanced with perpetual imprisonment. His trial had been a prolonged one; he had been repeatedly tortured and had confessed privity to the murder and had then retracted wholly, saying that he knew nothing about it and that he had spent the night of the assassination in the palace of the archbishop. His guilt was not clear; he had powerful friends, especially Gabriel Sánchez, Ferdinand's treasurer, and he was punished on mere suspicion.[1] Any expression of satisfaction at the murder was an offence to be dearly expiated. Among the crimes for which Pedro Sánchez was burnt, May 2, 1489, this is enumerated and it was one of the chief accusations brought against Brianda de Bardaxí, but, though she admitted it under torture she retracted it afterwards; it could not be proved against her and she was let off with a fine of a third of her property and temporary imprisonment.[2] The assassination gave the Inquisition ample opportunity to make a profound impression and it made the most of its good fortune.[3]

[1] Libro Verde (Revista de España, CVI, 287, 589.—Ibid. MS. fol. 65–74).

[2] Memoria de diversos Autos, Auto 36, n. 1.—Bibl. nacionale de France, fonds espagnol, 80.

[3] It is impossible to construct a full catalogue of the victims. Llorente undoubtedly exaggerates when he asserts (Hist. crít. Chap. VI, Art. v, n. 1) that the executions numbered more than 200 and so does Amador de los Rios (III, 266) in saying that the greater part of those who appeared in the Saragossa autos from 1486 to 1492 were accomplices in the murder. The sentences abstracted in the *Memoria* show that but few of them were concerned in it.

Anchias, the notary of the tribunal, in his account of the affair, only enumerates as put to death three treasurers of the fund, five assassins and four accomplices besides Sancho de Paternoy and Alonso de Alagon who escaped with imprisonment through friendly influences (Libro Verde, Revista, CVI, 287). The indications in the *Memoria* are incomplete as, after May, 1489, the crimes of the culprits are not stated but, so far as it goes and comparing it with the Libro Verde and other sources, I find nine executed in person, besides two suicides, thirteen burnt in effigy and four penanced for complicity. Besides these are two penanced for suborning false witness in favor of Luis de Santangel and seventeen for aiding or sheltering the guilty, and two for rejoicing at the crime. Altogether, fifty or sixty will probably cover the total of those who suffered in various ways.

The sanbenitos of the convicts, with inscriptions, were hung as customary in the cathedral and remain there to the present day (Amador de los Rios, III, 266). The swords of the murderers are still to be seen attached to the pillars near the entrance to the chancel (V. de la Fuente, in Oviedo's *Quinquagenas*, I, 73). One of the latter was removed in 1518, by order of Leo X, and when the commissioner who had performed the act died shortly afterward it was popularly regarded as a visitation of God (Archivo hist. nacional, Inquisicion de Toledo, Hacienda, Legajo 10).

The Inquisition thus had overcome all resistance and Aragon lay at its mercy. How that mercy was exercised is seen in the multitude of victims from among the principal Converso families which were almost extinguished by the stake or by confiscation. The names of Caballería, Sánchez, Santangel, Ram and others occur with wearying repetition in the lists of the autos de fe. Thus of the Santangel, who were descended from the convert Rabbi Azarías Ginillo, Martin de Santangel escaped to France and was burnt in effigy; Luis de Santangel, who had been knighted by Juan II for services in the war with Catalonia, was beheaded and burnt as we have seen. His cousin, Luis de Santangel, Ferdinand's financial secretary, who advanced to Isabella the 16,000 or 17,000 ducats to enable Columbus to discover the New World, was penanced July 17, 1491. He still continued in the royal service but he must have been condemned again for, after his death, about 1500, Ferdinand kindly made over his confiscated property to his children, including a thousand ducats of composition for the confiscation of Micer Tarancio. There was yet another Luis de Santangel, who married a daughter of Juan Vidal, also a victim of the Inquisition, and who finally fled with her to France, after which he was burnt in effigy. Juan de Santangel was burnt in 1486. Juan Tomás de Santangel was penanced, August 12, 1487. A brother of Juan was the Zalmedina de Santangel who fled to France and was burnt in effigy March 17, 1497. Gabriel de Santangel was condemned in 1495. Gisperte and Salvador de Santangel were reconciled at Huesca in 1499. Leonardo de Santangel was burnt at Huesca, July 8, 1489, and his mother two days afterwards. Violante de Santangel and Simon de Santangel, with Clara his wife, were reconciled at Huesca. Micer Miguel de Santangel of Huesca was reconciled March 1, 1489.[1] To estimate properly this terrible list we must bear in mind that "reconciliation" involved confiscation and disabilities inflicted on descendants which were almost equivalent to extinguishing a family. In 1513 Folsona, wife of Alonso de Santangel, petitioned Ferdinand saying that her husband, Alonso de Santangel, thirty years before, had fled from the Inquisition and his property had been confiscated, leaving her in poverty with four young children; she had withheld eighty libras of his effects and had spent them; now her

[1] Libro Verde (Revista, CVI, 250–1).—Archivo de Simancas, Inquisicion, Libro 1.—Arch. gén. de la C. de A., Reg. 3684, fol. 100.—Garibay, Compendio histórial, Lib. XIX, cap. 1.—Amador de los Rios, III, 405.

conscience impelled her to confess this and to sue for pardon, which the king graciously granted "with our customary clemency and compassion." One of these four children seems to be an Augustin de Santangel of Barbastro, son of Alonso, who as late as 1556, obtained relief from the disabilities consequent on his father's condemnation.[1]

There was in Aragon no Converso house more powerful than the descendants of Alazar Usuf and his brothers who took the name of Sánchez and furnished many officials of rank such as treasurer, bayle, dispensero mayor, etc. Of these, between 1486 and 1503, there were burnt, in person or in effigy, Juan de Pedro Sánchez, Micer Alonso Sánchez, Angelina Sánchez, Brianda Sánchez, Mossen Anton Sánchez, Micer Juan Sánchez, and, among the Tamarit, with whom they were allied by marriage, Leonor de Tamarit and her sister Olalía, Valentina de Tamarit and Beatríz de Tamarit. Of the same family there were penanced Aldonza Sánchez, Anton Sánchez, Juan de Juan Sánchez, Luis de Juan Sánchez, Juan Sánchez the jurist, Martin Sánchez, María Sánchez and Pedro Sánchez.[2] It is unnecessary to multiply examples of what was going on in Spain during those dreadful years, for Aragon was exceptional only in so far as the industrious notary, Juan de Anchías, kept and compiled the records that should attest the indelible stain on descendants. There is something awful in the hideous coolness with which he summarizes the lists of victims too numerous to particularize: "The Gómez of Huesca are New Christians and many of them have been abandoned to the secular arm and many others have been reconciled"; "The Zaportas and Benetes of Monzon . . . many of them have been condemned and abandoned to the secular arm."[3]

CATALONIA.

Catalonia had of old been even more intractable than her sister kingdoms and fully as jealous of her ancient rights and liberties. The *Capitols de Cort*, or fueros granted in the successive Córtes, were ordered to be systematically arranged and fairly written

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 237; Libro 4, fol. 223.
[2] Libro Verde (Revista, CV, 568). [3] Ibidem (Revista, CVI, 266, 269).

out in two volumes, one in Latin and the other in Limosin; these volumes were to be kept in the Diputacion, secured by chains but open to the public, so that every citizen might know his rights. Whenever the king or his officials violated them by edict or act, the Diputados—a standing committee of the Córtes—were instructed to oppose by every lawful means the invasion of their liberties until the obnoxious measure should be withdrawn.[1]

Apparently forewarned as to Ferdinand's designs, Catalonia had manifested her independence by refusing to send representatives to the Córtes of Tarazona in January, 1484, alleging that it was illegal to summon them beyond the boundaries of the principality.[2] The Catalans had thus escaped assenting to the jurisdiction of Torquemada, but this in no way hindered Ferdinand from sending, May 11th, to Juan de Medina, his receiver of confiscations at Barcelona, a list of salaries similar to that drawn up at the same time for Saragossa, although the names of appointees were left in blank.[3] The citizens met this by sending him a consulta affirming their rights and meanwhile prevented the old inquisitors from manifesting any increase of activity. To this Ferdinand replied from Córdova, August 4th, expressing his extreme dissatisfaction. They need not, he assured them, be alarmed as to their privileges and liberties, for the Inquisition will do nothing to violate them and will use no cruelty but will treat with all clemency those who return to the faith. Further remonstrance, he adds, will be useless for it is his unchangeable determination that the Inquisition shall perform its work and opposition to it will be more offensive to him than any other disservice.[4]

The Catalans were obdurate to both blandishments and threats. Barcelona claimed, as a special privilege, derived directly from the Holy See, that it had a right to an inquisitor of its own and that it could not be subjected to an inquisitor-general. It already had its inquisitor in the person of Juan Comte, who apparently gave the people no trouble and served as a convenient impediment to the extension of Torquemada's jurisdiction, especially as he held a papal commission. To meet this obstacle Ferdinand wrote, October 12th, to his ambassador at Rome, that the inquisitors were not doing their duty, wherefore he earnestly requested that, at the earliest possible moment, further power be granted to him and to

[1] Libre dels quatre Senyals, cap. xiv (Barcelona, 1634, p. 34).
[2] Zurita, Añales, Lib. xx, cap. lvi.
[3] Arch. gén. de la C. de A., Reg. 3684, fol. 16. [4] Ibidem, fol. 24.

Isabella and Torquemada to appoint and remove at pleasure officials who should be full inquisitors and not merely commissioners, as the franchises of the cities provide that they shall not be subjected to commissioners.[1] The Catalan Conversos doubtless understood how to counteract with the curia the king's desires, for nine months later, July 9, 1485, Ferdinand again wrote to his *auditor apostólico* that the Inquisition in Aragon, Catalonia and Valencia was much impeded by the papal commissions granted to Dominican masters of theology and other persons, and that he must at once procure a bull revoking all commissions to act as inquisitors, especially those of Fray Juan Comte of Barcelona and Archdeacon Mercader of Valencia; Torquemada must have a fresh appointment for the Aragonese kingdoms and especially as inquisitor of Barcelona, with faculty to subdelegate his powers.[2] It is possible that Cardinal Borgia's interest in his Vicar-general Mercader neutralized the efforts of Ferdinand's agents, for six months passed away without the request being granted and, in January, 1486, the king ventured the experiment of sending two appointees of Torquemada, the Dominicans Juan Franco and Guillen Casells, with an *Executoria pro Inquisitoribus apud Cataloniam*, addressed to all the officials, who were ordered under pain of five thousand gold florins to receive and convey them safely, to aid them in their work, to arrest and imprison in chains whomsoever they might designate and to inflict due punishment on all whom they might abandon to the secular arm.[3] This energetic movement was as fruitless as its predecessors and some weeks later an order was issued to the inquisitors at Saragossa to reimburse, from the pecuniary penances in their hands, the expenses of the cleric who had been sent to Barcelona and also to pay fifty libras each to Esteban Gago, sent there as alguazil and Jaime Millan as notary, in order to provide for their support.[4] At the same time Ferdinand expressed the hope that the Barcelonese tribunal would soon be in working order, and in this he was not wholly disappointed.

Innocent VIII yielded at last and, by a brief of February 6, 1486, under pretext that they had been too zealous, he removed

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[1] Arch. gén. de la C. de A., Reg. 3684, fol. 27. This request was repeated soon afterward.—Ibidem, fol. 45. [2] Ibidem, fol. 59.

[3] Ibidem, fol. 72. It is probably to this attempt that may be attributed a tumult against the Inquisition at Lérida, alluded to by Llorente, Añales, I, 93.

[4] Arch. gén. de la C. de A., Reg. 3684, fol. 86, 89.

all inquisitors holding papal commissions—in Aragon Juan Colivera, Juan de Epila, Juan Franco and Guillen Casells, in Valencia Juan Orts and Mateo Mercader and in Barcelona Juan Comte; he appointed Torquemada as special inquisitor for Barcelona, with power of subdelegation and, apparently to prepare for expected resistance, he authorized the Bishops of Córdova and Leon and the Abbot of St. Emelian of Burgos to suppress all opposition, especially on the part of Juan Comte, while he expressly set aside the privileges of the city.[1] In spite of this formidable missive nearly eighteen months elapsed before Barcelona was reduced to submission, and Torquemada's final appointee, Alonso de Espina, was able to enter the city. When at last he succeeded, July 5, 1487, we are told that the Lieutenant-general of the Principality, the Bishops of Urgel, Tortosa and Gerona and many gentlemen and citizens sallied forth to greet him, but there is no mention made of the Diputados, or the local magistracy, or the canons joining in the reception, and it was not until July 30th that the municipal officials took the oath of obedience to him.[2]

He probably still found obstacles in his path, for it was not until December 14th that the first procession of penitents took place, consisting only of twenty-one men and twenty-nine women, followed, a week later, by another in which the participants were scourged.[3] The smallness of these numbers, as the result of five months' work, showed that the Edict of Grace had met an ungrateful response and the first public auto, celebrated January 25, 1488, furnished only four living victims and the effigies of twelve fugitives. As already remarked elsewhere, the fear spread abroad by the advent of the Inquisition, after so long a struggle, caused the greater part of those who had reason for fear to seek safety in flight, in spite of the edicts forbidding expatriation. During the whole of the year 1488 the number of burnings amounted only to seven and in 1489 there were but three. It was doubtless owing to the lukewarmness of the local magistracy that, in the earlier autos, the sufferers were spared the extreme penalty of concremation and were mercifully strangled before the pile was lighted.[4]

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[1] Archivio Vaticano, Regest. 685 (Innoc. VIII), fol. 346. Cf. Bibl. nacional, Seccion de MSS., D, 118, p. 92.—Bulario de la Orden de Santiago, Lib. I, fol. 31.

[2] Manuall de Novells Ardits, III, 58, 61 (Barcelona, 1894).

[3] Ibidem, III, 66.

[4] Carbonell de Gestis Hæreticorum (Coleccion de Doc. de la Corona de Aragon, XXVIII, 13, 16, 29).

In fact, a royal cédula of March 15, 1488, ordering afresh all officials to render aid and support to the Inquisition, under penalty of two thousand florins, would seem to argue no little slackness on their part.[1]

The jurisdiction of the tribunal of Barcelona was extensive, comprehending the dioceses of Barcelona, Tarragona, Vich, Gerona, Lérida, Urgel and Elna; the inquisitors were industrious and visited many portions of their territory, for we have record, during the remainder of the century, of autos de fe held in Tarragona, Gerona, Perpignan, Balaguer and Lérida, but as late as November 18, 1500, Ferdinand complains that in Rosellon the Inquisition had not yet been put fairly in operation and that no effort had been made to secure the confiscations.[2]

The imperiousness with which the inquisitors exercised their authority to break the independent spirit of the Catalans is well illustrated by a trifling but significant incident in 1494. The city of Tarragona had established a quarantine against Barcelona on account of pestilence. On June 18th the inquisitor, Antonio de Contreras, with all his officials, presumably fleeing from the pest, presented himself at the gates and demanded admittance. The vicar-general of the archbishop, the canons and the royal and local officials came to meet him and explained the situation, asking him to remain in some convenient place in the neighborhood for some days. His reply was to give them the delay of three Misereres in which to open their gates under pain of major excommunication and interdict, whereupon they left him, after interjecting an appeal to the Holy See. He recited the Miserere thrice, commanded his notary to knock at the gate and then fulminated his censures, with an additional order that no notary but his own should make record of the affair. He then withdrew to the neighboring Dominican convent, whence he sent his excommunication to be affixed to the town-gates. While at supper, Ciprian Corte, a scrivener, came and served him with a notice of the appeal to Rome and was seized and confined in the convent prison. During the night the vicar-general with a crowd of citizens surrounded the convent in a fashion so threatening that the scrivener was released. It was not until July 18th that the inquisitor entered Tarragona, when he suspended the excommunication and inter-

[1] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 26.

[2] Carbonell, pp. 36, 39, 40, 52, 83, 85, 137, 139, 140, 148, 149.—Archivo de Simancas, Inquisicion, Libro 1.

dict and took testimony as to the affair, banishing a man who said that Vich had similarly refused to break a quarantine for an inquisitor. Finally, on September 5th all the dignitaries, ecclesiastical and secular, with the leading citizens, were assembled in the chapel of the chapter, in presence of the inquisitor and of Don Juan de Lanuza, the Lieutenant-general of Catalonia. There they humbly begged for pardon and absolution and offered to undergo any penance that he might inflict; he made them swear obedience to him and appointed the following Sunday for the penance, when they were all obliged to attend mass as penitents, with lighted candles in their hands, thus incurring an indelible stigma on themselves and their posterity.[1]

Men who wielded their awful and irresponsible power in this arbitrary fashion were not to be restrained by law or custom and from their tyranny there was no appeal save to the king, who was resolved that no one but himself should check them. He had already, by a cédula of March 26, 1488, forbidden all secular officials, from the lieutenant-general down, from taking cognizance of anything concerning the subordinates and familiars of the Holy Office, under penalty of the royal wrath and a fine of two thousand florins and when, in 1505, the Diputados of Catalonia were involved in some trifling quarrel with the inquisitors and represented to Ferdinand that their jurisdiction was in derogation of the constitution of the land, he sternly replied that the jurisdiction of the faith and the execution of its sentences pertained to the Inquisition; that this jurisdiction was supreme over all others and that there was no fuero or law that could obstruct it.[2] This fateful declaration became practically engrafted upon Spanish public law.

It was impossible that such irresponsible power should not be abused and there speedily commenced a series of complaints from the Catalan authorities which, as we shall see hereafter, continued with little intermission until the revolt of 1640. At the present time, however, Ferdinand showed a disposition to curb the abuses inevitable under the system and, in letters of August 16th and 20th and September 3, 1502, to the inquisitors of Barcelona, he enclosed a memorial from the Diputados of Catalonia, accompanying it with a severe rebuke. The chief source of complaint was that the receiver of confiscations bought up claims and prose-

[1] Archivo de Simancas, Inquisicion, Libro 927, fol. 303.

[2] Ibidem, Libro 2, fol. 19.—MSS. of Bodleian Library, Arch. S, 130.

cuted them through the irresistible machinery of the tribunal. In a sample instance Francí Ballester made over to the receiver for 100 libras a debt of 228 due by Juan de Trillo which was then collected through the Inquisition. Ferdinand said that he had frequently forbidden this practice and he ordered the inquisitors to excommunicate the receiver if he persisted in it. The receiver then contented himself with a smaller profit and proceeded, in the case of the confiscated estate of a certain Mahul, to collect from it debts for a commission of ten per cent., whereby the creditors with the weakest claims got most of the money. Again Ferdinand prohibited this, September 9th, ordering all funds to be paid in to the *tabla* of Barcelona, for equitable distribution among the creditors and all commissions to be refunded.[1] At the same time there was no talk of the only effective way of cutting up these practices by the roots—that of discharging the knavish receiver. This tenderness for official malfeasance continued throughout the career of the Inquisition and prevented any effective reform.

THE BALEARIC ISLES.

Majorca claimed to be a separate and independent kingdom, governed by its own customs and only united dynastically with Catalonia. In 1439 it complained that its franchises were violated by the queen-regent when she summoned citizens to appear before her on the mainland, for they were entitled to be tried nowhere but at home, and her husband Alfonso V admitted the justice of this and promised its observance for the future.[2] The frequent repetition of this privilege shows how highly it was prized and it rendered necessary a separate tribunal for the Balearic Isles. This had long been in operation under the old institution and the inquisitor at this period was Fray Nicolas Merola who was as inert as his brethren elsewhere. The records of his office show that under him there were no relaxations; that in 1478 there were four Judaizers reconciled; in 1480, one; in 1482, two and in 1486, one. He was probably stimulated to

[1] Archivo de Simancas, Inquisicion, Libro 2, fol. 5, 7, 10; Libro 13, fol. 385, 386.

[2] Ordinacions del Regne de Mallorca, pp. 64, 85, 372–3 (Mallorca, 1663).

greater energy by the prospect of removal, for in 1487 the number increased to eight.[1]

It was not until the following year, 1488, that the new Inquisition was introduced, when Fray Merola was replaced by the doctors Pedro Pérez de Munebrega and Sancho Martin.[2] Their Edict of Grace was so successful that three hundred and thirty-eight persons came forward, confessed and were reconciled, August 18, 1488, in addition to sixteen reconciled, August 13th, after trial. Evidently the prosperous Converso population recognized that the new institution was vastly more efficient than the old. There must undoubtedly have been some popular effervescence, of which the details have not reached us, for the inquisitors were removed and replaced by a native, Fray Juan Ramon, but, if the change calmed the agitation it did not diminish the activity of the tribunal, for the records of the year 1489 show seven autos in which there were ten reconciliations, forty-four relaxations in effigy, one of bones exhumed and six in person. A momentary pause followed, for, in 1490, we find only the reconciliation of ninety-six penitents, March 26th, under the Edict of Grace. Then, in 1491, another Edict was published, of which, on July 10th and 30th, a hundred and thirty-four persons availed themselves, besides two hundred and ninety of those already reconciled in 1488 and 1490, who had relapsed and were readmitted as a special mercy. In addition to these the records of 1491 show numerous autos in which there were fifty-seven reconciliations, eighteen relaxations in effigy and eighteen in person. As elsewhere, the delay in introducing the new Inquisition had given opportunity for flight and for some years the chief business of the tribunal was the condemnation of fugitives. Thus, in an auto of May 11, 1493, there were but three relaxations in person to forty-seven in effigy and, in one of June 14, 1497, there was no living victim, the bones of one were burnt and the effigies of fifty-nine.[3]

As usual these proceedings against the dead and absent were productive of abundant confiscations and the fears of descendants were thoroughly aroused lest some aberration of an ancestor should be discovered which would sweep away their fortunes. This gave rise to the expedient of compositions, of which we shall see more hereafter, as a sort of insurance against confiscation.

[1] Historia general del Reyno de Mallorca, III, 362 (Palma, 1841).—Archivo de Simancas, Inquisicion, Libro 595.

[2] Hist. gen. de Mallorca, III, 363.

[3] Archivo de Simancas, *ubi sup.*

In the present case a letter from Ferdinand, January 28, 1498, to the inquisitor and the receiver announces that these people are coming forward with offers and he orders the officials to make just and reasonable bargains with them and report to him, when he will decide what is most to his advantage. In this and other ways the operations of the tribunal were beginning to bring in more than its expenses, for, February 2, 1499, there is an order given on the receiver Matheo de Morrano to pay to the receiver of Valencia two hundred gold ducats to cancel some debts that were pressing on the royal conscience, followed soon after by other orders to pay four hundred and fifty ducats to the royal treasury and fifty florins to the nunnery of Santa Clara of Calatayud. The confiscating zeal of the officials was stimulated, February 21, 1498, by an allowance to Morrano of three thousand sueldos, in addition to his salary, in reward of his eminent services and another, March 2d, of a hundred libras mallorquines to the notary Pere Prest. It was not always easy to trace the property which the unfortunates naturally sought to conceal and a liberal offer of fifty per cent. was made to informers who should reveal or discover it.[1]

It was as difficult to reconcile the Mallorquins as the Catalans to the new Inquisition. In 1517 the Suprema was obliged to order the viceroy not to maltreat the officials or obstruct them in the performance of their duty, and at the same time, the inquisitors were instructed to proceed against him if he did not cease to trouble them. Apparently he did not heed the warning for, in 1518, the inquisitor was formally commanded to prosecute him. What followed we have no means of knowing, but apparently the viceroy had full popular sympathy, for soon afterwards there was a rising, led by the Bishop of Elna, whose parents had been condemned by the tribunal. The inquisitor fled and the populace was about to burn the building and the records, when the firmness of the Bishop of Majorca, at the risk of his life, suppressed the tumult. It was probably this disturbance that called forth, in 1520, an adjuration from the Suprema to the viceroy and the ecclesiastical and secular authorities, not to permit the ill-treatment of the inquisitor and other officials. It was impossible, however, to preserve the peace and, in 1530, we find the viceroy, his assessor and officials, under excommunication as the result

[1] Archivo de Simancas, Inquisicion, Libro 1.

of a *competencia* or conflict of jurisdiction. Even more significant was the imprisonment and trial, in 1534, of the regent or president of the royal high court of justice, resulting in the imposition, in 1537, of a fine so excessive that the Suprema ordered its reduction.[1] This was but the beginning and we shall see hereafter how perpetual were the embroilments of the tribunal with both the civil and the ecclesiastical authorities.

With more or less resistance the new Inquisition was thus imposed on the various provinces subject to the crown of Aragon. The pretence put forward to secure its introduction, that it in no way violated the fueros and liberties of the land, was soon dropped and, as we have seen, it was boldly pronounced to be superior to all law. For awhile this was submitted to in silence, but the ever-encroaching arrogance of the officials, their extension of their jurisdiction over matters unconnected with the faith and their abuse of their irresponsible prerogatives aroused opposition which at length found opportunity for expression. In 1510 the representatives of Aragon, Catalonia and Valencia were, for the first time, assembled together in the Córtes of Monzon. They came with effusive enthusiasm, stimulated by the conquest of Oran and Algiers and the desire to retrieve the disaster of Gerbes and they voted for Ferdinand the unprecedented *servicio* or tax-levy of five hundred thousand libras, obtaining in return the abolition of the Santa Hermandad.[2] Yet even this enthusiasm did not prevent murmurs of discontent, and complaints were made that the Inquisition assumed jurisdiction over cases of usury, blasphemy, bigamy, necromancy and the like and that the privileges and exemptions enjoyed by the officials led to their unnecessary multiplication, rendering the tribunals oppressive to those who bore the burdens of the state. Ferdinand eluded reform by promising it for the future and the Córtes were dissolved without positive action.[3] When they next met at Monzon, in 1512, they were in a less confiding mood and it is probable that popular agitation must have assumed a threatening aspect, sufficient to compel Ferdinand

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[1] Archivo de Simancas, Inquisicion, Libro 72, P. II, fol. 6, 7, 121, 125; Libro 73, fol. 116–171; Libro 77, fol. 228; Libro 78, fol. 60.—Páramo, pp. 217–18.

[2] Zurita, Hist. del Rey Hernando, Lib. IX, cap. xiv.

[3] Llorente, Añales, II, 11.

to yield to their demands. An elaborate series of articles was drawn up, or rather two, one for Aragon and the other for Catalonia, nearly identical in character, which received the royal assent. It is significant that, with the exception of a clause as to appeals, these articles do not concern themselves with the prosecution of heresy but are confined to the excesses with which the tribunals and their underlings afflicted the faithful.

The reform demanded by Catalonia embraced thirty-four articles, a few of which may serve to suggest the abuses that had grown so rankly. An especial grievance was the multiplication of officials—not only those engaged in the work of the tribunal but the unsalaried familiars scattered everywhere and the servants and slaves of all concerned, who all claimed the *fuero*, or jurisdiction of the Inquisition, with numerous privileges and exemptions that rendered them a most undesirable element in society. It was demanded that the number of familiars in Catalonia should be reduced to thirty-four, whose names should be made known; that under the guise of servants should be included only those actually resident with their masters or employers; that no one guilty of a grave offence should be appointed to office; that the privilege of carrying arms should be restricted to those who bore commissions, in default of which they could be disarmed like other citizens; that the claim to exemption from local taxes and imposts be abandoned; that officials caught *flagrante delicto* in crime should be subject to arrest by secular officials without subjecting the latter to prosecution; that civil suits should be tried by the court of the defendant; that the common clause in contracts by which one party subjected himself to whatever court the other might name should be held not to include the Inquisition; that the rule forbidding officials to engage in trade should be enforced; that officials buying claims or property in litigation should not transfer the cases to the Inquisition, nor use it to collect their rents; that inquisitors should not issue safe-conducts except to witnesses coming to testify; that in cases of confiscation, when the convict had been reputed a good Christian, parties who had bought property from him, had paid their debts to him or had redeemed rent-charges, should not lose the property or be obliged to pay the debts a second time; that the dowry of a Catholic wife should not be confiscated because her father or husband should be subsequently convicted of heresy; that possession for thirty years by a good Catholic should bar confiscation of

property formerly owned by those now convicted of heresy and that the inquisitors should not elude this prescription of time by deducting periods of war, of minority, of ignorance of the fisc and other similar devices; that the inquisitors should withdraw their decree prohibiting all dealings with Conversos, which was not only a serious restraint of trade but involved much danger to individuals acting through ignorance. As regards the extension of jurisdiction over subjects unconnected with heresy, the Inquisition was not in future to take cognizance of usury, bigamy, blasphemy, and sorcery except in cases inferring erroneous belief. Remaining under excommunication for a year involved suspicion of heresy and the Edict of Faith required the denunciation of all such cases to the Inquisition, but as there were innumerable decrees of *ipso facto* excommunications and others which were privately issued, it was impossible to know who was or was not under the ban, wherefore the tribunal was not to take action except in cases where the censure had been publicly announced. The extent to which the inquisitors had carried their arbitrary assumption of authority is indicated by an article forbidding them in the future from interfering with the Diputados of Catalonia or their officials in matters pertaining to their functions and the rights of the State and in the imposts of the cities, towns, and villages. The only reform proposed as to procedure is an article providing that appeals may lie from the local tribunal to the inquisitor-general and Suprema, with suspension of sentences until they are heard. But there is a hideous suggestiveness in the provision that, when perjured testimony has led to the execution of an innocent man, the inquisitors shall do justice and shall not prevent the king from punishing the false witnesses.

The independence of the Inquisition, as an *imperium in imperio*, is exhibited in the fact that its acceptance was deemed necessary to each individual article, an acceptance expressed by the subscription to each of *Plau a su Reverendissima senyoria*, the *senyoria* being that of Inquisitor-general Enguera. To confirm this he and the inquisitors were required to swear in a manner exhibiting the profound distrust entertained of them. The oath was to observe each and every article; it was to be taken as a public act before a notary of the Inquisition, who was to attest it officially and deliver it to the president of the Córtes, and authentic copies were to be supplied at the price of five sueldos to all demanding them. All future inquisitors, whether general or

local, were to take the same oath on assuming office and all this was repeated in various formulas so as to leave no loop-hole for equivocation. Ferdinand also took an oath promising to obtain from the pope orders that all inquisitors, present and future, should observe the articles and also that, whenever requested by the Córtes, the Diputados or the councillors of Barcelona, he would issue the necessary letters and provisions for their enforcement.[1] This was the first of the agreements which became known as *Concordias*—adjustments between the popular demands and the claims of the Holy Office. We shall have frequent occasion to hear of them in the future, for they were often broken and renewed and fresh sources of quarrel were never lacking. The present one was not granted without a binding consideration, for the tribunal of Barcelona was granted six hundred libras a year, secured upon the public revenues.[2]

If the Catalans distrusted the good faith of king and inquisitor-general they were not without justification, for the elaborate apparatus of oaths proved a flimsy restraint on those who would endure no limitation on their arbitrary and irresponsible authority. At first Ferdinand manifested a desire to uphold the Concordia and to restrain the inquisitors who commenced at once to violate it. The city of Perpignan complained that the prescription of time was disregarded and that the duplicate payment of old debts was demanded, whereupon Ferdinand wrote, October 24, 1512, sharply ordering the strict observance of the terms agreed upon and the revocation of any acts contravening them.[3] Before long however his policy changed and he sought relief. For potentates who desired to commit a deliberate breach of faith there was always the resource of the authority of the Holy See which, among its miscellaneous attributes, had long assumed that of releasing from inconvenient engagements those who could command its favor, and Ferdinand's power in Italy was too great to permit of the refusal of so trifling a request. Accordingly on April 30, 1513, Leo X issued a *motu proprio* dispensing Ferdinand

[1] Capitols concedits y decretats per lo Reverendissim don Juan Bisbe de Leyda e inquisidor general a supplicatio dels tres staments de Cathalunya convocats en los Corts de Montso ha 2 de Agost, 1512 (Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1; Lib. I, Tit. ix, cap. 3, § 6. Barcelona, 1589).

The articles agreed upon for Aragon are given by Llorente, Añales, II, 19.

[2] Capitols y Actes de Cort, fol. xxviii (Barcelona, 1603).

[3] Archivo de Simancas, Inquisicion, Libro 3, fol. 200.

and Bishop Enguera from their oaths to observe the Concordia of Monzon.[1]

The popular demands, however, had been too emphatically asserted to be altogether ignored and an attempt was made to satisfy them by a series of instructions drawn up, under date of August 28, 1514, by Bishop Luis Mercader of Tortosa, who had succeeded Enguera as inquisitor-general. These comprised many of the reforms in the Concordia, modified somewhat to suit inquisitorial views, as, for instance, the number of armed familiars permitted for Barcelona was twenty-five, with ten each for other cities. From Valladolid, September 10th, Ferdinand despatched these instructions by Fernando de Montemayor, Archdeacon of Almazan, who was going to Barcelona as visitor or inspector of the tribunal. It was not until December 11th that they were read in Barcelona in presence of the inquisitors and of representatives of Catalonia. The latter demanded time for their consideration and a copy was given to them. Another meeting was held, January 10, 1515, and a third on January 25th, in which the instructions were published and the inquisitors promised to obey them. There is no record that the Catalans accepted them as a fulfilment of the Concordia and, if they were asked to do so, it was merely as a matter of policy. In a letter of January 4th to the archdeacon, Ferdinand assumes that the assent of the Catalans was a matter of indifference; the instructions were to be published without further parley and no reference to Rome was requisite as the privileges of the Inquisition were not curtailed by them.[2]

Subsequent Córtes were held at Monzon and Lérida, where the popular dissatisfaction found expression in further complaints and demands, leading to some concessions on the part of Ferdinand. The temper of the people was rising and manifested itself in occasional assaults, sometimes fatal, on inquisitorial officials, to facilitate the punishment of which Leo X, by a brief of January 28, 1515, authorized inquisitors to try such delinquents and hand them over to the secular arm for execution, without incurring the "irregularity" consequent on judgements of blood.[3] Ferdinand

[1] Bulario de la Orden de Santiago, Libro I, fol. 137. Confirmed by a second and fuller one, September 2, 1513.—Archivo de Simancas, Inquisicion, Libro 921, fol. 21, 23.

[2] Archivo de Simancas, Inquisicion, Libro 933; Libro 3, fol. 316.

[3] Archivo de Simancas, Inquisicion, Libro 3, fol. 323, 456.—Parecer del Doctor Martin Real (MSS. of Bodleian Library, Arch. S, 130).

was too shrewd to provoke his subjects too far; he recognized that the overbearing arrogance of the inquisitors and their illegal extension of their authority gave great offence, even to the well-affected, and he was ready to curb their petulance. A case occurring in May, 1515, shows how justifiable were the popular complaints and gave him opportunity to administer a severe rebuke. It was the law in Aragon that, when the Diputados appointed any one as lieutenant to the Justicia, if he refused to serve they were to remove his name from the lists of those eligible to public office. A certain Micer Manuel, so appointed, refused to serve and to escape the penalty procured from the inquisitors of Saragossa letters prohibiting, under pain of excommunication, the Diputados from striking off his name. This arbitrary interference with public affairs gave great offence and Ferdinand sharply told the inquisitors not to meddle with matters that in no way concerned their office; the Diputados were under oath to execute the law and the letters must be at once revoked.[1] Finally he recognized that the demands of the Córtes of Monzon had been justified and that he had done wrong in violating the Concordia of 1512. One of his latest acts was a cédula of December 24, 1515, announcing to the inquisitors that he had applied to the Holy See for confirmation of the agreements made and sworn to in the Córtes of Monzon and Lérida; there was no doubt that this would speedily be granted, wherefore he straitly commanded, under pain of forfeiture of office, that the articles must not be violated in any manner, direct or indirect, but must be observed to the letter; the inquisitor-general had agreed to this and would swear to comply with the bull when it should come.[2]

Ferdinand died January 23, 1516, followed in June by Inquisitor-general Mercader. Leo X probably waited to learn whether the new monarch Charles desired to continue the policy of his grandfather. It is true that he had dispensed Ferdinand and Enguera from their oaths in view of the great offence to God and danger to conscience involved in the observance of the Concordia, but a word from the monarch was sufficient to overcome his scruples. What Ferdinand had felt it necessary to concede could not be withheld when, in the youth and absence of Charles, his representatives could scarce repress the turbulent elements of civil discord. Accordingly Leo confirmed all the articles of both the

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 337.

[2] Ibidem, fol. 355.

Catalan and Aragonese Concordias by the bull *Pastoralis officii*, August 1, 1516, in which he declared that the officials of the Inquisition frequently transgressed the bounds of reason and propriety in their abuse of their privileges, immunities and exemptions and that their overgrown numbers reduced almost to nullity the jurisdiction of the ordinary ecclesiastical and secular courts. This action, he says, is taken at the especial prayer of King Charles and Queen Juana and all inquisitors and officials contravening its prescriptions, if they do not, within three days after summons, revoke their unlawful acts, are subject to excommunication *latæ sententiæ*, deprivation of office and perpetual disability for re-employment, *ipso facto*. Moreover the Archbishops of Saragossa and Tarragona were authorized and required, whenever called upon by the authorities, to compel the observance of the bull by ecclesiastical censures and other remedies without appeal, invoking if necessary the secular arm.[1]

Thus, after four years of struggle, the Concordias of 1512 were confirmed in the most absolute manner and the relations between the Inquisition and the people appeared to be permanently settled. The inquisitors however, as usual, refused to be bound by any limitations. They claimed, and acted on the claim, that the papal bull of confirmation was surreptitious and not entitled to obedience and that both the Concordias and the Instructions of Bishop Mercader were invalid as being restrictions impeding the jurisdiction of the Holy Office.[2] On the other hand the people grew more restive and increased their demands for relief. The occasion presented itself when Charles came to Spain to assume possession of his mother's dominions. At Córtes held in Saragossa, May, 1518, he received the allegiance of Aragon and swore to observe the fueros of the Córtes of Saragossa, Tarazona and Monzon. Money was soon wanted to supply the reckless liberality with which he filled the pouches of his greedy Flemings, and towards the end of the year he summoned another assembly to grant him a *subsidio*. It agreed to raise 200,000 libras but

[1] Bulario de la Orden de Santiago, Libro 1 de copias, fol. 219.—Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 2.

Ferdinand must have resolved on this policy about a year earlier, but delayed putting it into execution. In the Simancas archives, Patronato real, Inquisicion, Leg. único, fol. 6, there is a similar brief, but without the executive clauses, addressed to him and commencing *Exponi nobis nuper fecisti*. It bears date May 12, 1515, and was apparently held by him in reserve.

[2] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 2.

coupled this with a series of thirty-one articles, much more advanced than anything hitherto demanded in Aragon—in fact copied with little change from those agreed to in Castile by Jean le Sauvage and abandoned in consequence of his death—articles which revolutionized inquisitorial procedure and assimilated it to that of the secular criminal courts. Charles, in these matters was now wholly under the influence of his former tutor and present inquisitor-general Cardinal Adrian. He wanted the money, however, and he gave an equivocal consent to the articles; it was, he said, his will that in each and all the holy canons should be observed, with the decrees of the Holy See and without attempting anything to the contrary. If doubts arose the pope should be asked to decide them; if any one desired to accuse inquisitors or officials, he could do so before the inquisitor-general, who would call in counsellors and administer justice, or, if the crime appertained to the secular courts, he would see that justice was speedy. This declaration, with the interpretation to be put on each and every article by the pope, he promised under oath to observe and enforce and he further swore not to seek dispensation from this oath or to avail himself of it if obtained.[1] The people were amply justified in distrusting their rulers, for Charles subsequently instructed the Count of Cifuentes, his ambassador at Rome, to procure the revocation of the articles and a dispensation from his oath to observe them.[2]

Charles had thus shuffled off from his shoulders to those of the pope the responsibility for this grave alteration in inquisitorial procedure which, by forcing the Holy Office to administer open justice, would have diminished so greatly its powers of evil. The question was thus transferred to Rome and the Córtes lost no time in seeking to obtain from Leo X the confirmation of the articles. A letter requesting this was procured from Charles and was forwarded to Rome with a copy of the articles and of Charles's oath, officially authenticated by Juan Prat, the notary of the Córtes. The papers were sent to Rome by a certain Diego de las Casas, a Converso of Seville who, as his subsequent history shows, must have been amply provided with the funds necessary to secure a favorable hearing.

The situation was one which called for active measures on the part of the Inquisition. The Córtes dissolved January 17, 1519,

[1] Llorente, Añales, II, 146–53.

[2] Archivo de Simancas, Inquisicion, Libro 921, fol. 76.

and a letter of the 22d, from the Suprema to the Inquisitor of Calatayud, shows that already steps had been taken to prosecute all who had endeavored to influence them against the Inquisition or who had made complaints to Charles or Adrian.[1] A more effective and bolder scheme was to accuse Juan Prat of having falsified the series of articles sent to Rome. Charles had appointed a commission, consisting of the Archbishop of Saragossa, Cardinal Adrian and Chancellor Gattinara, to consider all matters connected with the Inquisiton; to them Prat had submitted the articles which they returned to him with a declaration, which must have been an approval as its character was studiously suppressed in the subsequent proceedings. Notwithstanding this the Saragossa inquisitors, Pedro Arbués and Toribio Saldaña promptly reported to Charles, who had left Saragossa for Barcelona, that Prat had falsified the articles and Charles, from Igualada, Februrary 4th, replied ordering them to obey the instructions of Cardinal Adrian and collect evidence as to the falsifications which they claimed to have discovered. They postponed action, however, for some weeks until the archbishop had left the city and did not arrest Prat until March 16th. Their investigation revealed some trivial irregularities but nothing to invalidate the accuracy of the articles transmitted to Rome, yet on the 18th they communicated to the Suprema the results of their labors as though the whole record was vitiated and Prat had been guilty of falsification. A way thus was opened to escape from the engagements entered into with the Córtes. A series of articles was drawn up, signed by Gattinara, which was sent to Rome as the genuine one and urgent letters were despatched, April 30th, to all the Roman agents, the pope and four of the cardinals in the Spanish interest, stating that the official copy was falsified, the genuine one was that bearing Gattinara's name, the honor of God was involved and the safety of the Catholic faith and no effort was to be spared to secure the papal confirmation of the right articles.

To justify this it was necessary that Prat should be convicted and punished. Apparently fearing that this could not be accomplished in Saragossa, Cardinal Adrian ordered the inquisitors to send him to Barcelona for trial, in ignorance that this was in violation of one of the dearest of the Aragonese privileges forbidding the deportation of any citizen against his will. This aroused a storm and the leading officials of Church and State

[1] Archivo de Simancas, Inquisicion, Libro 74, fol. 120.

interposed so effectually with the inquisitors that Prat was allowed to remain in the secret prison of the Aljafería. The quarrel was now assuming serious proportions; not only was the kingdom aflame with this attempted violation of its privileges but it was universally believed that Charles had granted all the demands of the Córtes in return for the servicio and his interference with the papal confirmation was bitterly resented. The Diputados summoned the inquisitors to obey the Concordia of 1512, as confirmed by the bull of August 1, 1516, while awaiting confirmation of the new Concordia and at the same time they called the barons and magnates of the realm to a conference at Fuentes, whence, on May 9th, they sent to Charles a remonstrance more emphatic than respectful, with an intimation that the servicio would not be collected until Prat should be released, the pretext being that the papers relating to it were in his office.

To this Charles responded loftily, May 17th, that for no personal interest would he neglect his soul and conscience nor, to preserve his kingdom, would he allow anything against the honor of God and to the detriment of the Holy Office. Under threat of excommunication and other severe penalties he ordered the Diputados not to convoke the Estates of the realm or to send envoys to him; he would comply with the Concordia and had already asked its confirmation of the pope—the fact being that he had on May 7th written to Rome—and this he repeated May 29th—to impede the confirmation of the official Concordia and to urge that of his own version. There was a rumor that the Estates on May 14th had resolved to take Prat from the Aljafería by force and to meet this, on May 17th, he sent the Comendador García de Loaisa to Saragossa with instructions to arm the Cofradia of San Pedro Martir—an association connected with the Inquisition—to raise the people and to meet force with force. The authorities were to be bullied and told that the king would assert his sovereign authority and that nothing should prevent the extradition of Prat. In the hands of his ghostly advisers he was prepared to risk civil war in defence of the abuses of the Inquisition. There was fear that the inquisitors might be intimidated into releasing Prat and Cardinal Adrian took the unprecedented step of writing directly to the gaoler of the Aljafería instructing him to disobey any such orders.

In spite of this assertion of absolutism, Charles's orders were treated with contempt. The Córtes met at Azuaga, refused to obey his angry commands to disperse and sent to him Don Sancho

de la Caballería with the unpleasant message that the servicio would be withheld until he should grant justice to the kingdom. His finances, in the hands of his Flemish favorites, were in complete disorder. The Emperor Maximilian had died January 22d and the contest for the succession, against the gold of Francis I, was expensive. Moreover, in expectation of the servicio, Chièvres had obtained advances at usurious interest so that the expected funds were already nearly exhausted and, as soon as the electoral struggle ended in Charles's nomination, June 28th, there came fresh demands for funds to prepare for his voyage to assume his new dignity. Chièvres therefore eagerly sought for some compromise to relieve the dead-lock, but the Aragonese on the one hand and Cardinal Adrian on the other were intractable. The high-handed arrest of Prat had fatally complicated the situation.

Charles yielded in so far as to order that Prat should not be removed from the kingdom and several tentative propositions were made as to the trial of Prat which only show how little he and his advisers realized the true condition of affairs. With wonted Aragonese tenacity the Diputados adhered to the position that the accuracy of the record should not be called in question and that the only point to be determined was whether the Inquisition rightfully had any jurisdiction in the matter. At the same time, to show that they were not seeking to elude payment of the servicio they agreed on September 7th to levy it, at the same time begging Charles to release Prat.

They were probably led to make this concession by a victory which they had gained in Rome. Both sides had been vigorously at work there, but the Aragonese had the advantage that Leo X at the moment was incensed against the Spanish Inquisition because of the insolent insubordination of the Toledo tribunal in the case of Bernardino Díaz, of which more hereafter. His own experience showed him of what it was capable and the request of the Córtes for the confirmation of the Concordia was to a great extent granted by three briefs, received August 1st, addressed respectively to the king, to Cardinal Adrian and to the Inquisitors of Saragossa, reducing the Inquisition to the rules of the common law. Charles did not allow the briefs to be published and, when the Diputados presented to the inquisitors the one addressed to them, they refused to obey it without instructions from Adrian, whereupon, on August 8th, the Diputados applied to Rome for some further remedy.

Although the briefs were thus dormant they became the central point of the contest. On September 24th, Charles despatched to Rome Lope Hurtado de Mendoza as a special envoy with long and detailed instructions. He had been advised, he said that the pope intended to issue a bull revoking all inquisitorial commissions, save that of Cardinal Adrian; that in future the bishops with their chapters in each see were to nominate two persons of whom the inquisitor-general was to select the fittest and present him to the pope for confirmation; the acts of these inquisitors were to be judicially investigated every two years, and their procedure was to conform to the common law and to the canons. The elaborate arguments which Charles urged against each feature of this revolutionary plan show that it was not a figment but was seriously proposed with likelihood of its adoption. Moreover he said that influences were at work to secure the removal of the *sanbenitos* of convicts from the churches, against which he earnestly protested; Ferdinand had refused three hundred thousand ducats offered to him to procure this concession. In conclusion Charles declared that no importunity should shake his determination to make no change in the Inquisition and he significantly expressed his desire to preserve the friendship of his Holiness.

What secret influences were at work to effect a complete reversal of papal policy it would be vain to guess, but Mendoza had scarce time to reach Rome when he procured a brief of October 12th, addressed to Cardinal Adrian. In this Sadoleto's choicest Latinity was employed to cover up the humiliation of conscious wrong-doing, in its effort to shift the responsibility to the shoulders of others. Charles's letters and Mendoza's message had enlightened him as to the intentions of the king with regard to the preservation of the faith and the reform of the Inquisition. He promised that he would change nothing and would publish nothing without the assent of the king and the information of the inquisitor-general, but he dwelt on the complaints that reached him from all quarters of the avarice and iniquity of the inquisitors; he warned Adrian that the infamy of the wickedness of his subdelegates redounded to the dishonor of the nation and affected both him and the king; he was responsible and must seek to preserve his own honor and that of the king by seeing that they desist from the insolence with which they disregarded the papal mandates and rebelled against the Holy See.

While thus the three briefs were not revoked they were practically annulled. The indignation of the Aragonese at finding themselves thus juggled was warm and found expression, January 30, 1520, in discontinuing the collection of the servicio. Charles was now at Coruña, preparing for his voyage to Flanders and thither, on February 3d, the Diputados sent Azor Zapata and Iñigo de Mendoza to procure the liberation of Prat and to urge Charles to obtain the confirmation of the Concordia. To liberate Prat without a trial was tacitly to admit the correctness of his record, yet, on April 21st, Cardinal Adrian issued an order for the fiscal to discontinue the prosecution and for the inquisitors to "relax" Prat. This order was presented May 1st to the inquisitors, but the word "relaxation" was that used in the delivery of convicts to the secular arm for burning; Prat stoutly refused to accept it and remained in prison.

Charles embarked May 21st and the rest of the year 1520 was spent in endeavors by each side to obtain the confirmation of their respective formulas of the Concordia and in fruitless attempts by Charles to have the three briefs revoked. Though unpublished and virtually annulled they were the source of great anxiety to the Inquisition. The correspondence between Charles and his Roman agents shows perpetual insistance on his part and perpetual promises and evasions by the pope, sometimes on the flimsiest pretexts for postponement, the secret of which is probably to be found in a report by Juan Manuel, the Spanish ambassador, on October 12th, that the pope was promised 46,000 or 47,000 ducats if he could induce the king to let the briefs stand. Thus it went on throughout the year and, when Leo died, December 1, 1521, the briefs were still unrevoked.

A year earlier, however, December 1, 1520, he had confirmed the Concordia, in a bull so carefully drawn as not to commit the Holy See to either of the contesting versions. It was limited to the promises embraced in Charles's oath and, as regards the articles, it merely said that the canons and ordinances and papal decrees should be inviolably observed, under pain of *ipso facto* excommunication, dismissal from office and disability for re-appointment. Either side was consequently at liberty to put what construction it pleased on the papal utterance.

Charles meanwhile had been growing more and more impatient for the servicio so long withheld; he had written to Adrian and also to the inquisitors, ordering that the Concordia of Monzon (1512)

and that of Saragossa, according to his version, should be strictly obeyed, so that the abuses thus sought to be corrected should cease and the people should pay the impost. The inquisitors dallied and seem to have asked him what articles he referred to, for he replied, September 17th, explaining that they were those of Monzon and Saragossa, the latter as expressed in the paper signed by Adrian and Gattinara. When, therefore, he received the papal confirmation of December 1st he lost no time in writing, December 18th, to Adrian and the inquisitors announcing it and ordering the articles to be rigidly observed without gloss or interpretation, so that the abuses and disorders prohibited in them may cease, but he was careful to describe the articles as those agreed upon at Monzon and lately confirmed at Saragossa in the form adopted by Adrian and Gattinara.

The Aragonese, on the other hand, adhered to their version. The bull of confirmation seems to have reached Saragossa through Flanders, accompanied by a letter from Charles and it was not until January 15, 1521, that the Diputados wrote to Adrian enclosing the royal letter and a copy of the bull. In obeying it, he conceded the Aragonese version of the Concordia, though with a bad grace. From Tordesillas, January 28th, he wrote to the Diputados and the inquisitors that the bull must be obeyed although it might properly be considered surreptitious, as it asserted that Charles had sworn to the fictitious articles inserted by Juan Prat, for which the latter deserved the severest punishment. In spite of this burst of petulance, however, he practically admitted Prat's innocence by ordering his liberation and, on February 13, 1521, the order was carried in triumph by the governor, the Diputados and a concourse of nobles and citizens to the Aljafería and solemnly presented to the inquisitors, who asked for copies and, with these in their hands, said that they would do their duty without swerving from justice and reason. So well satisfied were the Aragonese that to show their gratitude they had already, on January 18th, ordered the cities and towns to pay all current imposts as well as the suspended subsidio within thirty-five days. It may be added that finally Cardinal Adrian recognized the innocence of Prat in the most formal manner, in a letter of April 20th to the inquisitors, imposing silence on the fiscal and ordering the discharge of Prat and his securities.[1]

[1] Argensola, Añales de Aragon, Lib. I, cap. liv, lxxii (Zaragoza, 1630).—Llorente, Añales, II, 145–247.—Sayas, Añales de Aragon, cap. ii (Zaragoza, 1666).

Triumph and gratitude were alike misplaced. Cardinal Adrian had followed his letter of January 28th with another of the 30th to the inquisitors, instructing them that the papal confirmation must be construed in accordance with the sacred canons and the decrees of the Holy See, so that they could continue to administer justice duly and he encouraged them with an *ayuda de costa* or gratuity.[1] They went on imperturbably with their work; not only was the Concordia of Saragossa never observed but that of Monzon was treated as non-existent and we shall see hereafter that, towards the close of the century, the Inquisition coolly asserted that the latter had been invalidated when Leo X released Ferdinand from his oath to observe it and that the former had never been confirmed and that there was no trace of either having ever been observed. The Inquisition, in fact, was invulnerable and impenetrable. It made its own laws and there was no power in the land, save that of the crown, that could force it to keep its engagements.

Meanwhile the obstinacy of the Catalans, which detained the impatient Charles in Barcelona throughout the year 1519, secured, nominally at least, the formal confirmation by both Charles and Adrian, of the Monzon Concordia of 1512 with additions. One of these provided that any one who entered the service of the Holy Office while liable to a civil or criminal action, should still be held to answer before his former judge, and that criminal offences, unconnected with the faith, committed by officials should be exclusively justiciable in the civil courts. This struck at the root of one of the most serious abuses—the immunity with which the Inquisition shielded its criminals—and scarcely less important to all who had dealings with New Christians was another article providing that property acquired in good faith, from one reputed to be a Christian, should be exempt from confiscation in case the

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—Dormer, Añales de Aragon, Lib. I, cap. xxvi (Zaragoza, 1697).—Archivo hist. nacional, Inquisicion de Toledo, Hacienda, Leg. 10 (see also Padre Fidel Fita in Boletin, XXXIII, 330).—Bulario de la Orden de Santiago, Lib. I de copias, fol. 125.—Bergenroth, Calendar of Spanish State Papers, Suppl. p. 300.—P. Mart. Angler. Epistt. 631, 632, 634.—Bibl. nacional, Seccion de MSS., D, 118, fol. 8, 104.—Archivo de Simancas, Inquisicion, Libro 6, fol. 73, 76, 77, 78; Libro 9, fol. 25, 26; Libro 14, fol. 57, 61; Libro 72, P. II, fol. 207; Libro 73, fol. 32, 142, 143; Libro 74, fol. 170; Libro 921, fol. 72–6, 82, 84, 88, 90.

[1] Archivo de Simancas, Inquisicion, Libro 73, fol. 144.

seller should subsequently be convicted, even though the thirty years' prescription should still exist.[1]

The agreement was reached January 11, 1520, but experience of the faithlessness of the Inquisition had made the Catalans wary. They were about to grant a servicio to Charles and they sought a guarantee by addressing to him a supplication that he should make Cardinal Adrian swear to the observance of the Concordia of 1512 and the new articles and that he should procure within four months from the pope a bull of confirmation, in which the Bishops of Lérida and Barcelona should be appointed conservators, with full power to enforce the agreement. They offered to pay two hundred ducats towards the cost of the bull and they demanded that they should retain twenty thousand libras of the servicio until the bull should be delivered to the Diputados. The same condition was attached to a liberal donation of twelve thousand libras which they made to the Inquisition —probably a part of the bargain. Meanwhile Charles was to give orders that the inquisitors should be bound by the articles and, in case of infraction, satisfaction for such violations should be deducted from the twenty thousand libras. In due time, August 25th, Leo X executed a formal bull of confirmation of the articles of 1512 and 1520 and appointed the Bishops of Lérida and Barcelona as conservators.[2]

What was the value of the Concordia thus solemnly agreed to and liberally paid for, with its papal confirmation and conservators, was speedily seen when, in 1523, the authorities of Perpignan became involved in a quarrel with Inquisitor Juan Naverdu over the case of the wife of Juan Noguer. They complained of an infraction of the Concordia and applied to the Bishop of Lérida for its enforcement. He appointed Miguel Roig, a canon of Elna, as the executor of his decision, who issued letters ordering the inquisitor and his secretary to observe the Concordia, under pain of excommunication, and to drop the cases which they were prosecuting. Appeal was also made to Rome and letters were obtained from Clement VII. Charles, however, intervened and obtained

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[1] Constitucions fetes per la S. C. C. y R. Magestat de Don Carlos elet en Rey dels Romans . . . en la primera Cort de Barcelona en lany MDxx. Capitols y modificacions y donacio dels bens de Conversos (Barcelona, 1520). Also in Pragmaticas y altres Drets de Cathalunya, Tit. viii, § 3.

[2] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 41, 66; Libro 4, fol. 123.

another brief, January 6, 1524, annulling the previous one and transferring the matter to Inquisitor-general Manrique. The result was that nearly all the magistrates of Perpignan—the consuls and jurados with their lawyers and Miguel Roig—were obliged to swear obedience in all things to the Inquisition, were exposed to the irredeemable disgrace of appearing as penitents at the mass and were subjected to fines from which the Holy Office gathered in the comfortable sum of 1115 ducats.[1] The motto of the Inquisition was *noli me tangere* and it administered a sharp lesson to all who might venture, even under papal authority, to make it conform to its agreements.

It was in vain that the sturdy subjects of the crown of Aragon struggled and gained concessions, paid for them and fenced them around with all the precautions held sacred by public law. The inquisitors felt themselves to be above the law and all the old abuses continued to flourish as rankly as ever. About this time the Córtes of the three kingdoms, by command of Charles, addressed to Inquisitor-general Manrique a series of sixteen grievances, repeating the old complaints—the extension of jurisdiction over usury, blasphemy, bigamy and sodomy; the acceptance by the inquisitors of commissions to act as conservators in secular and ecclesiastical cases and profane matters; their arresting people for private quarrels and on trivial charges and insufficient evidence, leaving on them and their descendants an ineffaceable stain, even though they were discharged without penance; their multiplication of familiars and concealing their names, appointing criminals and protecting them in their crimes and finally their overbearing and insulting attitude in general. In answer to this the inquisitor-general contented himself with asserting that the laws were obeyed and asking for specific instances of infraction and the names of the parties—secure that no one would dare to come forward and expose himself to the vengeance of the tribunal.[2] Again, in 1528 at the Córtes of Monzon, we find a repetition of grievances—the abuse of confiscations, the cognizance of usury and other matters disconnected with heresy and general inobservance of the articles agreed upon. To the petition that he remedy these and procure

[1] Archivo de Simancas, Libro 930, fol. 39.

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 38, 39. This paper is not dated but its character and the documents with which it is associated indicate that it belongs to this period.

from the inquisitor-general an order to his subordinates to conform themselves to the Concordias, Charles returned the equivocating answer "His majesty will see that the inquisitor-general orders the observance of that which should be observed, removing abuses if there are any.[1]

The imperial attitude was not such as to discourage the audacity of the inquisitors and, at the Córtes of Monzon in September, 1533, the deputies of Aragon presented to Inquisitor-general Manrique, who was present, two series of grievances. One of these he promptly answered by characterizing some of the demands as impertinent, scandalous, and illegal, and others as not worthy of reply. The other series was referred to Charles and was not answered until December. It commenced by asking that the Concordia confirmed by Leo X, in 1516, should be observed, to which the reply was that such action should be taken as would comport with the service of God and proper exercise of the Inquisition. The request that the inquisitors confine themselves to matters of faith was met with the assertion that they did so, except when under orders from their superiors. To the demand that the dowries of Catholic wives should not be confiscated, the dry response was that the laws should be observed. In this cavalier spirit the rest of the petition was disposed of, and the whole shows how completely the Holy Office was emancipated from any subjection to the laws which had cost such struggles to obtain and which had been paid for so largely.[2]

While Manrique and the Suprema were at Monzon, they were called upon to take action with regard to troubles at Barcelona between the inquisitor, Fernando de Loazes and the magistrates and Diputados. These had been on foot for some time. A letter of Charles from Bologna, February 25, 1533, to Loazes assures him of his sympathy and support and, in September, the Suprema at Monzon resolved to send a judge thither to prosecute and punish the offenders for their enormous delinquencies.[3] What were the merits of the quarrel do not appear, but it was doubtless provoked by the overbearing arrogance of Loazes for, at the Córtes of Monzon, the Catalans represented to Charles that the pretensions of the inquisitor impeded the

[1] Dormer, Añales, Lib. I, cap. xli.

[2] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.

[3] Ibidem, fol. 61, 64.

course of justice in matters involving the *regalías* or prerogatives of the crown, and asked to have him prosecuted by the Bishop of Barcelona. Charles thereupon addressed to Loazes a letter, January 16, 1534, forbidding him in future to interfere with the royal judges, as no one could claim exemption from the royal jurisdiction. At the same time he instructed his lieutenant for Aragon, Fadrique de Portugal, Archbishop of Saragossa, to enforce this mandate. It was not long before Loazes had the opportunity of manifesting his contempt for these expressions of the royal will. One of the consuls holding the admiralty court of Barcelona was hearing a case between two merchants, Joan Ribas and Gerald Camps: a quarrel ensued between them; Ribas with his servant Joan Monseny struck Camps in the face and then drawing his sword, threatened the consul's life. This was a scandalous offence to the dignity of the crown under whose protection the court was held. By order of the Archbishop and royal council the culprits were arrested and thrown in prison, but Ribas was a familiar of the Inquisition and Loazes presented himself before the archbishop in full court and claimed him. The letters of Charles V were read and his claim was rejected, whereupon, on June 13th, he issued a mandate demanding the surrender to him of Ribas and forbidding all proceedings against him under pain of excommunication.[1] What was the termination of this special case we have no means of knowing, but Loazes did not suffer by reason of his audacity. In 1542 he was made Bishop of Elna, whence he passed by successive translations through the sees of Lérida, Tortosa and Tarragona, dying at last, full of years and honors in 1568 as Archbishop of Valencia.

It is not worth while at present to pursue these disputes which reveal the character of the Inquisition and the resistance offered to it by the comparatively free populations subject to the crown of Aragon. We shall have ample opportunity hereafter to note the persistant arrogance of the inquisitors under the royal favor, the restlessness of the people and the fruitlessness of their struggle for relief from oppression. The Holy Office had become part of the settled policy of the House

[1] Arch. gén. de la C. de A., Fondos del antiguo Consejo de Aragon, Leg. 708.—Costitucions fetes . . . en la tercera Cort de Cathalunya en lany 1534 (Barcelona, 1534).

of Austria. The Lutheran revolt had grown to enormous proportions and no measures seemed too severe that would protect the faith from an enemy even more insidious and more dangerous than Judaism. The system grew to be an integral part of the national institutions to be uprooted only by the cataclysm of the French Revolution and the Napoleonic war. At what cost to the people this was effected is seen in the boast, in 1638, of a learned official of the Inquisition that in its favor the monarchs had succeeded in breaking down the municipal laws and privileges of their kingdoms, which otherwise would have presented insuperable obstacles to the extermination of heresy, and he proceeds to enumerate the various restrictions on the arbitrary power of the secular courts which the experience of ages had framed for the protection of the citizen from oppression, all of which had been swept away where the Inquisition was concerned, leaving the subject to the discretion of the inquisitor.[1]

[1] Parecer del Doctor Martin Real (MSS. of Bodleian Library, Arch. S, 130).

BOOK II.

RELATIONS WITH THE STATE.

CHAPTER I.

RELATIONS WITH THE CROWN.

WHAT gave to the Spanish Inquisition its peculiar and terrible efficiency were the completeness of its organization and its combination of the mysterious authority of the Church with the secular power of the crown. The old Inquisition was purely an ecclesiastical institution, empowered, it is true, to call upon the State for aid and for the execution of its sentences, but throughout Christendom the relations between Church and State were too often antagonistic for its commands always to receive obedience. In Spain, however, the Inquisition represented not only the pope but the king; it practically wielded the two swords—the spiritual and the temporal—and the combination produced a tyranny, similar in character, but far more minute and all-pervading, to that which England suffered during the closing years of Henry VIII as Supreme Head of the Church.

While thus its domination over the people was secure and unvarying, its relations with the royal power varied with the temperament of the sovereign. At times it was the instrument of his will; at others it seemed as though it might almost supplant the monarchy; it was constantly seeking to extend its awful authority over the other departments of State, which struggled with varying success to resist its encroachments, while successive kings, autocratic in theory, sometimes posed as arbitrators, sometimes vainly endeavored to enforce their pacificatory commands, but more generally yielded to its domineering spirit.

When Ferdinand consented to the introduction of the Inquisition, it was no part of his policy to permit the foundation of an

institution which should be independent of the royal authority. He who sought to forbid in Spain the residence of papal nuncios and legates was not likely to welcome the advent of a new swarm of papal delegates, whose power over life and property would carry unchecked to every corner of the land the influence of Rome. Accordingly, as we have seen, he conditioned the admission of the Inquisition on the concession of the power of appointment and dismissal and he flatly told Sixtus IV that he would permit none but appointees of his own to exercise the office of inquisitor. As the institution developed and became more complex he nominated to the pope the individual to whom the papal delegation as inquisitor-general should be given and he appointed the members of the Suprema, which became known as the *Consejo de su Magestad de la Santa General Inquisicion.* Although the papal commission granted to the inquisitor-general faculties of subdelegating his powers and appointing and dismissing his subordinates, thus rendering his action indispensable, Ferdinand was careful to assert his right to control all appointments and to assume that at least they were made with his assent and concurrence. In 1485 the sovereigns had no scruple in appointing at Guadalupe the inquisitors who made such havoc among the apostates.[1] August 8, 1500, he writes to the Bishop of Bonavalle that he had determined to commit to him the office of inquisitor in Sardinia, for which the commission and subdelegation will be despatched to him by the inquisitors-general; he can appoint an assessor and notary, but the other officials will be sent from Spain. A letter of the same date to the Lieutenant-general of Sardinia announces the appointment by the inquisitors-general "con nuestra voluntad y consentimiento," which was the ordinary formula employed, even in such petty cases as when he advised Pedro Badía, receiver of confiscations at Barcelona, March 13, 1501, that they had appointed Gregorio Zamarado as *portero* or apparitor of that tribunal, in place of Guillen Donadou and that he is to receive the same wages.[2] Although the participation of the inquisitor-general was indispensable, Ferdinand customarily assumed his acquiescence as a matter of course; he would make the appointment and then ask affectionately for the subdelegation of power.[3] As regards subordinate positions, Torquemada

[1] Páramo, p. 138. [2] Archivo de Simancas, Inquisicion, Libro 1.
[3] Ibidem, Libro 3, fol. 21, 27, 28, 353.

recognized the royal participation when, in 1485, he instructed inquisitors that they could fill vacancies temporarily "until the king and I provide for them." As a rule, it may be said that Ferdinand rarely troubled himself about subordinates, but had no hesitation in assuming full power when he saw fit, as in writing to an inquisitor, March 21, 1499, "we order you to appoint, as by these presents we appoint, Juan de Montiende as fiscal in your tribunal.[1]

If he thus controlled appointments he was equally concerned in dismissals. We find him writing, April 22, 1498, to an inquisitor of Saragossa, who had discharged an official at Calatayud, to reinstate him, as he had done good service with danger to his person, and on September 19, 1509, ordering Diego López de Cortegano, Inquisitor of Córdova, to cease his functions at once and return to his benefice—though this latter order was countersigned by the members of the Suprema.[2] It would be superfluous to adduce additional examples of the control thus exercised over the personnel of the Inquisition—a control which remained inherent in the crown although, as we shall see, often allowed to become dormant.

In all save spiritual matters, Ferdinand considered the Inquisition to be merely an instrument to carry out his will, though it must be added that this arose from his anxiety that it should be perfected in every way for the work in hand, and there is absolutely no evidence, in his enormous and confidential correspondence, that he ever used it for political purposes, even in the stormiest times when struggling with unruly nobles. Every detail in its organization and working was subject to his supervision and, amid all the cares of his tortuous policy, extending throughout Western Europe, and the excitement of his frequent wars, he devoted the minutest care to its affairs. When, in December 1484, Torquemada issued his supplementary instructions, he was careful to state that he did so by command of the sovereigns, who ordered them to be observed. So in subsequent instructions, issued in 1485, Torquemada orders the inquisitors to write to him and to Ferdinand about everything that should be reported; the king provides their salaries and promises them rewards; if there is anything that the king

[1] Archivo de Simancas, Inquisicion, Libro 1; Libro 933.
[2] Ibidem, Libro 1; Libro 3, fol. 109.

ought to remedy he is to be written to.[1] That, in fact, the king was recognized as controlling the Inquisition is seen in all the efforts of the Córtes, appealing to him to obtain a modification of its rigors, although, as we have seen, the Concordia of 1512 was held to require the assent of Inquisitor-general Enguera to render it binding, with subsequent confirmation by the pope and though, in later times, the monarchs found it convenient to throw upon the inquisitor-general the responsibility of rejecting the demands of their subjects.

Ferdinand was too self-reliant to deem it necessary to assert his power consistently on all occasions. In a subsequent chapter we shall see that he submitted to the inconveniences arising from an excommunication threatened by Torquemada on receivers of confiscations who honored royal drafts in preference to paying salaries. He had no scruples in making Torquemada join with him in grants of money or in settling competing claims on the debts due to a condemned heretic; he sometimes allowed his cédulas to be countersigned by members of the Suprema, especially in the later periods; indeed, toward the end of his reign, this became so habitual that in letters of November 25th and December 10, 1515, he explained that his orders were to be obeyed although not so authenticated, because none of the members happened to be at hand; he sometimes delayed answering applications for instructions until he could consult the inquisitor-general, but the mere application to him shows that he was regarded as the ultimate arbiter. In fact, in a case in which some prisoners named Martínez had appealed to him, he replies to the inquisitors, September 30, 1498, and March 2, 1499, that the inquisitors-general send instructions and it is his will that these should be executed, thus implying that his confirmation was requisite.[2]

Whatever participation he might thus allow to the head of the Inquisition, when he saw fit he asserted his arbitrary control and he by no means deemed it necessary to communicate with the tribunals through the inquisitor-general but frequently issued his commands directly. May 14, 1499, he writes to an inquisitor to have a certain confiscated property sold at an appraised value to Diego de Alcocer, no matter what instructions

[1] See Appendix. All this of course is omitted from the later official compilations.

[2] Archivo de Simancas, Libro 1; Libro 3, fol. 24, 441, 442.

he may have from the inquisitors-general or what orders to the contrary. Even for trifles he took them sharply to task, as when, May 17, 1511, he vigorously rebuked one for sending Bachiller Vazquez to him on an affair which could have been as well settled by letter with much less expense. He was fully aware that the power of the Inquisition rested on his support and when there was the slightest opposition to his will he had no hesitation in saying so, as when, in a letter of July 22, 1486, to the inquisitors of Saragossa, he tells them that, although they have the name, it is to him and to Isabella that the Holy Office owes its efficiency; without the royal authority they can do little and, as they recognize his good intentions, they must not interfere with his orders.[1]

These instances illustrate the minute and watchful care which he exercised over all the details of the Holy Office. Nothing was too trivial to escape his vigilant attention, and this close supervision was continued to the end. The receiver of Valencia consults him about a carpenter's bill of ninety sueldos for repairs on the royal palace occupied by the tribunal and Ferdinand tells him, May 31, 1515, that he may pay it this time, but it is not to be a precedent. On January 18th of the same year he had written to the receiver of Jaen that he learns that the audience-chamber is ill-furnished and that the vestments for mass are lacking or worn out, wherefore he orders that what the inquisitors may purchase shall be paid for.[2]

Ferdinand's control over the Inquisition rested not only on the royal authority, the power of appointment, his own force of character and his intense interest in its workings, but also on the fact that he held the purse-strings. He had insisted that the confiscations should enure to the crown, and he subsequently obtained the pecuniary penances. The Inquisition had no endowment. One could easily have been provided out of the immense sums gathered from the victims during the early years of intense activity but, although some slender provision of the kind was at times attempted, either the chronic demands of the royal treasury or a prudent desire to prevent the independence of the institution rendered these investments fragmentary and

[1] Archivo de Simancas, Inquisicion, Libro 1; Libro 926, fol. 308.—Arch. gén. de la C. de Aragon, Reg. 3684, fol. 103.

[2] Archivo de Simancas, Inquisicion, Libro 3, fol. 340, 402.

wholly inadequate. Thus the expenses of the tribunals and the salaries of the officials were in his hands. Nothing could be paid without his authorization and the accounts of the receivers of confiscations, who acted as treasurers, were scrutinized with rigid care. He regulated the salary of every official and his letter-books are full of instructions as to their payment. Besides this, it was the Spanish custom to supplement inadequate wages with *ayudas de costa*, or gifts of greater or less amount as the whim of the sovereign or the deserts of the individual might call for. In time, as we shall see, this became a regular annual payment, subject to certain conditions but, under Ferdinand, it was still an uncertainty, dependent upon the royal favor and the order of the king was requisite in each case, even including the Suprema and its officials.[1] The crown thus held the Holy Office at its mercy and the recipients of its bounty could not resent its control.

Yet in this perpetual activity of Ferdinand in the affairs of the Inquisition it is to be observed that he confined himself to temporal matters and abstained from interference with its spiritual jurisdiction. In his voluminous correspondence, extending, with occasional breaks, over many years, the exceptions to this only serve to prove the rule. I have met with but two and these fully justified his interference. In 1508 the leading barons of Aragon complained that the inquisitors were persecuting the Moors and were endeavoring to coerce them to baptism. As they had no jurisdiction over infidels, he rebuked them severely, telling them that conversion through conviction is alone pleasing to God and that no one is to be baptized except on voluntary application. So, when some had been converted and had been abandoned by their wives and children, he ordered the inquisitors to permit the return of the latter and not to coerce them to baptism.[2] The other case was that of Pedro de Villacis, receiver of Seville, a man who possessed Ferdinand's fullest confidence. No name occurs more frequently in the correspondence and he was entrusted with the management of an enormous and most complicated composition, in which the New Christians of Seville, Córdova, Leon, Granada and Jaen agreed to pay eighty thousand ducats as an assurance against confiscation. While deeply immersed in this the tribunal of

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 346–81.

[2] Ibidem, Libro 926, fol. 76

Seville commenced to take testimony against him. On hearing of this Ferdinand was astounded; he expressed indignation that such action should be taken without consulting him and ordered all the original papers to be sent to him for consideration with the Suprema, pending which and future orders nothing further was to be done.[1]

This was an extreme case. There are others which prove how useless it was to rely upon the royal favor in hopes of interposition. Thus Ferdinand's vice-chancellor for Aragon was Alonso de la Caballería, a son of that Bernabos de la Caballería whose *Çelo de Cristo contra los Judíos* has been referred to above (p. 115). The father's orthodox zeal did not preserve his children from the Inquisition and their names and those of their kindred frequently occur in the records. Alonso had already passed through its hands without losing his position. In December, 1502, his brother Jaime was arrested by the tribunal of Saragossa, and Alonso ventured to ask Ferdinand's intervention in his favor and also for himself in case he should be involved and be subjected to another trial. Ferdinand replied, December 23d, expressing regret and the hope that all would turn out as he desired; if Alonso's case comes up again he shall be tried by Deza himself who can be relied upon to do exact justice. A second application from Alonso brought a reply, January 3, 1503, reiterating these assurances and promising a speedy trial for his brother, about whom he writes to the inquisitors. In effect, a letter to them of the same day alludes, among other matters, to Jaime's case, with the customary injunctions to conduct it justly so as not to injure the Inquisition and assuring them that if they do so they shall not be interfered with. How little the appeal to Ferdinand benefited the accused is seen in the result that Jaime was penanced in an auto de fe of March 25, 1504.[2]

In one respect Ferdinand showed favoritism, but he did so in a manner proving that he recognized that the royal power could not of itself interfere with the exercise of inquisitorial jurisdiction. Notwithstanding his settled aversion to papal intervention, he procured a series of curious briefs to spare those whom he favored from the disgrace of public reconciliation and

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 423.

[2] Ibidem, Libro 2, fol. 28, 29, 30.—Libro Verde de Aragon (Revista de España, CV, 573).

penance and their descendants from disabilities. So many of his trusted officials were of Jewish lineage that he might well seek to shield them and to retain their services. Thus, in briefs of February 11, 1484, and January 30, 1485, Innocent VIII recites that he is informed that some of those involved in this heresy would gladly return to the faith and abjure if they could be secretly reconciled, wherefore he confers on the inquisitors faculties, in conjunction with episcopal representatives, to receive secretly, in the presence of Ferdinand and Isabella, fifty persons of this kind to abjuration and reconciliation. A subsequent brief of May 31, 1486, recites that he learns that the sovereigns cannot always be present on these occasions, wherefore he grants for fifty more similar power to be exercised in their absence but with their consent. Then, July 5, 1486, the same is granted for fifty more, even if testimony has been taken against them, with the addition of the removal of disabilities and the stain of infamy in favor of their children and moreover it authorizes the secret exhumation and burning of fifty bodies—doubtless the parents of those thus favored. These transactions continued, for there are similar letters of November 10, 1487, and October 14, 1489, each for fifty persons and fifty bodies, to be nominated by the king and queen, and possibly there were subsequent ones that have not reached us.[1] It was doubtless under letters of this kind that, on January 10, 1489, Elionor and Isabel Badorch were secretly reconciled in the royal palace of Barcelona.[2]

These apparently trivial details are of interest as revealing the basis on which the Inquisition was established and from which it developed. They also throw light on the character of Ferdinand, whose restless and incessant activity made itself felt in every department of the government, enabling his resolute will to break down the forces of feudalism and lay the foundation of absolute monarchy for his successors. It would be doing him an injustice, however, to dismiss the subject without alluding

[1] Raynald. Annal. ann. 1485, n. 81.—Llorente, Añales, I, 109–11.—Bulario de la Orden de Santiago, Lib. I, fol. 29, 33, 91, 101, 102.—Archivio Vaticano, Innoc. VIII, Regist. 682, fol. 263, 294.—Fidel Fita, Boletin, XV, 573–8, 587.

Pastor (Geschichte der Päpste, III, 249) erroneously regards this private and special reconciliation to be a general decree of Innocent VIII.

[2] Carbonell, De Gest. Hæret. (Col. de Doc. de Aragon, XXVIII, 18, 29).

Their father, Pedro Badorch, was sentenced to perpetual prison in the auto of August 8, 1488, but was released March 26, 1490.

to his anxiety that the Inquisition should be kept strictly within the lines of absolute justice according to the standard of the period. Trained in the accepted doctrine of the Church that heresy was the greatest of crimes, that the heretic had no rights and that it was a service to God to torture him to death, he was pitiless and he stimulated the inquisitors to incessant vigilance. He was no less eager in gathering in every shred of spoil which he could lawfully claim from the confiscation of the victims, but, in the distorted ethics of the time, this comported with the strictest equity, for it was obedience to the canon law which was the expression of the law of God. There can have been no hypocrisy in his constant instructions to inquisitors and receivers of confiscations to perform their functions with rectitude and moderation so that no one should have cause to complain. This was his general formula to new appointees and is borne out by his instructions in the innumerable special cases where appeal was made to him against real or fancied injustice. His abstinence from intrusion into matters of faith limited such appeals to financial questions, but these, under the cruel canonical regulations as to confiscations, were often highly complicated and involved the rights of innocent third parties. His decisions in such cases are often adverse to himself and reveal an innate sense of justice wholly unexpected in a monarch who ranked next to Cesar Borgia in the estimation of Machiavelli. An instance or two, taken at random out of many, will illustrate this phase of his character. July 11, 1486, he writes to his receiver at Saragossa "Fifteen years ago, Jaime de Santangel, recently burnt, possessed a piece of land in Saragossa and did not pay the ground-rent on it to García Martínez. By the fuero of Aragon, when such rent is unpaid for four years the land is forfeited. You are said to hold the land as part of the confiscated estate of Santangel and for the above reason it is said to belong to Martínez. You are therefore ordered to see what is justice and do it to Martínez without delay and if you have sold the land, the matter must be put into such shape that Martínez may obtain what is due." In a similar spirit, when Gaspar Roig, of Cagliari, deemed himself aggrieved in a transaction arising out of a composition for confiscation, Ferdinand writes to the inquisitor of Sardinia, March 11, 1498, "As it is our will that no one shall suffer injustice, we refer the case to you, charging you at once to hear the parties and do what is just, so

that the said Gaspar Roig shall suffer no wrong. . . . You will see that the said Gaspar Roig shall not again have to appeal to us for default of justice."[1]

It was inevitable that, when this powerful personality was withdrawn, the royal control over the Inquisition should diminish, especially in view of the inability of Queen Juana to govern and the absence of the youthful Charles V. The government of Spain practically devolved upon Ximenes, who was Inquisitor-general of Castile, while his coadjutor Adrian speedily obtained the same post in Aragon. After the arrival of Charles and the death of Ximenes, Adrian became chief of the reunited Inquisition and his influence over Charles in all matters connected with it was unbounded. The circumstances therefore were peculiarly propitious for the development of its practical independence, although theoretically the supremacy of the crown remained unaltered.

Thus the Suprema, of which we hear little under Ferdinand, at once assumed his place in regulating all details. The appointing power, even of receivers, who were secular officials, accountable only to the royal treasury, passed into its hands. Thus a letter of Ximenes, March 11, 1517, to the receiver of Toledo, states that there are large amounts of uncollected confiscations, wherefore he is directed to select a proper person for an assistant and send him to the Suprema to decide as to his fitness, so that Ximenes may appoint him with its approval.[2] Still, the nominating power remained technically with the crown and, when Charles arrived, he was assumed to exercise it as Ferdinand had done, however little real volition he may have displayed. In a letter of December 11, 1518, concerning the appointment of Andrés Sánchez de Torquemada as Inquisitor of Seville, Charles is made to say that, being satisfied of Torquemada's capacity, he had charged him to accept the office and that with his assent Adrian had appointed him. In another case, where an abbot, to whom Adrian had offered the inquisitorship of Toledo, had declined the office, Charles writes, September 14, 1519, charging him to accept it.[3] That Adrian could not act alone was recog-

[1] Archivo gén. de la C. de A., Regist. 3684, fol. 100.—Archivo de Simancas, Inquisicion, Lib. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 4, fol. 95.

[3] Ibidem, Lib. 9, fol. 21, 63.

nized for, after Charles left Spain, in May, 1520, questions arose on the subject and, by letters patent of September 12th, he formally empowered Adrian, during his absence, to appoint all inquisitors and other officials.[1]

Whether formal delegations of the appointing power were subsequently made does not appear, but practically it continued with the inquisitor-general, subject to an uncertain cooperation of the Suprema, whose members countersigned the commissions, while, with the subordinate positions in the tribunals, the inquisitors were sometimes consulted, their recommendations received attention and their remonstrances were heard. The various factors are illustrated in a letter of the Suprema, August 24, 1544, to the inquisitors of Saragossa who had furnished a statement of the qualifications of various aspirants for the vacant post of *notario del juzgado*. In reply the Suprema states that its secretary, Hieronimo Zurita, had recommended Martin Morales; it had advised with the inquisitor-general who had appointed him, but it will bear in mind Bartolomé Malo and will give him something else.[2]

So far as I am aware, Philip II never interfered with this exercise of the appointing power. That he threw the whole responsibility on the inquisitor-general and disclaimed any concurrence for himself is apparent in a series of instructions, May 8, 1595, to the new inquisitor-general, Geronimo Manrique. He orders him to observe the utmost care to select fit persons for all positions without favoritism and, although it is his duty to appoint inquisitors and fiscals, he should communicate his selections in advance to the Suprema, as his predecessors had always done, because some of the members may be acquainted with the parties and prevent errors from being made.[3] That a supervisory power, however, was still recognized in the crown is seen in a consulta of June 21, 1600, presented to Philip III, by Inquisitor-general Guevara, lamenting the unfitness of many of the inquisitors. With the habitual tenderness manifested to unworthy officials he did not propose to dismiss them but to

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[1] Gachard, Correspondence de Charles-Quint avec Adrian VI, p. 236.—Archivo de Simancas, Inquisicion, Lib. 73, fol. 105.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 105, 114, 118, 128, 132, 138, 158, 177, 220, 223, 224.

[3] MSS. of Library of University of Halle, Yc, Tom. 17.—Archivo de Simancas, Lib. 939, fol. 273.

make a general shifting by which the best men should be made the seniors of the tribunals. To this the king replied with a caution about discrediting the Inquisition and a suggestion that the parties shifted should be made to ask for the change; he also called for their names and the reasons, because he ought to be informed about all the individuals.[1]

This indicated a desire to resume the close watchfulness of Ferdinand which had long since been forgotten in the turmoil and absences of Charles V and the secluded labors of Philip II, over despatches and consultas. A bureaucracy was establishing itself in which the various departments of the government were becoming more or less independent of the monarch and Philip for the moment appeared disposed to reassert his authority, for, in 1603, we are told that he made many appointments of inquisitors, fiscals, and even of minor officials.[2] If so, he was too irresolute, feeble, and fitful to carry out a definite line of policy for when, in 1608, he issued the customary instructions to a new inquisitor, Sandoval y Rójas, he merely repeated the injunctions of 1595, with the addition that transfers should also be communicated to the Suprema.[3] Yet in one case he even exceeded Ferdinand by intervening in a case of faith. When he went to Toledo with his court to witness the auto de fe of May 10, 1615, he asked to see the sentence of Juan Cote, penanced for Lutheranism, and made some changes in the *meritos*, or recital of offences, altered the imprisonment to perpetual and irremissible and added two hundred lashes. The tribunal consulted the Suprema, which approved the changes on the supposition that the inquisitor-general had participated in them, but the day after the auto Cote was informed that the Suprema had mercifully remitted the scourging.[4]

Philip IV, in 1626, on the death of Inquisitor-general Pacheco, asked the Suprema to suggest the instructions to be given to the new incumbent and was advised to repeat those of 1608. He virtually admitted the power of appointment to be vested in that office when, in the same year, the Córtes of Barbastro petitioned that in Aragon all the officials of the tribunals should be Aragonese and he replied that he would use his authority

[1] Archivo de Simancas, Inquisicion, Libro 29, fol. 10.
[2] Archivo de Alcalá, Estado, Legajo 3137.
[3] MSS. of Library of Univ. of Halle, *ubi sup.*
[4] Ibidem, Yc, 20, Tom. 9.

with the inquisitor-general that a certain portion of them should be so.[1] Notwithstanding his habitual subservience to the Inquisition, however, he reasserted his prerogative, in 1640, by appointing the Archdeacon of Vich as Inquisitor of Barcelona and he followed this, in 1641 and 1642, by several others, even descending to the secretaryship of Lima which he gave to Domingo de Aroche.[2] This brought on a struggle, ending in a compromise in which the inquisitor-general was sacrificed to the Suprema. Papal intervention was deemed to be necessary and a brief was procured in March, 1643, under which Philip, by decree of July 2, ordered that in future, in all vacancies of positions of inquisitor and fiscal, the inquisitor-general and Suprema should submit to him three names from which to make selection. The Suprema thus recognized was satisfied, but Sotomayor, the inquisitor-general, was obstinate. In June, Philip had called for his resignation, which he offered after some hesitation and expressed his feelings in a protest presenting a sorry picture of the condition of the Holy Office. The present disorders, he said, had arisen from the multiplication of offices, whereby their character had depreciated and, as the revenues were insufficient for their support, they were led to improper devices. The Suprema had been powerless for, on various occasions, the king had rewarded services in other fields by the gifts of these offices, when no consideration could be given to character, and he had also been forced to make appointments by commands as imperative as those of the king—an evident allusion to Olivares.[3]

Sotomayor's successor, Arce y Reynoso, conformed himself to these new rules and, until his death in 1665, he submitted all appointments and transfers to the king. Philip survived him but three months and, under the regency which followed and the reign of the imbecile Carlos II, the inquisitor-general resumed the power of appointment without consultation. So completely was the royal supervision forgotten that the instructions to Inquisitor-general Rocaberti, in 1695, repeat the old formula

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[1] MSS. of Library of Univ. of Halle, Yc, Tom. 17.—Fueros en las Córtes de Barbastro y Calatayud de 1626, p. 16 (Zaragoza, 1627).

[2] Archivo de Simancas, Inquisicion, Libro 55, fol. 217.

[3] MSS. of Library of Univ. of Halle, Yc, T. 17.—Archivo de Simancas, Inquisicion, Libro 33, fol. 846–7, 851; Libro 35, fol. 509, 567.—Cartas de Jesuitas (Mem. hist. español, XVII, 35).

of 1608.[1] In this, the injunction of consulting the Suprema was displeasing to the Holy See, after its intervention in the affair of Froilan Díaz (of which more hereafter) had caused it to take sides in the quarrel over the respective powers of the inquisitor-general and the Suprema. As the commission of the former was a papal grant, it held that no restriction could be placed on him and, when Vidal Marin was appointed, Clement XI sent to him August 8, 1705, urgent instructions to uphold the dignity of his office which had exclusive authority in the premises.[2]

The command was too agreeable not to be obeyed and, from this time, the unrestricted power of appointment was in the hands of the inquisitor-general. About 1765, a writer tells us that all salaried offices were filled by him alone. If the king wished to gratify some one with a position he would signify his desire to the inquisitor-general that such person should be borne in mind at the first vacancy and the royal wish was respected, in the absence of special objection. If such there were it was reported to the king and his decision was awaited.[3] With the tendency to assert the prerogative, under Carlos III, this was called in question, in 1775, when the royal Camara scrutinized the brief commissioning Felipe Bertran as inquisitor-general, but the protest was merely formal; the appointing power remained undisturbed; it survived the Revolution and continued until the Inquisition was suppressed.[4]

Of vastly greater importance was the power of selecting and virtually dismissing the inquisitor-general and this the crown never lost. In fact this was essential to its dignity, if not to its safety. Had the appointment rested with the pope, either the Inquisition would of necessity have been reduced to insignificance or the kingdom would have become a dependency of the curia. Had the Suprema possessed the power of presenting a nominee to the pope, the Inquisition would have become an independent body rivalling and perhaps in time superseding the monarchy. Yet, after the death of Ferdinand, Cardinal

[1] Archivo de Alcalá, Estado, Leg. 3137; Hacienda, Legajo 544[2] (Libro 10).—Bibliotheca nacional, Seccion de MSS., G, 61, fol. 203.

[2] Bulario de la Orden de Santiago, Libro V, fol. 137.

[3] Archivo de Alcalá, Estado, Legajos 2843, 3137.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 6.

[4] Archivo de Simancas, Gracia y Justicia, Leg. 629; Inquisicion, Libros 435, 559.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 17, n. 4.

Adrian, when elected to the papacy, seemed to imagine that Ferdinand's privilege of nomination had been merely personal and that it had reverted to him. February 19, 1522, he wrote to Charles that a successor must be provided; after much thought he had pitched on the Dominican General but had not determined to make the appointment without first learning Charles's wishes. If the Dominican was not satisfactory, Charles could name some one else, for which purpose he suggested three other prelates. Charles replied from Brussels, March 29th, assuming the appointment to be in his hands, but ordered his representative Lachaulx to confer with Adrian. He was in no haste to reach a decision and it was not until July 13, 1523, that he instructed his ambassador, the Duke of Sessa, to ask the commission for Alfonso Manrique, Bishop of Córdova, on whom he had conferred the post of inquisitor-general and the archbishopric of Seville.[1]

The records afford no indication of any question subsequently arising as to the power of the crown to select the inquisitor-general. It was never, however, officially recognized by the popes, whose commissions to the successive nominees bore the form of a *motu proprio*—the spontaneous act of the Holy See—by which, without reference to any request from the sovereign, the recipient was created inquisitor-general of the Spanish dominions and was invested with all the faculties and powers requisite for the functions of his office.[2] No objection seems to have been taken to this until Carlos III exercised a jealous care over the assertion and maintenance of the regalías against the assumptions of the curia. The first appointment he had occasion to make was that of Felipe Bertran, Bishop of Salamanca, after the death of Inquisitor-general Bonifaz. December 27, 1774, was despatched the application to the papacy for the commission, carefully framed to avoid attributing to the latter any share in the selection or appointment and merely asking for a delegation of faculties, accompanied with instructions to the ambassador Floridablanca to procure for Bertran a dispensation from residence at his see during his term of office. Clement XIV had died, September 22, 1774, and the intrigues arising from the suppression of the Jesuits delayed the election of Pius VI until February 15, 1775, but on February 27th the

[1] Gachard, Correspondence de Charles-Quint avec Adrian VI, pp. 38, 41, 54, 66, 75, 95, 193.

[2] Bulario de la Orden de Santiago, Libro I de copias, fol. 35, 39, etc.

commission and dispensation were signed. March 25th, Carlos sent the commission to the royal Camara for examination before its delivery to Bertran and the Camara reported, April 24th, that its fiscal pronounced it similar to that granted to Bonifaz in 1755, but that it did not express as it should the royal nomination and had the form of a *motu proprio;* he also objected to its granting the power of appointment and further that some of the faculties included infringed on the royal and episcopal jurisdictions, while the clauses on censorship conflicted with the royal decrees. Under these reserves the brief was ordered to be delivered to Bertran; whether or not a protest was made to the curia does not appear, but if it was it was ineffective for the same formula was used in the commission issued to Inquisitor-general Agustin Rubin de Cevallos, February 17, 1784.[1]

It may be assumed as a matter of course that the king had no power to dismiss an inquisitor-general who held his commission at the pleasure of the pope, but the sovereign had usually abundant means of enforcing a resignation. Whether that of Alfonso Suárez de Fuentelsaz, in 1504, was voluntary or coerced is not known, but the case of Cardinal Manrique, the successor of Adrian, shows that if an inquisitor-general was not forced to resign he could be virtually shelved. Manrique, as Bishop of Badajoz, after Isabella's death, had so actively supported the claims of Philip I that Ferdinand ordered his arrest; he fled to Flanders, where he entered Charles's service and returned with him to Spain, obtaining the see of Córdova and ultimately the archbishopric of Seville.[2] Perhaps he incurred the ill-will of the Empress Isabella soon after his appointment, for we find him complaining, January 23, 1524, to Charles that when in Valencia she had ordered the disarmament of the familiars and the arrest of Micer Artes, a salaried official of the Inquisition, violations of its privileges for which he asked a remedy.[3] In 1529, he gave more serious cause of offence. When Charles sailed, July 28th, to Italy for his coronation, he placed under

[1] Archivo de Simancas, Gracia y Justicia, Legajo 629, fol. 1–14.—See Appendix. The cost of the briefs to Bertran was 250 ducats for the commission and 50 for the dispensation. That to Bonifaz had been 245; there seems to have been a progressive advance for the briefs to Cevallos cost him 370.—Ibidem.

[2] Llorente, Añales, II, 263.

[3] Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 98.

charge of the empress Doña Luisa de Acuña, heiress of the Count of Valencia, until her marriage should be determined. There were three suitors—Manrique's cousin the Count of Treviño, heir apparent of the Duke of Najera, the Marquis of Astorga and the Marquis of Mayorga. The empress placed her ward in the convent of San Domingo el Real of Toledo, where Manrique abused his authority by introducing his cousin; an altar had been prepared in advance and the marriage was celebrated on the spot. The empress, justly incensed, ordered him from the court to his see until the emperor should return and turned a deaf ear to the representations by the Suprema, December 12th, of the interference with the holy work of the Inquisition and the discredit cast upon it. It was probably to this that may be referred the delay in his elevation to the cardinalate, announced March 22, 1531, after being kept *in petto* since December 19, 1529. On Charles's return, in 1533, he was allowed to take his place again, but he fell into disgrace once more in 1534, when he was sent back to his see where he died at an advanced age in 1538. Still, this was not equivalent to dismissal; he continued to exercise his functions and his signature is appended to documents of the Inquisition at least until 1537.[1] Yet while thus dealing with the inquisitor-general the crown could exercise no control over the tribunals. The empress was interested in the case of Fray Francisco Ortiz, arrested April 6, 1529, by the tribunal of Toledo, and she twice requested the expediting of his trial for which, October 27, 1530, she alleged reasons of state, but the tribunal was deaf to her wishes as well as to those of Clement VII who interposed July 1, 1531, and the sentence was not rendered until April 17, 1532.[2]

There was no occasion for royal interference with Inquisitors-general Tavera, Loaysa or Valdés. If the latter was forced to resign, in 1566, it was not by order of Philip II but of Pius V for his part, as we shall see hereafter, in the prosecution of Car-

[1] Sandoval, Hist. de Carlos V, Lib. XVII, § 30.—Ciacconii Vitæ Pontiff. III, 519. —Zuñiga, Añales de Sevilla, Lib. XIV, años 1529, 1534.—Archivo de Simancas, Inquisicion, Libro 77, fol. 228; Libro 939, fol. 62, 115, 134; Patronato Real, Inquisicion, Leg. único, fol. 38, 39.

Llorente (Hist. crít., cap. XIV, art. ii, n. 5) attributes his second disgrace to Charles's anger at the prosecution of his favorite preacher Alonso Virués, which he assumed that Manrique ought to have prevented.

[2] Ed. Böhmer, Francisca Hernández und Francisco Ortiz, pp. 140, 173.—Bulario de la Orden de Santiago, Libro III, fol. 133.

ranza, Archbishop of Toledo. So if Espinosa, in 1572, died in consequence of a reproof from Philip II, it was not for official misconduct and merely shows the depth of servility attainable by the courtiers of the period. The reign of the feeble Philip III however afforded several instances that the royal will sufficed to create a vacancy. He had scarce mounted on the throne as a youth of twenty, on the death of Philip II, September 13, 1598, before he sought to get rid of Inquisitor-general Portocarrero, who had, it is said, spoken lightly of him, or had incurred the ill-will of the favorite, the Duke of Lerma. To effect this, a bull was procured from Clement VIII requiring episcopal residence; Portocarrero was Bishop of Cuenca, a see reputed to be worth forty thousand ducats a year, but he preferred to abandon this and made fruitless efforts at Rome to be permitted to do so. He left Madrid in September, 1599, for Cuenca and died of grief within a twelve-month, refusing to make a will because, as he said, he had nothing to leave but debts that would take two years' revenue of his see to pay.[1] His successor, Cardinal Fernando Niño de Guevara fared no better. He was in Rome at the time of his appointment and did not take possession of his office until December 23, 1599, but already in May, 1600, there were rumors that he was to be superseded by Sandoval y Rojas, Archbishop of Toledo. Yet, in 1601, he was made Archbishop of Seville and he sought to purchase Philip's favor by a gift of forty thousand ducats and nearly all his plate. This was unavailing and, in January, 1602, he was ordered to reside in his see, when he dutifully handed in his resignation.[2] Juan de Zuñiga, who succeeded, had a clause in his commission permitting him to resign the administration of his see in the hands of the pope, but the precaution was superfluous for he died, December 20, 1602, after only six weeks' enjoyment of the office, for which he had sacrificed thirty thousand ducats a year from his see. He was old and feeble and his death was attributed to his coming in winter from a warm climate to the rigors of Valladolid, then the residence of the court.[3]

[1] Cabrera, Relaciones, pp. 17, 33, 44, 579 (Madrid, 1857).—Hinojosa, Despachos de la Diplomacía Pontificia, I, 403 (Madrid, 1896).—Bibl. nacional, Seccion de MSS., Ii, 16.

[2] Cabrera, Relaciones, pp. 50, 56, 67, 112, 129.—Bibl. nacional, *ubi sup.*—Bulario de la Orden de Santiago, Libro IV, fol. 137.

[3] Bulario de la Orden de Santiago, *loc. cit.*—Cabrera, Relaciones, pp. 152, 154, 159, 162.

The question of non-residence was happily solved, for a time at least, by selecting as the next incumbent Juan Bautista de Azevedo, Bishop of Valladolid, the seat of the court. He was a person of so little consequence that the appointment aroused general surprise until it was recalled that he had been a secretary of Lerma. When the court removed to Madrid, in 1606, he was obliged to choose between the two dignities and his resignation of the bishopric was facilitated by granting him a pension of twelve thousand ducats on the treasury of the Indies, besides which, as Patriarch of the Indies, he had a salary of eight thousand.[1] His death soon followed, in 1608, when Sandoval y Rojas, the uncle of Lerma, obtained the position without sacrificing his primatial see of Toledo, a dispensation for non-residence being doubtless easily obtained by such a personage.

Sandoval was succeeded, in 1419, by Fray Luis de Aliaga, a Dominican who had been Lerma's confessor. In 1608 Lerma transferred him to the king, over whom his influence steadily increased, although his doubtful reputation is inferable from the popular attribution to him of the spurious continuation of Don Quixote, published in 1614 under the name of Avellaneda—a work of which the buffoonery and indecency are most unclerical.[2] Though he owed his fortune to Lerma, he joined, in 1618, in causing his patron's downfall in favor of Lerma's nephew, the Duke of Uceda, and during the rest of Philip's reign Uceda and Aliaga virtually ruled and misgoverned the land, filling the offices with their creatures, selling justice and intensifying the financial disorders which were bringing Spain to its ruin. When Philip IV succeeded to the throne, March 31, 1621, under tutelage to his favorite Olivares, their first business was to dismiss all who had been in power under the late king. The secular officials were easily disposed of, but the papal commission of the inquisitor-general rendered him independent of the king; he did not manifest the accommodating disposition of Portocarrero and Guevara and, as he was not a bishop, he could not be ordered to his see. It illustrates the anomalous position of the Inquisition, as part of an absolute government, that for some weeks the question of his removal was the subject of repeated juntas and

[1] Cabrera, Relaciones, pp. 168, 310, 344, 573.—Bibl. nacional, Seccion de MSS., Ii, 16.

[2] Cabrera, pp. 252–4.—Ticknor's Spanish Literature, II, 142.—Another Dominican, Fray Juan Blanco de Paz, is also credited with the paternity.

consultations, but finally, April 23d, Philip wrote, ordering him to leave the court within twenty-four hours, for the Dominican Convent of Huete, where his superior would give him further instructions. He obeyed, but he refused the bishopric of Zamora and the continuance of his ecclesiastical revenues as the price of his resignation. The only method left was to obtain from Gregory XV the withdrawal of his delegated powers by representing his unworthiness, his guilty complicity with Uceda and Osuna and Philip III's reproach to him on his death-bed for misguiding his soul to perdition. Gregory listened favorably and Aliaga seems to have recognized the untenableness of his position and to have resigned, although no evidence of it exists. All we know is that Andrés Pacheco, Bishop of Cuenca, was appointed as his successor in February, 1622, and took possession of the office in April. Even after this Aliaga was an object of apprehension. In June, 1623, he came to Hortaleza, which was within a league or two of Madrid. Immediately the court was in a flutter; the king held earnest consultations; his propinquity was regarded as dangerous and he could not be allowed to return, as he had asked, to his native Aragon, which was in a chronically inflammable condition, while in Valencia his brother was archbishop; nor could he be allowed to leave the kingdom, possessing as he did so intimate a knowledge of state secrets. There were messages and active correspondence and finally he was allowed to settle in Guadalajara with ample means, where his remaining three years of life passed in obscurity. Llorente tells us that proceedings were commenced against him for propositions savoring of Lutheranism and materialism, which were discontinued after his death, a device doubtless adopted to keep him in retirement.[1]

Andrés Pacheco, who succeeded him in 1622, prudently resigned his see of Cuenca and, in spite of his audacious enforcement of inquisitorial claims, was allowed to hold the office until his death, April 7, 1626.[2] There was no haste in filling the vacancy, for it was not until August 6th that Olivares replied to the king's order to report in writing the best persons to fill the office. He

[1] Archivo de Simancas, Gracia y Justicia, Legajo 621, fol, 11.—Archivo de Alcalá, Estado, Leg. 2843.—Cabrera, Relaciones, p. 588.—Cespedes y Meneses, Historia de Felipe Quarto, Lib. II, cap. 3.—Pellegrini, Relazioni di Ambasciatori Lucchesi, p. 62 (Lucca, 1903).—Llorente, Hist. crít. Cap. XXXVIII, Art. 1, n. 18.

[2] Bibl nacional, Seccion de MSS., Ii, 16.

named four, covertly indicating his preference for Cardinal Zapata, who had resigned the archbishopric of Burgos in 1605 and at the time was governor of that of Toledo. Philip followed the suggestion by an endorsement on the paper, which was a singularly informal appointment, remarking at the same time that the choice should not be made public until his successor at Toledo was selected.[1] His resignation of the office, in 1632, is commonly attributed to a request from the king, but this is by no means certain. He was more than eighty years of age and for some time had been talking of resigning; already in 1630 the Suprema alludes in a consulta to the publicity of his intention of relieving himself of the charge. Possibly at the end some gentle pressure may have been used, but when, September 6, 1632, the commission of his successor arrived, his parting with the king was in terms of mutual respect and good feeling. His retirement was softened by continuing to him his full salary and perquisites, amounting to 1,353,625 mrs. (3620 ducats) which, as the Suprema never had enough revenue for its desires, was not cordially welcomed.[2]

His successor, the Dominican Fray Antonio de Sotomayor, was Archbishop of Damascus *in partibus* and confessor of the king. He was already in his seventy-seventh year and, when he had held his office for eleven years, his infirmities and incapacity became more evident to others than to himself. Early in 1643 the fall of Olivares deprived him of support, his opposition to the king in the matter of appointments still further weakened his position and in June he was requested to resign in view of his advanced age and to preserve his health. He was much disturbed and consulted friends, who advised him to obey, but he still held on, saying that they might await his death. Greater pressure was applied to which he yielded. June 20th he made a formal notarial attestation of his desire to be relieved on account of his great age and the next day he sent in an ungracious resignation, followed, on the 24th by one addressed to the pope. His successor, Diego de Arce y Reynoso, Bishop of

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 57. "Pareceme para este oficio mas á proposito el Cardenal Çapata, y asi le hago mª de él, pero no se ha de publicar asta ser quien sera aproposito para el cargo del Gobernador del Arzobispado de Toledo, por que es mi voluntad que salgan con los officios en una dia."

[2] Bibl. nacional, Seccion de MSS., X, 157.—Archivo de Simancas, Inquisicion, Libro 31, fol. 34, 637.

Plasencia, was already on the spot, exercising some of the functions, but Urban VIII hesitated to confirm the change and required explanations. It was not until September 18th that the commission of Arce y Reynoso was expedited and it only reached Madrid November 7th. Sotomayor was "jubilated" with half his salary of nine thousand ducats, which he enjoyed for five years longer.[1]

Arce y Reynoso, as we shall see, when embroiled with Rome in the prosecution of Villanueva, Marquis of Villalva, was obliged to resign his see of Plasencia, December 2, 1652, in order to retain his inquisitor-generalship. He continued in office until his death, June 20, 1665, followed by that of Philip, September 16th. During this interval, Philip gave the appointment to Pascual of Aragon, son of the Duke of Cardona and serving at the time as Viceroy of Naples. He promptly sailed for Spain and, though he is said to have resigned without acting, there are documents of October and November, 1665, which show that he performed the functions of the office.[2] He obtained the see of Toledo March 7, 1666, and desired to retain the inquisitor-generalship, but the Queen-regent, Maria Ana of Austria, compelled him to resign, in order to fill the place with her confessor and favorite the German Jesuit, Johann Everardt Nithard.[3]

Nithard, in 1668, boasted that he had had charge of the queen's conscience for twenty-four years, during which she had kept him constantly with her. He had thus moulded her character from youth and, as she was weak and obstinate, he had rendered himself indispensable. Her selection of him as inquisitor-general provoked lively opposition, which even reverence for royalty could not repress; protests were presented, leading to prolonged and heated discussion, but resistance was in vain.[4] He was appointed October 15, 1666, and speedily became the ruler of the kingdom which he misgoverned. The general dissatisfaction thus aroused was stimulated by the jealousy of the *frailes*,

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[1] Cartas de Jesuitas (Mem. hist. español, T. XVII, pp. 110, 116, 122, 143, 172, 235, 255).—Pellicer, Avisos (Valladares, Semanario erúdito, XXXIII, 104).—Archivo de Simancas, Inquisicion, Libro 126, fol. 2. (See Appendix).

[2] Cartas del Consejo, Tom. XIII (MSS. of American Philosophical Society).

[3] Candamo, Controversias en la menor edad de Carlos II (Semanario erúdito, IV, 7).

[4] There is a voluminous collection of documents on the subject in the Simancas archives, Inquisicion, Libro 33, fol. 963–1100.

who had been accustomed to see Dominicans as royal confessors and whose hatred of the Company of Jesus was exacerbated by his combination of that position with the inquisitor-generalship. He was accused of filling the Holy Office with Jesuit *calificadores*, under whose advice he managed it, and with accumulating for himself pensions amounting to sixty thousand ducats a year. Spain at the time had a pinchbeck hero in the person of the second Don Juan of Austria, son of Philip IV by a woman known as la Calderona; he stood high in popular esteem, for he had the reputation of suppressing the Neapolitan revolt of 1648 and of ending the Catalan rebellion by the capture of Barcelona in 1652. Between him and Nithard there inevitably arose hostility which ripened into the bitterest hatred. To get him out of the country, he was given command of an expedition about to sail for Flanders; he went to Coruña but refused to sail; he was ordered to retire to Consuegra, whither a troop of horse was sent to arrest him, but he had fled to Catalonia, leaving a letter addressed to the queen in which he said that the execrable wickedness of Nithard had forced him to provide for his safety; his refusal to sail had been caused by his desire to remove from her side that wild beast, so unworthy of his sacred office; he did not propose to kill him for he did not wish to plunge into perdition a soul in such evil state, but he would devote himself to relieving the kingdom of this basilisk, confident that the queen would recognize the service thus rendered to the king.

This letter and a similar one of November 13th were widely circulated and inflamed the popular detestation of Nithard. Don Juan stood forward as the champion of the people against the hated foreigner and continued to issue inflammatory addresses. Letters came pouring into the court, from the cities represented in the Córtes, praying the queen to accede to his demands but, though her councillors wavered, she stood firm. December 3d she wrote to him to return to Consuegra or to come near to Madrid, where negotiations could be carried on. While taking advantage of this he avoided the trap by writing that, as his life was endangered, her envoy, the Duke of Osuna, had furnished him with a guard of three companies of horse—about 250 men in all. With this escort he started from Barcelona by way of Saragossa. It was in vain that orders were sent from the court to insult him on the road. Everywhere his journey

was like a royal progress. Nobles and peoples gathered to applaud him and, in Saragossa even the tribunal of the Inquisition bore a part, while the students carried around the effigy of a Jesuit and burnt it before the Jesuit house, forcing the rector to witness it from the window.

As he drew near to Madrid with his handful of men, Nithard called on the nobles of his party to assemble with their armed retainers, but the Council of Regency prohibited this. Don Juan was in no haste; on February 9th he reached Junquera, some ten leagues from Madrid and, on the 22d, he was at Torrejon de Ardoz, about five leagues distant. Imminent danger was felt that if he advanced the populace would rise and murder the ministers to whom they attributed their sufferings, and all idea of resistance was abandoned. Nithard induced the papal nuncio to see Don Juan, February 24th, and ask further time for negotiation but at 9 P.M. the nuncio returned with word that Nithard must leave Spain at once. The Royal Council sat until 10 P.M. and reached the same conclusion. The next day the city was in an uproar; people carried their valuables to the convents for safe keeping and a mob assembled around the palace, where the Junto de Gobierno drew up a decree that Nithard must depart within three hours. It bore that he had supplicated permission to leave and in granting it the queen, to exprees her satisfaction with his services, appointed him ambassador to Germany or to Rome as he might elect, with retention of all his offices and salaries. The queen signed this and the Archbishop of Toledo and the Count of Peñaranda were deputed to carry it to Nithard, who received it without a trace of emotion and placed himself at their disposal. It was arranged that they should call for him at 6 P.M. The archbishop and the Duke of Maqueda came with two coaches and Nithard entered, carrying with him nothing but his breviary. Thrice, in the streets, the howling mob threatened an attack, but were deterred by the sight of a cross with which the archbishop had prudently provided himself. They drove him to Fuencarral, about two leagues from the city and left him at the house of the cura. The next day he went to San Agustin, about ten leagues distant, where he lingered for awhile in the vain hope of recall.

Don Juan fell back to Guadalajara, where terms were agreed upon, the principal articles being that Nithard should immediately resign all his offices and never return to Spain and that

Diego de Valladares, Don Juan's special enemy, should have nothing to do in any matter affecting him. Nithard accordingly went to Rome, but he had no commission to show and no instructions. He reported this to the Council of State, which told him to urge the definition by the Holy See of the Immaculate Conception. The queen endeavored by a subterfuge to obtain for him a cardinal's hat, which had been promised to Spain, but failed. He still hoped for a return to his honors, stimulated by the correspondence of his confidential agent, the Jesuit Salinas, but a letter warning him not to resign the inquisitor-generalship, for things were tending towards his return, with a lodging in the queen's palace, chanced to fall into the hands of the nuncio, who placed it where it would do the most good. The result was a peremptory order for him to resign in favor of Valladares, who had been nominated as his successor. When this was handed to him by San Roman, the Spanish ambassador, he is said to have fainted and not to have recovered his senses for an hour. The coveted cardinal's hat was bestowed on Portocarrero, Dean of Toledo, and when the news of this reached the queen it threw her into a tertian fever. The Jesuit General Oliva, seeing Nithard thus stripped of his offices and offended at his arrogance, ordered him to leave Rome and he retired to a convent, but he was amply provided with funds and, for some years at least, he was carried on the books of the Suprema and received his salary regularly. Moreover, in 1672, the queen procured from Clement X what Clement IX had persistently refused and Nithard was created Archbishop of Edessa and cardinal.[1]

Valladares had received his appointment September 15, 1669. It was not until 1677 that he resigned his see of Plasencia and he held the inquisitor-generalship until his death, January 29, 1695. He was succeeded by Juan Thomás de Rocaberti, Archbishop of Valencia, for whom Innocent XII, at the request of Carlos II, granted a dispensation from residence, conditioned on his making proper provision for the spiritual and temporal care of his see.[2] He died June 13, 1699, and his successor, Alfonso

[1] Candamo, *loc. cit.*, pp. 4–239).—Memorias históricas de la Monarquia de España (Semanario erúdito, XIV, 19).—MSS. of the Royal Library of Munich, Cod. Ital. 191, fol. 710.—Archivo de Simancas, Inquisicion, Leg. 1476, fol. 3.

[2] Bulario de la Orden de Santiago, Libro V, fol. 118. This continued to be the practice, requiring a renewal of the brief every three years until 1774, when, as we have seen, Felipe Beltran obtained a dispensation good for his tenure of office, a favor repeated to his successors.

Fernández de Aguilar, Cardinal of Córdova, followed him September 19th, the very day that his commission arrived, after a brief illness and not without grave suspicions of poison.[1] The choice then fell on Balthasar de Mendoza y Sandoval, Bishop of Segovia, who became involved, as we shall see, in a deadly quarrel with his colleagues of the Suprema over the case of Fray Froilan Díaz. In the confusion of the concluding months of the disastrous reign of Carlos II, who died November 1, 1700, Mendoza made the mistake of embracing the Austrian side; his arbitrary action, in the case of Froilan Díaz, served as a sufficient excuse for his removal and Philip V, apparently in 1703, ordered him to return to his see. He is generally said to have resigned in 1705 but, in the papal commission, March 24, 1705, for his successor Vidal Marin, Clement XI states that he has seen fit to relieve Mendoza of the office because his presence is necessary at Segovia.[2] Vidal Marin served till his death in 1709 and so did his successor Riva-Herrera, Archbishop of Saragossa, who, however, enjoyed his dignity for little more than a year.

Philip V had brought to Spain the Gallicanism and the principles of high royal prerogative which were incompatible with the pretensions of the curia and the quasi-independence of the Inquisition. With the Bourbons there opens a new era in the relations between the crown and the Holy Office. Yet in his first open trial of strength, Philip's fatal vacillation, under the varying influences of his counsellors, confessors and wives, left him with a dubious victory. In 1711 he selected as inquisitor-general Cardinal Giudice, Archbishop of Monreal in Sicily, a Neapolitan of much ambition and little scruple. The recognition of the Archduke Charles as King of Spain by Clement XI, in 1709, had caused relations to be broken off between Madrid and Rome. Philip dismissed the nuncio, closed the tribunal of the nunciatura and forbade the transmission of money to Rome. There was talk in the curia of reviving the medieval methods of reducing disobedient monarchs to submission and Philip, to prepare for the struggle, ordered, December 12, 1713, the Council of Castile to draw up a statement of the regalías which would justify resistance to the demands of the curia and to the jurisdiction exercised by nuncios. It was a quarrel which had been

[1] Proceso contra Fray Froilan Díaz, pp. 143–44.

[2] Bulario de la Orden de Santiago, Libro V, fol. 136.

in progress for a century and a half, now breaking out fiercely and then smothered, but none the less bitter. The Council entrusted the task to its fiscal, Melchor Rafael de Macanaz, a hard-headed lawyer, fully imbued with convictions of royal prerogative, whose report was, in general and in detail, thoroughly subversive of Ultramontanism and consequently most distasteful to the curia.[1] When it was presented to the council, December 19th, Don Luis Curiel and some others prevented a vote and asked for copies that they might consider the matter maturely. Copies were given to each member, consideration was postponed and, on February 14, 1714, Molines, the ambassador at Rome, reported that copies had been sent there by Curiel, Giudice and Belluga, Bishop of Murcia. Although it was a secret state paper, the curia issued a decree condemning it and, coupled with it, an old work, Barclay's reply to Bellarmine and a French defence of the royal prerogative by Le Vayer, attributed to President Denis Talon. Such a decree could not be published in Spain without previous submission to the Royal Council, but Giudice was relied upon to evade this. He was nothing loath, for he had an old quarrel with Macanaz, who had prevented his obtaining the archbishopric of Toledo, his enmity being so marked that at one time Philip, to separate them, had sent Macanaz to France with the title of ambassador extraordinary, but without functions. At the moment Giudice was ambassador to France and the decree was sent to him; he declined to act unless assured of the protection of the courts of Rome and Vienna and, on receiving pledges of this, he signed it, July 30th as inquisitor-general and sent it to the Suprema for publication. Four of the members promptly signed it and had it published at high mass in the churches on August 15th. This created an immense sensation and exaggerated accounts were circulated of the errors and heresies contained in the unknown legal argument which Macanaz had prepared in the strict line of his duty.

When Philip was informed the next day of this audacious proceeding he called into consultation his confessor Robinet and three other theologians, who submitted on the 17th an opinion in writing that the Suprema should be required to suspend the edict and that Giudice should be dismissed and banished. The Suprema obeyed, excusing itself on the pretext

[1] Printed by Llorente, Coleccion Diplomática, p. 27.

that it had supposed, as a matter of course, that Giudice had submitted the edict to the king. He was not satisfied with this and dismissed three of them, but they refused to surrender their places. Then he summoned a meeting of the Council of Castile, pointing out that, if such things were permitted, the kingdom would be reduced to vassalage under the Dataria and other tribunals of the curia; the Council was not to separate until every member had recorded his opinion as to the measures to be taken. Seven of them voted for dismissing and banishing Giudice, while four showed themselves favorable to the Inquisition. Meanwhile, on the 17th, Philip had despatched a courier to Paris summoning Giudice to return and informing Louis XIV of the affair. The latter, recognizing that the decree was an assault on the French as well as the Spanish regalías, refused to Giudice a farewell audience and sent his confessor Le Tellier to tell him that, were he not certain that Philip would punish him condignly, he would do so himself. When Giudice reached Bayonne he was met by an order not to enter Spain until the edict should be revoked. He replied submissively, enclosing his resignation, whereupon Philip commanded him to return to his archbishopric—a command which he did not obey. Felipe Antonio Gil de Taboada was appointed inquisitor-general and, on February 28, 1715, his commission was despatched from Rome; probably the Suprema interposed difficulties for he never served; he obtained the post of Governor of the Council of Castile, to be rewarded subsequently with the archbishopric of Seville.[1]

Meanwhile there was a court revolution. María Luisa of Savoy,

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[1] Belando, Historia civil de España desde 1700 hasta 1733, P. iv, cap. ix, xv (Madrid, 1744). See also Macanaz's Commentary on Feyjoo's *Teatro Crítico* (Semanario erúdito, VIII, 27–9).

This volume of Belando's work was examined by the Council of Castile, before a license to print was issued, and was subjected to a second examination by order of Philip, before he would permit its dedication to himself and his queen. This, and the secret documents which it contains, show that its account of the Giudice affair may be regarded as authentic. This did not save the book from the Inquisition which condemned it in 1744 and, when the author asked to be heard in its defence and offered to make any changes required, he was thrown into prison and then relegated to a convent with orders to write no more books.—Llorente, Hist. crít., Cap. xxv, Art. i, n. 12.

The Marquis of San Felipe gives an account of the affair much less favorable to Macanaz and the royal prerogative.—Mémoires pour servir à l'Histoire d'Espagne sous le Regne de Philippe V, III, 120 *sqq.* (Amsterdam, 1756).

Philip's wife, died February 11, 1714. The Princesse des Ursins, who had accompanied her to Spain and had become the most considerable personage in the kingdom, desired to find a new bride whom she could control. Giulio Alberoni, an adroit Italian adventurer, was then serving as the envoy of the Duke of Parma and persuaded her that Elisabeth Farnese, the daughter of his patron, would be subservient to her, and the match was arranged. December 11, 1714, Elisabeth reached Pampeluna and found Alberoni there ready to instruct her as to her course and his teaching bore speedy fruit. Des Ursins had also hastened to meet the new queen and was at Idiaguez, not far distant, where she received from the imperious young woman an order to quit Spain. Alberoni, who was in league with Giudice and hated Macanaz, painted him to Elisabeth in the darkest colors and his ruin was resolved upon.

He had been pursuing his duty as Fiscal-general of the Council of Castile; in July, 1714, he had occasion to make another report on the notorious evils of the Religious Orders, pointing out the necessity of their reform and asserting that the pope is not the master of ecclesiastical property and spiritual profits. Some months later he was called upon to draw up a complete reform of the Inquisition, suggested doubtless by the pending conflict, for which an occasion was found in an insolent invasion of the royal rights by the tribunal of Lima. The Council of Indies complained that the latter had removed from the administration of certain properties indebted to the royal treasury the person appointed by the Chamber of Accounts, on the plea that the owner was also a debtor to the Inquisition. Philip V thereupon ordered Macanaz, in conjunction with D. Martin de Miraval, fiscal of the Council of Indies, to make a report covering all the points on which the Holy Office should be reformed. The two fiscals presented their report November 14, 1714, exhaustively reviewing the invasions of the royal jurisdiction which, as we shall see hereafter, were constant and audacious, and their recommendations were framed with a view of rendering the Inquisition an instrument for executing the royal will, to the subversion of the jealously-guarded principle that laymen should be wholly excluded from spiritual jurisdiction.[1]

[1] Puigblanch, La Inquisicion sin Mascara, pp. 412–15 (Cadiz, 1811).

Puigblanch says that he possessed a copy of this consulta signed by Macanaz at Montauban in 1720. So far as I am aware it has never been printed.

In the reaction wrought by Elisabeth and Alberoni, Macanaz was necessarily sacrificed. Philip, notoriously uxorious, speedily fell under the domination of his strong-minded bride and Alberoni became the all-powerful minister. Giudice, who had been loitering on the borders, was recalled and, on March 28, 1715, Philip abased himself by signing a most humiliating paper, evidently drawn up by Giudice, reinstating the latter and apologizing for his acts on the ground of having been misled by evil counsel.[1] Alberoni and Giudice, however, were too ambitious and too unprincipled to remain friends. Their intrigues clashed in Rome, the one to obtain a cardinal's hat, the other to advance his nephew. Alberoni had the ear of the queen and speedily undermined his rival. Giudice was also tutor of the young prince Luis; on July 15, 1716, he was deprived of the post and ordered to leave the palace and, on the 25th, he was forbidden to enter it. He fell into complete disfavor and shortly left Spain for Rome, where he placed the imperial arms over his door. His resignation must have followed speedily for, on January 23, 1717, the tribunal of Barcelona acknowledges receipt of an announcement from the Suprema that the pope has at last acceded to the reiterated requests of Cardinal Giudice to be allowed to resign and has appointed in his place D. Joseph de Molines, as published in a royal decree of January 9th.[2] Alberoni obtained the coveted cardinalate but his triumph was transient. He replaced the king's confessor, Father Robinet with another Jesuit, Father Daubenton, who soon intrigued against him so successfully and so secretly that the first intimation of his fall was a royal order, December 5, 1719, to leave Madrid within eight days and Spain in three weeks. He vainly sought an audience of Philip and was forced to obey.[3]

Although the episode of Giudice is thus closed, the fate of Macanaz is too illustrative of inquisitorial methods and of royal weakness to be passed over without brief mention. He had incurred the undying hatred of the Inquisition simply in discharge

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[1] MSS. of Royal Library of Copenhagen, No. 210 fol.—I have printed this document in "Chapters from the Religious History of Spain," p. 483.

[2] Archivo de Simancas, Inquisition, Sala 39, Leg. 4, fol. 57.

[3] Alfonso Professione, Il Ministero in Spagna del Card. Giulio Alberoni, p. 244 (Torino, 1897).

of his duty as an adviser of the crown, with perhaps an excess of zeal for his master and an intemperate patriotism that strove to restore its lost glories to Spain. It was impossible to continue him in his high function while recalling Giudice and, as a decent cover for banishment, he was allowed, in March, 1715, to seek the waters of Bagnères for his health, when he departed on an exile that lasted for thirty-three years to be followed by an imprisonment of twelve. Giudice promptly commenced a prosecution for heresy, sufficient proof of which, according to the standards of the Holy Office, was afforded by his official papers. As he dared not return, his trial *in absentia* resulted, as such trials were wont to do, in conviction, and he seems to have been sentenced to perpetual exile with confiscation of all his property, including even five hundred doubloons which the king was sending to him at Pau through a banker of Saragossa. All his papers and correspondence in the hands of his friends were seized and his brother, a Dominican fraile, whom the king had placed in the Suprema, was arrested in the hope of obtaining incriminating evidence.[1]

Thenceforth he led a life of wandering exile, so peculiar that it is explicable only by the character of Philip. He was in constant correspondence with high state officials and was frequently entrusted with important negotiations. Sometimes he was under salary, but it was irregularly paid and for the most part he had to struggle with poverty. When the Infanta María Ana Vitoria was sent back to Spain from France, in 1725, he was commissioned to attend her to the border and from there he went as plenipotentiary to the Congress of Cambray, with the comforting assurance that the king was endeavoring to put an end to the affair of the Inquisition—an effort apparently frustrated by the influence of Père Daubenton.[2] It was possibly with a view to overcome this fatal enmity that he occupied his leisure, between 1734 and 1736, in composing a defence of the Inquisition from the attacks of Dr. Dellon and the Abbé Du Bos. In this he had nothing but praise for its kindliness towards its prisoners, its scrupulous care to avoid injustice, the rectitude of its procedure and the benignity of its punishments. Beyond

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[1] Macanaz, Regalías de los Reyes de Aragon, Introd. pp. xix–xxv (Madrid, 1879).

[2] Regalías de los Reyes de Aragon, Introd. p. xxviii.

these assertions, the defence reduces itself to showing that, from the time when the Church acquired the power to persecute, it has persecuted heretics to the death and that the heretics in their turn have been persecutors—propositions readily proved from his wide and various stores of learning and sufficient to satisfy a believer in the *semper et ubique et ab omnibus*.[1] Ten years later, when Fernando VI ascended the throne in 1746, Macanaz addressed him a memorial on the measures requisite to relieve the misery of Spain and in this he superfluously urged the maintenance of the Inquisition in all its lustre and authority.[2] In spite of all this it was unrelenting and his entreaties to be allowed to return were fruitless.

In 1747 he was sent to the Congress of Breda where he mismanaged the negotiations, deceived, it is said, by Lord Sandwich. Relieved and ordered, in 1748, to present himself to the Viceroy of Navarre at Pampeluna, after some delay he was carried to Coruña and immured *incomunicado* in a casemate of the castle of San Antonio, a prison known as a place of rigorous confinement. Even the authorities there compassionated him and, at their intercession, he was removed to an easier prison and permitted the use of books and writing materials. Here, during a further captivity of twelve years, the indomitable old man occupied himself with voluminous commentaries on the *Teatro crítico* of Padre Feyjoo and the *España sagrada* of Florez, with many other writings and memorials to the king. It was not until the death of the latter, in 1760, that Elisabeth of Parma, the regent and the cause of his misfortunes, liberated him with orders to proceed directly to Murcia. At Leganes he was greeted by his wife and daughter, with whom he went to Hellin, his birth-place, where he died on the following November 2d, in his ninety-first year.[3]

There is no record of any further exercise of royal control over inquisitors-general until, in 1761, Clement XIII saw fit to condemn the Catechism of Mesengui for its alleged Jansenism in denying the authority of popes over kings. The debate over it

[1] Defensa crítica de la Inquisicion, I, 7–10, 18, 23.

The work was not printed in the lifetime of Macanaz but was issued by Valladares in 1788.

[2] Valladares, Semanario erúdito, VIII, 221.

[3] Ibidem, VII, 4, 127, 138; VIII, 168.—Regalías de los Reyes de Aragon, Introd. pp. xliii–iv.

in Rome had attracted the attention of all Europe and the prohibition of the book was regarded as a general challenge to monarchs. Carlos III had watched the discussion with much interest, especially as the work was used in the instruction of his son. He expressed his intention of not permitting the publication of the prohibition but, by a juggle between the nuncio and the inquisitor-general, Manuel Quintano Bonifaz, an edict of condemnation was hastily drawn up of which copies were given to the royal confessor on the night of August 7th. They did not reach the king at San Ildefonso until the morning of the 8th, who at once despatched a messenger to Bonifaz ordering him to suspend the edict and recall any copies that might have been sent out. Bonifaz replied that copies had already been delivered to all the churches in Madrid and forwarded to nearly all the tribunals; to suppress it would cause great scandal, injurious to the Holy Office, wherefore he deeply deplored that he could not have the pleasure of obeying the royal mandate. Carlos was incensed but contented himself with ordering Bonifaz to absent himself from the court; he obeyed and, in about three weeks, made an humble apology, protesting that he would forfeit his life rather than fail in the respect due to the king. Carlos then permitted him to return and resume his functions and, when the Suprema expressed its gratitude, he significantly warned it to remember the lesson.[1] He took warning himself and, on January 18, 1762, he issued a pragmática systematizing the examination of all papal letters before issuing the royal exequatur which permitted their publication.[2]

Carlos III had no further occasion to exercise his prerogatives but it was otherwise with Carlos IV. His first appointee, Manuel Abad y la Sierra, Bishop of Astorga, who assumed office May 11, 1793, had but a short term, for he was requested to resign in the following year. His successor, Francisco Antonio de Lorenzana, Archbishop of Toledo, who accepted the post September 12, 1794, was not much more fortunate, although his enforced resignation, in 1797, was decently concealed under a mission to convey to Pius VI the offer of a refuge in Majorca. He was followed by Ramon José de Arce y Reynoso, Archbishop of Saragossa, who resigned March 22, 1808, four days after the

[1] Ferrer del Rio, Historia de Carlos III, I, 384 *sqq.*

[2] Novísima Recop. II, iii, 9.

abdication of Carlos IV in the "tumult of lackeys" at Aranjuez, probably to escape his share of the popular odium directed against the favorite Godoy.[1] During the short-lived revival of the Inquisition under the Restoration, its dependence on the royal power was too great for differences to arise that would provoke assertions of the prerogative.

The relations of the crown with the Suprema were originally the same as with the other royal councils. The king appointed and removed at will although, as the members came to exercise judicial functions, it was necessary for the inquisitor-general to delegate to them the papal faculties which alone conferred on them jurisdiction over heresy. Ferdinand exercised the power of appointment and removal and, as his orders were requisite for the receivers of confiscations to pay their salaries, it is scarce likely that anyone had the hardihood to raise a question.[2] We have seen how he forced the members to accept as a colleague Aguirre though he was a layman, how Ximenes when governor of Castile removed him and Adrian reinstated him. The earliest formula of commission that I have met is of the date of 1546; it bears that it is granted by the inquisitor-general, who constitutes the appointee a member and invests him with the necessary faculties, and it is moreover countersigned by the other members.[3] In this there is no allusion to any nomination by the king, although the appointment lay in his hands. In 1573 the Venitian envoy Leonardo Donato so states, adding that the popes felt very bitterly the fact that they had no participation in it; they had repeatedly tried to secure the membership of some one dependent upon them, such as the nuncio, but Philip would not permit it; the council did nothing without his consent, tacit or expressed.[4] At some period, not definitely ascertainable, the custom arose of the inquisitor-general presenting three names from among which the king made selection. At first the number of members was uncertain, but it came to be fixed at five, in addition to the inquisitor-general. To these Philip II added two from the Council of Castile; as these were sometimes laymen,

[1] Llorente, Hist. crít. Cap. xliv, Art. 1, n. 42, 43.—Modesto de Lafuente Historia general de España, XXII, 97, 125.

[2] Archivo de Simancas, Inquisicion, Libro 9, fol. 144, 192.

[3] Ibidem, Sala 40, Lib. 4, fol. 153.

[4] Relazioni Venete, Serie I, Tom. VI, p. 370.

he finally had scruples of conscience and, in his instructions to Manrique de Lara, in 1595, he tells him that when there are fitting ecclesiastics in the Council of Castile they are to be proposed to him for selection; if there are not, it is to be considered whether a papal brief should be procured to enable them to act in matters of faith.[1] These adventitious members came to be known as *consejeros de la tarde*, as they attended only twice a week and in the afternoon sessions of the body, where its secular business was disposed of, and thus they took no share in matters of faith. Their salary was one-third that of the others.

The royal authority was emphatically asserted when, in 1614, Philip III ordered that a supernumerary place should be made for his confessor Fray Aliaga, with precedence over his colleagues and a salary of fifteen hundred ducats; also that when the royal confessor was a Dominican he should always have this place and, when he was not, that it should be given to a Dominican. The Suprema accepted Aliaga but demurred to the rest, when Lerma peremptorily ordered it to be entered on the records; there were murmurings followed by submission. After the accession of Philip IV, he ordered the Council to make out a commission for his confessor, the Dominican Sotomayor, to which there was ineffectual opposition.[2] The rule held good. Soon after the Inquisition was reorganized under the Restoration, Fernando VII, July 10, 1815, appointed his confessor, Cristóbal de Bencomo, a member to serve without salary for the time but with the reversion of the first vacancy and all the honors due to his predecessors; he had the seat next to the dean and when the latter died, February 16, 1816, he took his position and salary.[3] Philip V ordered that a seat should always be occupied by a Jesuit; this of course lapsed with the expulsion of the Jesuits in 1767, after which Carlos III, in 1778, provided that the Religious Orders should have a representative by turns.[4]

The royal power of appointment was not uncontested and gave rise to frequent debates. Philip IV sometimes yielded and

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[1] Archivo de Alcalá, Estado, Leg. 3137.—Archivo de Simancas, Inquisicion, Libro 939, fol. 271.—Páramo, p. 150.

[2] Bibl. nacional, Seccion de MSS., D, 118, fol. 183.—Cabrera, Relaciones, p. 560.

[3] Archivo de Simancas, Registro de Genealogías, 916, fol. 66.

[4] Discurso sobre el Origen, etc., de la Inquisicion, p. 70 (Valladolid, 1803).

sometimes persisted; occasionally the question was complicated and papal intervention was hinted at.[1] A decisive struggle came in 1640, in which the Suprema chose its ground discreetly. It suited Olivares to appoint Antonio de Aragon, a youthful cleric and the second son of the Duke of Cardona. Anticipating resistance, Philip announced the nomination imperiously; Don Antonio must be admitted the next day as he was about to start for Barcelona and any representations against it could be made subsequently. The Suprema replied that the inquisitor-general could not make the appointment and if he did so it would be invalid; Don Antonio was less than thirty years old; the canons require an inquisitor to be forty, although Paul III had reduced, for Spain, the age to thirty; members of the Suprema were inquisitors and it was only as such that they sat in judgement without appeal in cases of faith. To this Philip rejoined that Olivares would report the efforts he had made to quiet his conscience in view of the great public good to result from the appointment, wherefore he expected that possession would be given to Don Antonio without delay. Matters went so far that the Duchess of Cardona wrote to her son to abandon the effort but the royal command prevailed; he obtained the position and in the following year he was made a member of the Council of State; he was already a member of the Council of Military Orders and the whole affair gives us a glimpse of how Olivares governed Spain.[2] Having thus asserted his prerogative, Philip, in 1642 and the early months of 1643, made four appointments without consultation. The remonstrances of the Suprema must have been energetic for Philip yielded and, in a decree of June 26 (or July 2), 1643, he agreed that the old custom of submitting three names should be renewed, with the innovation that the Suprema should unite in making the recommendations. Against this the inquisitor-general protested, but in vain. It was probably to make an offset to these royal nominees that, November 10, 1643, the inquisitor-general and Suprema asked that their fiscal should

[1] Archivo de Alcalá, Estado, Leg. 3137.—Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 58–60.—Bibl. nacional, Seccion de MSS., G, 61, fol. 209–10; Pp, 28, § 13.—MSS. of Bodleian Library, Arch. S, 130.—Archivo de Simancas, Inquisicion, Libro 21, fol. 60.

[2] Archivo de Simancas, Inquisicion, Libro 21, fol. 256.—Bibl. nacional, *ubi sup.*—Archivo de Alcalá, *ubi sup.*—Parets, Sucesos de Cataluña (Memorial hist. español, XXI, Append. p. 398).—Cartas de Jesuitas (Mem. hist. espan. XVI, 81, 205).

have a vote, which Philip refused.[1] The rule continued of submitting three names for selection, but the participation of the Suprema in this seems to have been dropped. The royal control, moreover asserted itself in the case of Froilan Díaz when, by decree of November 3, 1704, Philip V reinstated three members, Antonio Zambrana, Juan Bautista Arzeamendi and Juan Miguélez, who had been arbitrarily ejected and jubilado by Inquisitor-general Mendoza, ordering moreover that they should receive all arrears of salary.[2]

While thus the crown continued to exercise the right of selecting the heads of the Inquisition, its practical control was greatly weakened by one or two changes which established themselves. Of these perhaps the most important was the claim of the Suprema to interpose itself between the king and the tribunals, so that no royal commands to them should be obeyed unless they should pass through it, thus rendering the inquisitors subject to itself alone and not to the sovereign. In a government theoretically absolute this was substituting bureaucracy for autocracy and, when the example was followed, though at a considerable distance, by some of the other royal councils, it at times produced deadlocks which threatened to paralyze all governmental action.

We have seen that, towards the end of Ferdinand's reign, his letters to the tribunals were sometimes countersigned by members of the Suprema, but that this was not essential to their validity and, when there was an attempt to establish such a claim, he was prompt to vindicate his authority. A royal cédula of October 25, 1512, gave certain instructions as to the manumission of baptized children of slaves whose owners had suffered confiscation. There was no question of faith involved, but when, in 1514, Pedro de Trigueros applied to the inquisitors of Seville to be set free under it, they refused on the ground that it had not been signed by the Suprema. He appealed to Ferdinand who promptly ordered the inquisitors to obey it; if they find Pedro's story to be true they are to give him a certificate of freedom and meanwhile are to protect him from his master, who

[1] Archivo de Alcalá, *ubi sup.*—Archivo de Simancas, Inquisicion, Libro 33, fol. 846; Libro 35, fol. 509.—MSS. of Library of Univ. of Halle, Yc, T. 17.

[2] Archivo de Alcalá, Hacienda, Legajo 544[2] (Libro 10).—Bibl. nacional, Seccion de MSS. G, 61, fol. 22.—Proceso criminal contra Fray Froylan Díaz, p. 222.

was seeking to send him to the Canaries for sale.[1] The claim which Ferdinand thus peremptorily rejected was persistently maintained during the period of confusion which followed his death. Whether it received positive assent from Charles is more than doubtful, although the Suprema so asserts in a letter of July 27, 1528, ordering inquisitors to examine whether a certain royal cédula had been signed by its members, for the kings had ordered that none should be executed in matters connected with the Inquisition unless thus authenticated—thus basing the claim on the royal will and not on any inherent right of the Holy Office.[2] So complete was the autonomy thus established for the organization that a *carta acordada* or circular of instructions, May 12, 1562, tells the tribunals that, if an inquiry from the king comes to them through any other council, they are to reply that if the king desires the information it will be furnished to him through the inquisitor-general or the Suprema.[3]

The far-reaching importance of this principle can scarce be exaggerated. One of its results will be seen when we come to consider the complaints and demands of the Córtes and find that *fueros* directed against inquisitorial aggressions in purely civil matters, when agreed to by the king were invalid without confirmation by the inquisitor-general. A single instance here will suffice to show the working of this. In 1599 various demands of the Córtes of Barcelona were conceded by Philip III. One regulated the number of familiars, which Philip promised that he would induce the inquisitor-general to put into effect, within two months if possible. Another provided that all officials, save inquisitors, should be Catalans; he agreed to charge the inquisitor-general and Suprema to observe this and he would get it confirmed by the pope. Another was that, in the secular business of the tribunal, the opinion of the Catalan assessor should govern, because he would be familiar with the local law; this he accepted and promised, in so far as it concerned the inquisitor-general and Suprema, to charge them to give such orders to the tribunal. Another was that commissioners and familiars should not be "religious," to which his reply was the same. Another required the inquisitor-general to appoint a resident of Barcelona to hear appeals in civil cases below five

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 384.
[2] Ibidem, Libro 939, fol. 136.
[3] Ibidem, Libro 978, fol. 36.

hundred libras; this he said was just and he would charge the inquisitor-general to do so. After this, in fulfilment of his plighted word, he addressed the inquisitor-general in terms almost supplicatory "I charge you greatly that for your part you condescend and facilitate that what they have supplicated may be put in execution, in conformity with what I have conceded and decreed in each of these articles, which will give me particular contentment." Not the slightest attention was paid to this request and, on May 6, 1603, Philip repeated it "As until now it is understood that not a single thing contained in it has been put in execution and, as I desire that it be enforced, I ask and charge you to condescend to it and help and facilitate it with the earnestness that I confidently look for."[1] This second appeal was as fruitless as the first and the Catalans gained nothing. It is true that, in 1632, the Barcelona tribunal, in a memorial to Philip IV, asserted that Philip III had only assented to these articles to get rid of the Catalans and that he wrote privately to the pope asking him not to confirm them.[2]

This case may have been mere jugglery and collusion, but in general it by no means followed that royal decrees sent to the Suprema for transmission were forwarded. If it objected, it would respond by a consulta arguing their impropriety or illegality, and this would, if necessary, be repeated three or four times at long intervals until, perhaps, the matter was forgotten or dropped or some compromise was reached. The privilege that all instructions must be transmitted through the Suprema was therefore one of no little importance and it was insisted upon tenaciously. There was a convenient phrase invented which we shall often meet—*obedecer y no cumplir*—to obey but not to execute, which was very serviceable on these occasions. In 1610 the Suprema argued away a cédula of Philip III as invalid because it had been despatched through the Council of State and the king was repeatedly told to his face that the laws required his cédulas to be countersigned by the Suprema in order to secure their execution. This was done to Philip IV, in 1634, when he intervened in a quarrel and, in 1681 to Carlos II when there were difficulties threatened with foreign nations

[1] Archivo de Simancas, Libro 29, fol. 59.

It is observable that the kings always addressed the Inquisition "por ruego y encargo" and never "por mandamiento."

[2] Ibidem, Inquisicion de Barcelona, Córtes, Legajo 17, fol. 9.

arising from abuses committed in examining importations in search of forbidden books.[1] As the questions calling for royal interposition as a rule affected only the wide secular and not the spiritual jurisdiction of the Inquisition, this created conditions unendurable in any well-organized government.

Another change which conduced greatly to the independence of the Inquisition was the control which it acquired over its finances. We have seen that, under Ferdinand, the confiscations and pecuniary penances belonged to the crown and that the salaries and expenses were paid by his orders. The finances of the Inquisition will be discussed hereafter and meanwhile it suffices to say that, after his death and the exuberant liberality of Charles to his Flemish favorites during his first residence in Spain, the diminishing receipts from these sources caused them to be virtually assigned to defraying the expenses of the Inquisition and they were no longer regarded as a source of supply to the royal treasury. Still, the money belonged to the crown and the Inquisition enjoyed it only under the authority and by virtue of the bounty of the sovereign.

The growth of control over income and of virtual financial independence was gradual and irregular. Even Ferdinand, in his watchful care over his receivers of confiscations, felt the need of some central auditor and it seemed natural that he should be an official of the Suprema. Accordingly as early as 1509 we find a "contador general" in that position. In 1517 there are two officers, a contador and a receiver-general and, in 1520, the two are merged into one.[2] When, in 1513, Bishop Mercader was made inquisitor-general of Aragon he desired a statement from all receivers of their receipts and payments and of the property remaining in their hands and Ferdinand ordered them to comply, alluding to it as usual on the entrance of a new inquisitor-general.[3] This inevitably ripened into the transfer to that official of the control over receivers which Ferdinand had exercised, so that in place of being royal officials they became virtually officers of the Inquisition and eventually were designated as treasurers. By 1544 we find the Suprema to be the final court

[1] Archivo de Simancas, Libro 20, fol. 340; Libro 26, fol. 37; Libro 43, fol. 297.
[2] Ibidem, Libro 3, fol. 24, 397; Libro 5, fol. 8, 16, 21.
[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 248, 250, 252.

of revision of all the receivers of the local tribunals, whose accounts were rendered to it and audited by it.[1]

Still, in theory the money belonged to the crown and its disbursement could only be made under royal authority. The order for the payment of the *ayuda de costa* of the Suprema, July 21, 1517, was drawn in the name of *la reyna y el rey*—Juana and Charles.[2] After Charles reached Spain, in September of that year, he made grants from the confiscations with a profusion that threatened to bankrupt the Inquisition, and if we find Adrian and the Suprema also occasionally issuing orders for payments it was undoubtedly under powers granted by Charles.[3] When Charles left Spain, May 20, 1520, he gave Adrian a general faculty for this purpose, but it seems to have been called in question, for he found it necessary to send from Brussels, September 12th, a cédula to all receivers confirming it and stating that Adrian's orders, signed by members of the Suprema, would be received as vouchers by the auditor-general. Under this the Suprema exercised full authority over the funds collected by all the receivers and disposed of them at its pleasure. When Charles returned he presumably resumed control and, after his marriage with Isabel of Portugal, during his frequent absences, he left the power in her hands until her death May 1, 1539.[4] When he saw fit, moreover, he claimed and received a share of the spoils. A letter of Cardinal Manrique, June 17, 1537, shows that a portion of the proceeds of a certain auto de fe had been paid to him and another of October 11th, of the same year, addressed to him at the Córtes of Monzon, reinforces an appeal not to sacrifice the interests of the Inquisition to the Aragonese demands, with the welcome news that the receiver of Cuenca had arrived with the ten thousand ducats for which he had asked from the confiscations of that tribunal.[5]

Charles's hasty departure in November, 1539, to quell the insurrection of Ghent left matters in some confusion. The Suprema, on March 20, 1540, wrote to Chancellor Granvelle that cédulas for the salaries, under the crown of Aragon, were always signed by the emperor and that the inquisitor-general could not do it;

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[1] Archivo de Simancas, Inquisicion, Lib. 76, fol. 227; Sala 40, Lib. 4, fol. 139.
[2] Ibidem, Lib. 5, fol. 16.
[3] Ibidem, Lib. 940, fol. 34.
[4] Ibidem, Lib. 5, fol. 29; Lib. 73, fol. 106, 107, 301; Lib. 940, fol. 35, 36, 40, 41.
[5] Ibidem, Lib. 78, fol. 162.

they had sent him a power for execution similar to that given to Cardinal Adrian but he had refused to sign it, saying that they could do as under Cardinal Manrique, forgetting that there had been the empress who always signed the cédulas, wherefore they ask him to get the emperor to sign the power. He doubtless did so, for an order, June 12th, on the receiver of Valencia to send fifteen hundred ducats for the salaries of the Suprema purports to be by virtue of a special power granted by their majesties. On Charles's return he again assumed control and when he went to Italy, in 1543, he left Philip as regent, while during the absence of Philip there were successive regents who signed cédulas as called for by the Suprema.[1]

Yet, in spite of these formalities, the control of the crown was becoming scarcely more than nominal. It is true that, in 1537, Cardinal Manrique declared that he could not increase salaries without the royal assent but, when the crown undertook any exercise of power, the little respect paid to its commands is seen in the fate of an application made in 1544, by Juan Tomás de Prado, notary of the tribunal of Saragossa, to Prince Philip for an *ayuda de costa* of three hundred ducats. Philip ordered his prayer to be granted, but the death of Inquisitor-general Tavera served as a convenient pretext for disregarding the command. It was repeated, for the same amount, January 11, 1548, and finally, on June 4th, Inquisitor-general Valdés authorized the payment of a hundred ducats.[2]

To perfect the absolute control of the confiscations, thus gradually assumed, it was necessary to keep the crown in ignorance of their amount. Its right to them was incontestable, and the Inquisition deliberately abused the confidence reposed in it when their collection was left in its hands. The less the king was allowed to know, the less likely he was to claim his share and the policy was adopted of deceiving him. As early as 1560 we have evidence of this in a letter to the inquisitors of Sicily instructing them, when reporting autos de fe to the king, to suppress all statements as to the confiscations, but to report

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 107, 110; Lib. 939, fol. 134; Lib. 940, fol. 41, 42.

A pragmática of 1534, abandoning the royal claim on the confiscations under the crown of Aragon, can only have been of temporary effect.—Ibidem, Lib. 939, fol. 9.

[2] Ibidem, Lib. 939, fol. 134; Sala 40, Lib. 4, fol. 164.

them to the Suprema so that it may determine how far to inform him. This was doubtless a general mandate to all the tribunals; it was repeated in instructions of 1561 and we shall see that it became a settled practice.[1] This systematic concealment was the more indefensible from the fact that the Inquisition was now obtaining funds from other sources than confiscations. We shall see hereafter how it utilized the scare caused by the discovery of Protestantism in Valladolid and Seville in 1558, with the plea of additional expenses thus caused, to obtain from Paul IV a levy of a hundred thousand gold ducats on the revenues of the clergy and the more permanent endowment of a canonry to be suppressed for its benefit in every cathedral and collegiate church. A large portion of the inquisitors, moreover already held canonries and other benefices for which, under a brief of Innocent VIII, February 11, 1485, they were dispensed for non-residence.[2] The burden of the Holy Office was thus thrown largely on the ecclesiastical establishment, which remonstrated and resisted but was compelled to submit. It could thus look with equanimity on the shrinkage of the confiscations. In Valencia, an agreement was reached, in 1571, by which the Moriscos compounded for them with an annual payment to the tribunal of twenty-five hundred ducats.[3] The Judaizing heretics had been largely eliminated, especially the more wealthy ones, and it was not until some years after the conquest of Portugal, in 1880, that the influx of Portuguese New Christians brought a new and profitable harvest.

All this tended to the financial independence of the Inquisition although the crown by no means abandoned its claim on the confiscations. A book of receipts given by the royal representative in Valencia for the proceeds of the confiscations in 1593 shows that, under the financial pressure of the time, Philip II was reasserting his rights.[4] The treasury was empty when Philip III succeeded to the throne in 1598 and, among his expedients to raise money, he ordered the receivers of the tribunals to send to him all the funds in their hands, promising speedy repayment. The Suprema had no faith in the royal

[1] Archivo de Simancas, Lib. 80, fol. 2, p. 2; Sala 40, Lib. 4, fol. 252.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 201, 203.—Bibl. nacional, Seccion de MSS. R, 90.—Páramo, p. 138.

[3] Danvila y Collado, Expulsion de los Moriscos, pp. 184–6 (Madrid, 1889).

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 384.

word and instructed the tribunals to retain enough to meet their own wants. The obedience of the tribunals was by no means prompt and the Suprema was obliged to order Valencia to comply with the royal demand and to furnish an oath that no money was left.[1]

In the earlier years of Philip IV the tendency of the Inquisition to emancipate itself from royal control grew rapidly. We shall see hereafter that when, in 1629, the king called for a statement of salaries and perquisites the Suprema equivocated and suppressed nearly all the information required. Still more significant was its attitude respecting the colonial tribunals, which the king supported under an annual expenditure of thirty thousand pesos, with the understanding that this should cease when the confiscations should become sufficient. These, which had been small at first, rapidly increased in the seventeenth century and were enormous between 1630 and 1650, when the whole trading communities of Peru and Mexico were shattered, enabling the tribunals to make permanent investments that rendered them wealthy, besides sending heavy remittances to the Suprema, which moreover seized the goods and credits in Seville of the colonial Judaizers. In addition to this, in 1627, a prebend in each cathedral was suppressed for the benefit of the tribunals. Yet the salaries were still demanded of the royal treasury and the repeated efforts of Philip III and Philip IV, from 1610 to 1650, to obtain statements of the receipts from confiscations and pecuniary penances were completely baffled. That was an inviolable secret which no royal official was allowed to penetrate. It is true that the colonial tribunals, on their side, adopted the same policy in concealing, as far as they could, from the Suprema the extent of their own gains.[2]

Yet, in the ever-increasing distress of the crown, demands were made upon the Inquisition, as on all other departments of government, demands which it was forced to meet. Thus, for the ten years, 1632 to 1641 inclusive, an annual sum of 2,007,360 mrs. was required of it, to aid in defraying the cost of garrisons and fleet, and a statement of October 11, 1642, shows that it had paid the aggregate of 11,583,110 in vellon and 18,700 in silver,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 168, 169, 172.

[2] Recop. de las Indias, Lib. I, Tit. xix, leyes 10, 11, 12, 30, § 1.—Solorzani de Indiar. Gubern. Lib. III, cap. xxiv, n. 11.—Archivo de Simancas, Inquisicion, Leg. 1465, fol, 78; Libro 40, fol. 44, 57, 74, 77, 85, 91, 103, 128, 139.

leaving a balance still due of 8,474,790.[1] Evidently there was good reason for concealing its revenues. In the frightful confusion of the finances which followed the revolution of Portugal and the revolt of Catalonia, in 1640, while Spain was heroically battling for existence against France and its rebellious subjects, the demands were varied and incessant—sometimes for sums so small as to reveal the absolute penury of the State—and Philip's impatient urgency, as he chafed under the dilatoriness of the responses, shows the desperate emergencies in which he was involved. In 1643 a royal decree of February 16th ordered all officials to send their silver plate to the mint, a watch being kept and a report made so as to see that each sent a quantity proportioned to his station. To a complaint of delay in performance the Suprema replied that those who had sent in their silver could get no satisfaction from the mint—the delays were such that the promptitude required by the king was impossible.[2]

Even more arbitrary was the seizure, in 1644 at Seville, of a remittance of 8676 ducats in silver, a remittance from the colonial tribunals to the Suprema. In protesting against this the Suprema, February 29th, gave a deplorable account of its condition, owing to the demands made upon it by the king. On the 10th he had called upon it for 16,000 ducats which it would be wholly unable to raise if deprived of the silver that had been seized. It was already short in 7,724,843 mrs. of its annual expenses and the provincial tribunals were short 5,318,000, for it had impoverished them to meet the royal demands. Last year it had sold a censo of 18,000 ducats belonging to the tribunal of Saragossa, which was beseeching its return. It had also given the king 10,000 ducats for the cavalry and to raise this amount it had taken the sequestrations in the tribunal of Seville—a sacred deposit—including 20,000 ducats' worth of wool, the owners of which, having been acquitted, were besieging it for their money. This dolorous plaint was effective in so far that the seizure at Seville was credited on account of the demand for 16,000 ducats.[3] How much of it was true we can only guess, for the Inquisition had means of raising money outside of its judicial functions. When, in 1640, the king sum-

[1] Archivo de Simancas, Libro 35, fol. 456.
[2] Ibidem, fol. 281; Libro 21, fol. 224, 251.
[3] Ibidem, Libro 40, fol. 218, 328; Libro 36, fol. 74.

moned its familiars and officials to render military service like the nobles, the Suprema arranged that they should buy themselves off, and from this source was chiefly raised 40,000 ducats expended on two companies of horse, in return for which, by a cédula of September 2, 1641, the king promised to maintain inviolate the privileges and exemptions of the familiars and officials.[1]

These instances, out of many, will suffice to show how the crown, in its days of distress, was recouping itself for abandoning the spoils of the heretics. In time these special and arbitrary demands were systematized into an annual requirement of fifty horses, estimated at an outlay of about 5500 ducats and the raising and equipping of two hundred foot, costing 8000 ducats. The Suprema was in no wise prompt in meeting these demands; a cédula of June 24, 1662, tells it that what is due for the present year as well as the previous arrears, must be paid at once, otherwise an inventory of its property must be given to the president of the treasury, who will raise the money on it.[2] Subsequently there was a feeble attempt to return some of these contributions and, in each of the years 1673 and 1674, a trifling payment was made of 10,000 reales vellon, but, in 1676, the Suprema stated to Carlos II that in all it had furnished for remounts of horses 90,000 ducats vellon and 10,000 in silver and that its total assistance to the crown had amounted to no less than 800,000 pesos, equivalent to over 500,000 ducats, to accomplish which the salaries in many tribunals had been unpaid and vacancies of necessary offices had remained unfilled.[3] Still, as we shall have occasion to see, the Suprema always had money, not only for an undiminished pay-roll but for perquisites and amusements.

The crown could not accept this assistance, however grudgingly rendered, without a sacrifice of its supremacy and the Inquisition came to treat with it as with an independent body. About this time the Suprema happens to mention, in a letter to the tribunal of Lima, that it had lent the king 40,000 pesos, of which 10,000 came from Peru and 30,000 from Mexico and that the Count of Medellin had become security for the return of the loan, as though it were a banker dealing with a mer-

[1] Archivo de Simancas, Inquisicion, Libro 23, fol. 63.
[2] Ibidem, Libro 38, fol. 281, 303, 398; Legajo 1465, fol. 36–8, 50.
[3] Ibidem, Libro 40, fol. 85, 139.

chant.[1] Yet all parties knew that these colonial remittances were derived from confiscations, the ownership of which the crown had never relinquished. This is the more noteworthy because, about this time, the king suddenly asserted his claims on some large sums which could not be wholly concealed. In 1678 the tribunal of Majorca unexpectedly made a successful raid on the whole New Christian population of Palma and, in the early months of 1679, there were more than two hundred penitents reconciled. As they constituted the active trading element of the place the confiscations were enormous and the affair attracted too much attention to be hidden. As soon as the news came of the arrests, the king wrote, May 20, 1678, to the viceroy to look carefully to the sequestrations because, in case of confiscation, the proceeds belonged to the treasury. The Suprema, however, made him hold his hands off with direful threats and kept control of the liquidation. After the condemnations, a consulta of July 5, 1679, shows that 50,000 pesos had already been paid to the king, but that the Inquisition was resolved to have its full share. In November the king acceded to a compromise under which 200,000 pesos were to be used to endow certain tribunals and to cancel certain loans made to him by the Inquisition—probably those just alluded to. The balance coming to him was estimated at 250,000 pesos but, in the handling of the assets and the settlements with creditors, the property melted away till the Suprema reported that it barely sufficed to meet the portion assigned to the Inquisition and finally, in 1683, the king had to content himself with 18,000 pesos spent on the fortifications of Majorca and the payment to him of 2000, which the Suprema assured him that it advanced at considerable risk to itself.[2]

The secretiveness so carefully observed undoubtedly had its advantages or it would not have been so persistently claimed as a right. In a consulta of 1696 the Count of Frigiliana states that, when he was viceroy of Valencia, he had in vain endeavored to get from the tribunal a statement of its affairs and he asked the king whether or not the Inquisition possessed the privilege of rendering no account of its assets and income.[3] At length the quarrel between Inquisitor-general Mendoza and his colleagues,

[1] MSS. of Bibl. nacional of Lima, Legajo 225, Expediente 5278.

[2] Archivo de Simancas, Inquisicion, Libro 69, fol. 2, 69, 156, 563.

[3] Bibl. nacional, Seccion de MSS Q, 4.

in the case of Froilan Díaz, and his banishment to his see in 1703, gave opportunity for royal intervention and investigation. The War of Succession had deranged the finances of the Inquisition and it had appealed to the king for help. He required a statement of the pay-rolls, investments and revenues of all the tribunals, which was furnished March 9, 1703, after which, on May 27th, he issued a decree declaring that he must put an end to the abuses and disorders which had crept into the administration and disbursement of its property, in order to relieve the embarrassment of which it complained. He therefore annulled all commissions and appointments without obligation of service, granted by the inquisitor-general, whether within or outside of Spain. The papers of all jubilations, new places and gratuities created or granted since the time of Valladares (1695) were to be placed in his hands. In no case thereafter should the inquisitor-general jubilate any official of the Suprema or local tribunal without consulting him, and any such act issued without a previous royal order was declared void. No *ayuda de costa* or grant exceeding thirty ducats vellon, for a single term, was to be made without awaiting his decision and this decree was to be placed in the hands of all receivers or treasurers for their guidance. It was so transmitted June 8th, with strict orders for its observance. This was a resolute assertion of the royal control over the finances of the Inquisition and it held good, in theory at least, however much it may have been eluded in practice. About the middle of the eighteenth century a systematic writer describes it as still in force and states that no salaries can be increased without the royal approval. It so continued to the end and, under the Restoration, an order from the king, countersigned by the Suprema, was requisite for any extraordinary disbursement.[1]

Philip also reasserted and made good the right of the crown to the confiscations, by claiming a percentage of the rentals of all confiscated property, but he listened to appeals from the tribunals and, in 1710, we hear of Saragossa and Valencia being practically restored to their enjoyment, a liberality which was doubtless followed with regard to the others. In 1725

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 157.—Archivo de Alcalá, Estado, Leg. 2843.—Archivo de Simancas, Inquisicion, Libro 559.

Jubilation, as we shall see hereafter, consisted in retirement on half-pay.

Valencia expressed its fear that the alliance with Austria against England, France and Prussia would result in its having to restore the confiscations, and the blow seems to have fallen for, in 1727, the suprema, in a consulta of December 9th, describing the poverty of Saragossa, attributes it to the king having taken away the confiscations which he had granted. With the gradual amelioration in the Spanish finances, this source of revenue must have been restored, for, in 1768, the Inquisition is described as enjoying the confiscations which the pious liberality of the monarchs had bestowed.[1]

There were other sources of revenue—rehabilitations or dispensations from the sanbenito and disabilities, commutations of punishment and the pecuniary penances known as *penas y penitencias*. All these will be considered hereafter, but a few words may be said as to the latter in their relation with the royal authority.

The penitents who were reconciled under Edicts of Grace were not subject to confiscation, but were punished with fines under the guise of pecuniary penance, at the discretion of the inquisitor. We have seen (pp. 169–70) how numerous these were and we can conjecture how large were the sums thus exacted, for penances of a half or a third of the penitent's property were not uncommon. Similar fines also usually accompanied sentences that did not embrace confiscation and formed a continual although fluctuating source of revenue. Sometimes there were special officials for their collection but, when this was entrusted to the receivers of confiscations, they were instructed to keep a separate account of them, as the two funds were held to be essentially different and, as a rule, were to be employed for different purposes.

In the earliest Instructions of 1484, these pecuniary penances are said to be imposed as a *limosna*, or alms, to aid the sovereigns in the pious work of warring with the Moors, but, in the Instructions issued a few months later by Torquemada, this is modified by ordering them to be placed in the hands of a trustworthy person and reports to be made to him or to the king, in order that they may be spent on the war or in other pious uses or in

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 13, n. 2, fol. 6, 13, 17; Leg. 14, n. 1, fol. 42.—Archivo de Simancas, Inquisicion, Libro 27, fol. 87; Libro 28, fol. 275.

paying the salaries of the Inquisition.[1] Both the destination and the control of these funds were thus left undetermined and they so continued for some years. In 1486 we find Ferdinand giving orders for sums from this source for various uses—for the war with Granada, to pay the salaries of a lay judge, to pay expenses of a tribunal of the Inquisition, to repay Luis de Santangel for advances made to tribunals; in one case his tone is apologetic and he asks Torquemada to confirm the order, in others his command is absolute.[2]

This indicates the uncertainty which existed both as to the use and the control of the pecuniary penances. So long as lasted the war with Granada, whatever was taken by the crown might be regarded as devoted, directly or indirectly, to that holy object, but when the conquest was achieved, in January, 1492, that excuse no longer existed and doubtless the inquisitors looked with jealousy upon the diversion to secular objects of the proceeds of their pious labors. The confiscations unquestionably belonged to the crown, but the penances were spiritual funds which for centuries had always enured to the Church. There must have been a sustained effort to withhold them from the royal acquisitiveness, to which Ferdinand was not disposed to yield, for he procured from Alexander VI, February 18, 1495, a brief directing the inquisitors to hold all such moneys subject to the control of the sovereigns, to be disposed of at their pleasure. Even this was resisted and Ferdinand and Isabella complained to the pope that they were unable to compel an accounting of the sums received or to collect the amounts, to correct which Alexander issued another brief, March 26, 1495, commissioning Ximenes, then Archbishop of Toledo, to enforce accounting and payment by excommunication and other censures.[3]

This was equally ineffective. There was a privacy and simplicity in the imposition and collection of a penance very different from the procedure of sequestration and confiscation, and Ferdinand, at least for a time, abandoned the struggle. This is manifested by a clause in the Instructions of 1498, enjoining on inquisitors not to impose penances more heavily than justice

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[1] Instruciones de 1484, §§ 3, 7 (Arguello, fol. 3, 4).—Archivo de Simancas, Inquisicion, Lib. 933. (See Appendix.)

[2] Archivo gén. de la C. de A., Reg. 3684, fol. 83, 89, 102.

[3] Boletin, XV, 594, 596.

requires in order to insure the payment of their salaries,[1] and the principle was formally recognized by Ferdinand and Isabella in a cédula of January 12, 1499, reciting that, although they held a papal brief placing at their disposal all moneys arising from penances, commutations and rehabilitations, yet they grant to the inquisitors-general all collections from these sources, both in Castile and Aragon, to be used in paying salaries, disbursements being made only on their order.[2]

Ferdinand, however, was not disposed to relax, on any point, his control over the Inquisition and, on April 10th of the same year, we find him forbidding the levying of penances on the members of a town-council for fautorship of heresy—doubtless a speculative infliction for some assumed neglect in arresting suspects. In 1501 his renunciation is already forgotten and he is making grants from the penances as absolutely as ever—even empowering Inquisitor-general Deza to use those of Valencia, to the extent of a hundred ducats a year for the salary of Jaime de Muchildos, the Roman agent of the Inquisition.[3] So, in 1511, we find him granting to Enguera, Inquisitor-general of Aragon, a thousand libras out of the penances to defray the expenses of his bulls for the see of Lérida and authorizing him to pay from them an *ayuda de costa* of two hundred ducats to Joan de Gualbes, a member of the Aragonese Suprema. Then, in 1514, he places all the penances unreservedly at the disposal of Inquisitor-general Mercader to be employed on the salaries and other necessary expenses of the Inquisition of Aragon. This seems to have been final. After his death, instructions sent to the tribunal of Sicily assume that the inquisitor-general has sole and absolute control. It was the same in Castile. Instructions issued by Ximenes, in 1516, direct the receiver-general, who was an officer of the Suprema, to collect the penances from the receivers of the tribunals, who were to keep them in a separate account and not to disburse them without an order from the inquisitor-general. After this we find the Suprema in full control.[4]

There is virtually no trace of any interference subsequently

[1] Instruciones de 1498, § 5. (Arguello, fol. 12.)

[2] Archivo de Simancas, Inquisicion, Libro 1; Libro 933.

[3] Ibidem, Libro 1; Libro 2, fol. 9.

[4] Archivo de Simancas, Inquisicion, Libro 3, fol. 135, 137, 169, 270; Libro 933, fol. 125; Libro 72, P. 1, fol. 72; P. 2, fol. 20. (Arguello, fol. 20, 25.)

by the crown, and the Inquisition found itself in possession of an independent and by no means inconsiderable source of revenue which it could levy, almost at will, from those who fell into its hands. The only exception to this that I have met is that Philip IV, in his financial distress, by a decree of September 30, 1639, claimed and collected twenty-five per cent. of fines, but he scrupulously limited this to those inflicted in cases not connected with the faith—that is, in the exercise of the royal jurisdiction, civil and criminal, enjoyed by the Inquisition in matters concerning familiars and other officials.[1]

Though, as we have seen, the independence of the Inquisition, as a self-centered and self-sustaining institution in the State, varied with the temper and the necessities of the sovereign, there was a time when it seemed as though it might throw off all subjection and become dominant. But for the prudence of Ferdinand, in insisting upon the power of appointment and dismissal, this might have happened in the temper of the Spanish people, trained to an exaltation of detestation of heresy which to us may well appear incomprehensible. There is no question that, under the canon law, kings, like their subjects, were amenable to the jurisdiction of the Inquisition and that they held their kingdoms on the tenure not only of their own orthodoxy but of purging their lands of heresy and heretics. The principles which had been worked so effectually for the destruction of the Houses of Toulouse and of Hohenstaufen and under which Pius V released the subjects of Queen Elizabeth from their allegiance, in 1570, were fully recognized in Spain as vital to the faith.[2] But beyond this the Spaniards, in the exuberance of their religious ardor, boasted that their national institutions conditioned orthodoxy as necessary to their kingship. Even when the seventeenth century was well advanced, a learned and loyal jurisconsult tells us that, from the time of the sixth Council of Toledo, in 638, their monarchs had imposed on themselves the law that, if they fell into heresy, they were to be excommunicated and exterminated; that Ferdinand, in 1492, had renewed this law and that he had instituted that most severe tribunal the Inquisition and had sanctioned

[1] MSS. of Royal Library of Copenhagen, 218b, p. 236.

[2] Simancæ de Cathol. Institt. Tit. xxiii.—Cf. R. Bellarmini de Potestate Papæ cap. 3.

that, in view of the Toledan canon, all kings in future should be subject to it.[1] Even Spanish loyalty could not have been relied upon to sustain a king suspect of heresy, against the claims of the Holy Office to try him in secret, and suspicion of heresy was a very elastic term. Impeding the Inquisition came within its definition and any effort to curb the arrogant extension of its powers could readily be so construed, as Macanaz found to his sorrow. The fact that the Inquisition possessed such power must have had its influence more than once on the mind of the sovereign when engaged in debate with his too powerful subject and perhaps explains what appears to us occasionally a pusillanimous yielding.

The monarchs had guarded the Inquisition against all supervision and all accountability to the other departments of government. Within its own sphere it was supreme and irresponsible and its sphere, owing to the exemption from the secular courts accorded to all connected with it in however remote a degree, covered a large area of civil and criminal business, besides its proper function of preserving the purity of the faith. In this self-centered independence it stood alone. Even the spiritual jurisdiction of the Church, so jealously guarded, had become subject to the *recurso de fuerza*, which, like the French *appel comme d'abus*, gave to those who suffered wrong an appeal to the Council of Castile.[2] But even from this the Inquisition was exempt. A decree of Prince Philip, in 1553, was its ægis and was constantly invoked. This was addressed to all the courts and judicial officers of the land and affirmed, in the most positive terms, the sole and exclusive jurisdiction of the Inquisition in all matters within its competence, civil or criminal, concerning the faith or confiscations—and faith was a convenient term covering the impeding of the Inquisition in all that it wanted to do. Philip recited that repeated cédulas of Ferdinand and Isabella and of Charles V had asserted this and now he reaffirmed and enforced it. No appeals from its tribunals were to be entertained,

[1] Solorzani de Jure Indiarum, Tom. I, Lib. III, cap. i, n. 92.—In this Solorzano exaggerates cap. 3 of the Sixth Council of Toledo (Aguirre, III, 409).

All this is seriously brought forward by Antonio de Ayala, fiscal of Valencia, in an argument to prove the exemption from taxation of the Inquisition.—Arch. hist. nacional, Inquisicion de Valencia, Leg. 1, no. 1, fol. 11.

[2] Córtes de Madrigal, 1476 (Córtes de los antiguos Reinos, IV, 74, 80).—Nueva Recop. Lib. II, Tit. v, leyes 36–39.—Salgado de Somoza, De Regia Protectione, P. I, cap. 1, 2.

for the only appeal lay to the Suprema, which would redress any wrong, for it, by delegation from the crown and the Holy See, had exclusive cognizance of such matters. If therefore anything concerning the Inquisition should be brought before them they must decline to entertain it and must refer it back to the Holy Office.[1]

The Inquisition was not content to enjoy these favors as a revocable grace from the crown but, in a consulta of December 22, 1634, it advanced the claim that this decree was a bargain or compact between two powers which could not be in any way modified without mutual consent.[2] This was emphasized in a printed argument in 1642, asserting that that transaction could only become of binding force by the consent of both parties —the king and the inquisitor-general—and the king had no power to change it of his own motion, as it was an agreement. Even were it admitted to be a concession granted by the crown, this would make no difference, for a privilege conceded to one who is not a subject (as the Inquisition in the present case) and accepted by the latter becomes a contract which the prince cannot revoke.[3]

We shall see hereafter the use made of this by the Inquisition in its daily quarrels with all the other jurisdictions, but a single case may be cited here to indicate how it utilized this position to render itself virtually independent. There was a long-standing debate over canonries in the churches of Antequera, Málaga and the Canaries, which it claimed to be suppressed for its benefit under the brief of January 7, 1559, but which the royal Camara asserted to belong to the patronage of the king, whose rights of appointment were not curtailed by the brief. A suit on the subject, commenced in 1562, was not yet decided when, about 1611, the king filled vacancies in Málaga and the Canaries. This provoked a discussion, during which, without awaiting settlement, the inquisitors excommunicated the appointees— and an inquisitorial excommunication could be removed only

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[1] This cédula is not included in the Recopilaciones, but is printed by Salgado de Somoza, De Retentione Bullarum, P. II, cap. xxxiii, n. 13, and by Portocarrero, *op. cit.*, § 74. There are also copies in Bibl. nacional, MSS., Cc, 58, fol. 5; Archivo de Simancas, Lib. 30, fol. 146; Lib. 939, fol. 300, and in MSS. of Library of Univ. of Halle, Yc, Tom. 17.

[2] Archivo de Simancas, Libro 20, fol. 340.

[3] MSS. of Bodleian Library, Arch. S, 130.

by him who had fulminated it, by the inquisitor-general or by the pope. In 1611 the king ordered the appointees to be absolved and mandates signed by him to that effect were addressed to the inquisitors of Málaga and the Canaries. The Suprema complained loudly of this as an unheard of violation of the rights of the Holy Office and refused obedience. In 1612 it declared that, when the appointees abandoned the prebends which they had usurped, they should be absolved and not before. On February 12th, in a consulta to the king, it argued that its power had always been so great and so independent of all other bodies in the State that the kings had never allowed them to interfere with it, directly or indirectly; it determined for itself everything relating to itself, consulting only with the king and permitting no interference of any kind. Its determination prevailed over the weakness of the king who ordered the Camara to desist from its pretensions and not to despoil the Holy Office.[1]

These somewhat audacious assertions of independence were chiefly stimulated by the perpetual quarrels arising from the exclusive jurisdiction, civil and criminal, exercised by the Inquisition over its thousands of employees and familiars and their families, which kept the land in confusion. This is a subject which will require detailed consideration hereafter and is only referred to here because of its development into the exaggerated pretensions of the Inquisition to emancipate itsef from all control. When Ferdinand granted this *fuero* it was understood on all hands to be a special deputation of the royal jurisdiction and as such liable at any time to modification or revocation. Ferdinand himself, in a cédula of August 18, 1501, alluded to it as such—the inquisitors enjoyed it just as the corregidors did.[2] So, in the Concordia of Castile, in 1553, defining the extent of this jurisdiction, the inquisitors are specially described as holding it from the king, and Philip II, Philip III and Philip IV repeatedly alluded to it as held during the royal pleasure.[3] There was no thought of disputing this until the seventeenth century was well advanced. The Suprema itself, in papers of 1609, 1619, 1637 and 1639 freely admitted that its temporal

[1] Bibl. nacional, Seccion de MSS., X, 157, fol. 244.

[2] Archivo de Simancas, Inquisicion, Libro 13, fol. 16.—Llorente, Añales, I, 277.

[3] Nueva Recop. Libro IV, Tit. 1, ley 18.—Consulta magna, 1696 (Bibl. nacional, Seccion de MSS., Q, 4).

jurisdiction was a grant from the king, while its spiritual was a grant from the pope.[1]

Apparently the earliest departure from this universally conceded position was made, in 1623, by Portocarrero in an argument on a clash of jurisdictions in Majorca, wherein he sought to prove that the civil and criminal jurisdiction of the Inquisition over its subordinates was ecclesiastical and derived from the pope.[2] About the same time, in an official paper, a similar claim was advanced, based on the papal briefs authorizing Torquemada and his successors to appoint, dismiss and punish their subordinates.[3] These were mere speculations and attracted no attention at the time. We have just seen that as late as 1639 the Suprema made no claims of the kind but two years later, in 1641, it suddenly adopted them in the most offensive fashion. There was a *competencia*, or conflict of jurisdiction, between the tribunal of Valladolid and the chancillería or high royal court; the Council of Castile had occasion to present several consultas to the king, in one of which it said that the jurisdiction exercised in the name of the king by the Inquisition was temporal, secular and precarious and could not be defended by excommunication. Thereupon the Suprema assembled its theologians who pronounced these propositions to be false, rash and akin to heretical error; armed with this opinion the fiscal, or prosecuting officer, accused the whole Council of Castile, demanded that its consulta be suppressed and that its authors be prosecuted. Theoretically there was nothing to prevent such action, which would have rendered the Inquisition the dominating power in the land, but the Suprema lacked hardihood; even the habitual subservience of Philip IV was revolted and he told the inquisitor-general that he had done ill to lend himself to a question contrary to the sovereignty of the monarch and to the honor of the highest council of the nation.[4]

In spite of this rebuff, having once asserted the claim that its temporal jurisdiction was spiritual and not secular, the Inquisition adhered to it. The prize was worth a struggle, for it would have put the whole nation at its mercy. It would have

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[1] Archivo de Simancas, Libro 927, fol. 323; Libro 21, fol. 84, 110; Libro 50, fol. 82.—Bibl. nacional, Seccion de MSS., X, 157, fol. 244.

[2] Portocarrero, Sobre la Competencia, etc., § 52.

[3] Archivo de Simancas, Inquisicion, Libro 940, fol. 196.

[4] Llorente, Hist. crít. Cap. xxvi, Art. ii, n. 20–4.

deprived the king of powers to check aggression and to protect his subjects from oppression for, as Portocarrero had pointed out, although princes have authority to relieve their subjects when aggrieved by other secular subjects, they have none when the oppressors are ecclesiastics, exempt by divine law from their jurisdiction.[1] To win this the Inquisition persisted in its claim. In 1642, on the occasion of a *competencia* in Granada, there appeared, under its authority, a printed argument to prove that the temporal jurisdiction of the Holy Office was a grant from the Holy See, which had power to intervene in the internal affairs of States and that it had merely been acquiesced in and confirmed by the kings.[2] Again, in a notorious case occurring in Cuenca in 1645, the inquisitors argued that their temporal jurisdiction was ecclesiastical and papal, with which the king could not interfere.[3] But the audacity with which these pretensions were pushed culminated in a consulta presented by the Suprema, March 31, 1646, to Philip IV, when he was struggling against the determination of the Córtes of Aragon to curb the excesses of the Inquisition.

In this paper the Suprema asserted that the civil and political jurisdiction is inferior to the spiritual and ecclesiastical, which can assume by indirect power whatever is necessary for its conservation and unimpeded exercise, without being restricted by secular princes. The royal prerogative is derived from positive human law or the law of nations; the supreme power of the Inquisition is delegated by the Holy See for cases of faith with all that is requisite, directly or indirectly, for its untrammelled enjoyment; this is of divine law and, as such, is superior to all human law, to which it is in no way subject. The very least that can be said is that princes are bound to admit this, and though they have a right to concede no more than is requisite, the decision as to what is requisite rests with the ecclesiastical authority, which is based on divine law. Any departure from these principles, under the novel pretext that the king is master of this jurisdiction, with power to limit or abrogate, is dangerous for the conscience and very perilous as leading to the gravest

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[1] Portocarrero, *op. cit.*, § 73.

[2] Por la Jurisdiction de la Inquisicion de la Ciudad y Reyno de Granada, Granada, 1642 (MSS. of Bodleian Library, Arch. S., 130).

[3] Bibl. nacional, Seccion de MSS., D, 118, fol. 151.

errors.[1] It would be difficult to enunciate more boldly the theory of theocracy, with the Inquisition as its delegate and the crown merely the executor of its decrees.

These pretensions were not realized and the king was not reduced to insignificance, but his power was seriously trammelled by the bureaucracy of which the Suprema was the foremost and most aggressive representative. Its quasi-independence led to emulation by the other great departments of the State and, though their success was not so marked, it was sufficient in all to render the government incredibly cumbersome and inefficient and to paralyze its action by wasting its strength in efforts to keep the peace between the rival and warring bodies. In these bickerings and dissensions the power of the crown decreased and the theoretically autocratic monarch found himself unable to enforce his commands. Philip IV recognized this fatal weakness, but his efforts to overcome the evil were puerile and inefficient. October 15, 1633, he sent to the Suprema, and presumably to the other councils, a decree setting forth emphatically that the slackness of obedience and disregard of the royal commands had been the cause of irreparable damage to the State and must be checked if the monarchy were to be preserved from ruin. It was his duty, under God, to prevent this; he had unavailingly represented it repeatedly to his councillors and now he proposed to make out a schedule of penalties, to be incurred through disobedience, scaled according to the gravity of each offence. This was to be completed within twenty days and he called upon the Suprema to give him the necessary information that should enable him to tabulate the matters coming within its sphere of action.

This grotesque measure, calling upon offenders to define their offences for the purpose of providing condign punishment, was received by the Suprema with a cool indifference showing how lightly it regarded the royal indignation. There was nothing, it said in reply, within its jurisdiction which imperilled the monarchy, for its function was to preserve the monarchy by preserving the unity of religion. As for obedience, it was of the highest importance that the royal commands should be

[1] Archivo gén. de la Corona de Aragon, Legajo 528.—For some extracts from this paper see Appendix.

Various papers on both sides of these questions will be found in the Simancas archives, Libro 62, fol. 160, 312.

obeyed and the laws provided punishments for all disobedient vassals. But the canon and imperial laws and those of Spain deprived of their places judges, who executed royal cédulas issued against justice and the rights of parties, for it was assumed that such could not be the royal intention and that they were decreed in ignorance, so that they were suspended until the prince, better informed, should provide justice. Therefore when councillors opposed cédulas which would work great injury to the jurisdiction and immunities of the Holy Office, it was only to prevent innovation and it was in the discharge of duty that this was represented to the king. The Suprema therefore prayed him that, before determining matters proposed by other councils, they should be submitted to it as heretofore so that, after hearing the reasons of both sides, he might determine according to his pleasure.[1] Thus with scarcely veiled contempt the Suprema told him that it would continue to do as it had done and the very next year, as we have seen, it boldly informed him that none of his commands respecting the Inquisition would be obeyed until it should have confirmed them—commands, be it remembered, that in no case affected its action in matters of faith, for all the trouble arose from its encroachments on secular affairs.

The character of Philip IV ripened and strengthened under adversity and, in the exigencies of the struggle with Catalonia and Portugal, he developed some traits worthy of a sovereign. Although he meekly endured the insolence of the Suprema in 1646 and labored strenuously with the Córtes of Aragon to prevent the reform of abuses, he yet, as we have seen, insisted on the right to supervise appointments. He doubtless asserted his authority in other ways for the Suprema abated its pretensions that its civil and criminal jurisdiction was spiritual and papal. In an elaborate consulta of March 12, 1668, during a long and dreary contest, in which the tribunal of Majorca was involved, it repeatedly refers to its enjoying the royal jurisdiction from the king, showing that it had abandoned the attempt to render itself independent of the royal authority.[2]

Under the imbecile Carlos II and his incapable ministers, the domineering arrogance of the Inquisition increased and, as we shall see hereafter, it successfully eluded a concerted movement,

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[1] Archivo de Simancas, Inquisicion, Libro 32, fol. 56, 58. (See Appendix.)
[2] Ibidem, Libro 25, fol. 58.

in 1696, of all the other councils, represented in the Junta Magna, to reduce its exuberance. With the advent of the House of Bourbon, however, it was forced to recognize its subordination to the royal will in temporal matters, in spite of the temporary interference of Elisabeth Farnese in favor of Inquisitor-general Giudice. We have already seen indications of this and shall see more; meanwhile a single instance will suffice to show how imperiously Philip V, under the guidance of Macanaz, could impose his commands. In 1712 there was an echo of the old quarrel over the so-called suppressed canonries of Antequera, Málaga and the Canaries (p. 342). The suit, commenced in 1562, had never been decided and had long been suspended. The trouble of 1612 had been quieted by allowing the Inquisition to enjoy the canonries, not as a right, but as a revocable grant from the crown; excesses committed by the inquisitors in collecting the fruits led to the resumption of the benefices and then, by a transaction in 1622, they were restored under the same conditions. Such was the position when a violent quarrel arose in the Canaries between the tribunal and the chapter. The former questioned the accuracy of the accounts rendered to it and demanded the account books. This the chapter refused but offered to place the books in the accounting room of the cathedral, allowing the officials of the tribunal free access and permission to make what copies they desired. There was also a subsidiary quarrel over the claim that, when the secretary of the tribunal went to the chapter, he should be entitled to precedence. With their customary violence the inquisitors publicly excommunicated and fined the dean and treasurer of the chapter and moreover they took under their protection the Dominican Joseph Guillen, Prior of San Pedro Martir, who was a notary of the tribunal. He circulated a defamatory libel on the chapter which laid a complaint before his superior, the Provincial; the latter commenced to investigate, when the tribunal inhibited him from all cognizance of the matter. Then there came a mandate from the Dominican General to the Provincial, relegating Fray Guillen to a convent and ordering a president to be appointed for San Pedro Martir, whereupon the tribunal required the Provincial to surrender this mandate and all papers concerning the affair, under pain of excommunication and two hundred ducats. The sub-prior of San Pedro Martir was forced to assemble the brethren, whom the inquisitors ordered to disobey the

commands of the General and not to acknowledge the president appointed under his instructions, thus violating the statutes of the great Dominican Order and the principle of obedience on which it was based. They further excommunicated the Provincial in the most solemn manner; they took by force Fray Guillen from the convent and paraded the streets in his company; the whole community was thrown into confusion and to prevent recourse to the home authorities they forbade, under heavy penalties, the departure of any vessel for Teneriffe, through which communication was had with Spain. In all this there was nothing at variance with the customary methods of asserting the lawless supremacy of the Inquisition over the secular and spiritual authorities, but Philip V ordered Giudice, September 30, 1712, to put an end to these excesses and, on October 11th, the Suprema reported that it had ordered the inquisitors to desist. If it did so, they paid no attention to its commands. Then, June 11, 1713, he addressed a peremptory order to Giudice to revoke all that had been done in the Canaries, to recall the inquisitors, to dismiss them and give them no other appointments. The Suprema replied, July 18th, enclosing an order which it proposed despatching; this displeased him as not in compliance with his commands and he insisted on their complete fulfilment. Still there was evasion and delay and when, in July, 1714, the Canary chapter presented to the tribunal royal orders requiring the removal of the excommunications and the remission of the fines, the inquisitors not only refused obedience but commenced proceedings against the notaries who served them. The Suprema professed to have sent orders similar to those of the king, but it evidently had been playing a double game. Philip therefore, November 1, 1714, addressed the inquisitor-general, holding the Suprema responsible for the prolonged contumacy of the inquisitors; he ordered it to deliver to him the originals of all the correspondence on the subject and required the inquisitor-general to issue an order for the immediate departure from the islands of the inquisitors and fiscal, without forcing the governor to expel them, as he had orders to do so in case of disobedience. Moreover, if the Suprema should not, within fifteen days, deliver all the documents, so that the king could regulate matters directly with the tribunal, the old suspended suit would be reopened and such action would be taken as might be found requisite. This was a tone wholly different from that to which

the Inquisition had been accustomed under the Hapsburgs; the evasions and delays of the Suprema, which had so long been successful, proved fruitless. The struggle was prolonged, but the royal authority prevailed in the end, although, when the inquisitors reached Spain, in the summer of 1715, Giudice had been restored to office and Philip weakly permitted them to be provided for in other tribunals and to curse fresh communities with their lawless audacity.[1]

We shall hereafter have occasion to see how, under the House of Bourbon, with its Gallican ideas as to royal prerogative, the subordination of the Inquisition became recognized, while its jurisdiction was curtailed and its influence was diminished.

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[1] Archivo de Simancas, Inquisicion, Legajo 1465, fol. 2–8.—MSS. of Library of Univ. of Halle, Yc, 20, Tom. 17.

CHAPTER II.

SUPEREMINENCE.

When the Inquisition, as we have seen, arrogated to itself almost an equality with the sovereign, it necessarily assumed supremacy over all other bodies in the State. Spain had been won to the theory, assiduously taught by the medieval Church, that the highest duty of the civil power was the maintenance of the faith in its purity and the extermination of heresy and heretics. The institution to which this duty was confided therefore enjoyed pre-eminence over all other departments of the State and the latter were bound, whenever called upon, to lend it whatever aid was necessary. To refuse to assist it, to criticise it, or even to fail in demonstrations of due respect to those who performed its awful functions, were thus offences to be punished at its pleasure.

Allusion has already been made (p. 182) to the oath required of officials at the founding of the Inquisition, pledging obedience and assistance, whenever an inquisitor came to a place to set up his tribunal. This was not enough, for feudalism still disputed jurisdiction with the crown, and the inquisitor was directed to summon the barons before him and make them take not only the popular oath but one promising to allow the Inquisition free course in their lands, failing which they were to be prosecuted as rebels.[1] As the tribunals became fixed in their several seats, when a new inquisitor came he brought royal letters, addressed to all officials, from the viceroy down, commanding them, under penalty of five thousand florins, to lend him and his subordinates what aid was necessary and to obey his mandates in making arrests and executing his sentences, and this was published in a formal proclamation, with sound of trumpets, by the viceroy or other royal representative.[2] This was not an empty formality. When, in 1516, the Corregidor of Logroño, the

[1] Instrucciones de 1484, § 21. (Arguello, fol. 7.)

[2] Archivo de Simancas, Inquisicion, Libro 31, fol. 193, 194. (See Appendix.)

Comendador Barrientos, a knight of Santiago, ventured to assert that the familiars were not to be assisted in making an arrest, the inquisitors excommunicated him and ordered him to seek the inquisitor-general and beg for pardon, which was granted only on condition of his appearance in a public auto de fe, after hearing mass as a penitent, on his knees and holding a candle, after which he was to be absolved with stripes and the other humiliations inflicted on penitents.[1] This was not merely an indignity but a lasting mark of infamy, extending to the kindred and posterity.

As though this were not sufficient, at a somewhat later period, the officials of all cities where tribunals were established were required to take an elaborate oath to the inquisitors, in which they swore to compel every one within their jurisdiction to hold the Catholic faith, to persecute all heretics and their adherents, to seize and bring them before the Inquisition and to denounce them, to commit no public office to such persons nor to any who were prohibited by the inquisitors, nor to receive them in their families; to guard all the pre-eminences, privileges, exemptions and immunities of the inquisitors, their officials and familiars; to execute all sentences pronounced by the inquisitors and to be obedient to God, to the Roman Church and to the inquisitors and their successors.[2] In this, the clause pledging observance of the privileges and exemptions of the officials was highly important for, as we shall see hereafter, the privileges claimed by the Inquisition were the source of perpetual and irritating quarrels with the royal and local magistrates. It was an innovation of the middle of the sixteenth century, for Prince Philip, in a letter of December 2, 1553, to the tribunal of Valencia, says that he hears it requires the royal officials to swear to maintain the privileges, usages and customs of the Inquisition; this he says is a novelty and, as he does not approve of innovations, he asks what authority it has for such requirement. To this the answer was that every year, when the municipal officials enter upon their duties, they come and take such an oath and the records showed that this had been observed for a hundred years without contradiction. This seems to have silenced his objections and

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[1] Llorente, Hist. crít. Cap. xxvi, Art. 3, n. 11.

[2] Pablo García, Orden de Procesar, fol. 73.—This is an official manual compiled by the Aragonese secretary of the Suprema. Originally issued about 1568 it was reprinted in 1592, 1607 and 1628. My references are to the last edition. A somewhat different formula of this oath is given by Páramo, p. 573.

the formula became general. The Valencia Concordia, or agreement of 1554, simply provides that the secular magistrates shall take the accustomed oath and what that was is doubtless shown by the one taken, in 1626, by the *almotacen*, or sealer of weights and measures, when he came to the Inquisition and swore on the cross and the gospels to observe the articles customarily read to the royal officials and to guard the privileges of the Holy Office and defend it with all his power.[1]

Even all this was insufficient to emphasize the universal subordination. At all autos de fe, which were attended by the highest in the land as well as by the lowest, and at the annual proclamation of the Edict of Faith, to which the whole population was summoned, a notary of the Inquisition held up a cross and addressed the people: "Raise your hands and let each one say that he swears by God and Santa María and this cross and the words of the holy gospels, that he will favor and defend and aid the holy Catholic faith and the holy Inquisition, its ministers and officials, and will manifest and make known each and every heretic, fautor, defender and receiver of heretics and all disturbers and impeders of the Holy Office, and that he will not favor, or help, or conceal them but, as soon as he knows of them, he will denounce them to the inquisitors; and if he does otherwise that God may treat him as those who knowingly perjure themselves: Let every one say Amen!"[2] When the sovereign was present at an auto this general oath did not suffice and he took a special one. Thus, at the Valladolid auto of May 21, 1559, the Inquisitor-general Valdés administered it to the Regent Juana and at that of Madrid, in 1632, Inquisitor-general Zapata went to the window at which Philip IV was seated, with a missal and a cross, on which the king swore to protect and defend the Catholic faith as long as he lived and to aid and support the Inquisition —an oath which was then duly read aloud to the people.[3] Thus the whole nation was bound, in the most solemn manner, to be obedient to the Inquisition and to submit to what it might assert to be its privileges.

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[1] Archivo de Simancas, Inquisicion, Libro 688, fol. 514.—MSS. of Bodleian Library, Arch. S, 130.—Archivo hist. nacional, Inquisicion de Valencia, Legajo 1, Lib. 11, fol. 158.

[2] Orden de Procesar, fol. 72.

[3] Archivo de Simancas, Inquisicion, Libro 12, fol. 29.—Bibl. nacionale de France, fonds français, 2881, fol. 7

How purely ministerial were the functions of the public officials in all that related to the Inquisition, even under Philip V, was illustrated when, at Barcelona, in an auto de fe, June 28, 1715, a bigamist named Medrano was sentenced to two hundred lashes to be inflicted on the 30th. On the 29th word was sent to the public executioner to be ready to administer them, but the Viceroy, the Marquis of Castel-Rodrigo, forbade the executioner to act until he should give permission, holding that no public punishment should be inflicted until he should be officially notified of the sentence. There were hasty conferences and debates, lasting to nearly midnight, and it was not until 7 A.M. of the 30th that the marquis gave way and the sentence was executed. The tribunal reported the affair to the Suprema, which replied in the name of the king, diplomatically thanking the marquis and rebuking his legal adviser, who was told that it was his duty and that of all officials to be obedient to the Inquisition.[1]

As a perpetual reminder of this subordination, there appears to have been kept in the royal chancillery the formula of a letter addressed to all viceroys and captains-general. This recited the invaluable services of the Inquisition in clearing the land of infinite heretics and preserving it from the convulsions afflicting other nations, thus rendering its efficiency one of the chief concerns of the crown. Therefore the king charges his representatives emphatically to honor and favor all inquisitors, officials and familiars, giving them all the necessary aid for which they may ask and enforcing the observance of all the privileges and exemptions conceded to them by law, concordias, royal cédulas, use and custom and in any other way, so that the Holy Office may have the full liberty and authority which it has always enjoyed and which the king desires it to retain. A copy of this was sent to all the viceroys in 1603 and, as I have chanced to find it again addressed, in 1652, to the Duke of Montalto, then Viceroy of Valencia, it was presumably part of the regular instructions furnished to all who were appointed to these responsible positions.[2]

In the interminable conflicts through which the Inquisition established its enjoyment of the powers thus conferred, the

[1] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 41.

[2] Portocarrero, *op. cit.*, § 1.—Solorzani de Indiar. Gubern., Lib. III, cap. xxiv, n. 16.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, Lib. 3, fol. 49–69.

inquisitor was armed, offensively and defensively, in a manner to give him every advantage. He could, at any moment, when involved in a struggle with either the secular or ecclesiastical authorities, disable his opponent with a sentence of excommunication removable only by the Holy Office or the pope and, if this did not suffice, he could lay an interdict or even a *cessatio a divinis* on cities, until the people, deprived of the sacraments, would compel submission. It is true that, in 1533, the Suprema ordered that much discretion should be exercised in the use of this powerful weapon, on account of the indignation aroused by its abuse, but we shall have ample opportunity to see how recklessly it was employed habitually, without regard to the preliminary safeguards imposed by the canons.[1] On the other hand, the inquisitor was practically immune. His antagonists were mostly secular authorities who had no such weapon in their armories and, when he chanced to quarrel with a prelate, he usually took care to be the first to fulminate an excommunication, and then unconcernedly disregarded the counter censures as uttered by one disabled from the exercise of his functions, for the anathema deprived its subject of all official faculties. It had the contingent result, moreover, that he who remained under excommunication for a year could be prosecuted for suspicion of heresy.[2]

There was another provision which rendered it even more formidable as an antagonist. In matters of faith and all pertaining directly or indirectly thereto, its jurisdiction was exclusive. In the extensive field of civil and criminal business, of which it obtained cognizance through the immunities of its officials and, in the frequent quarrels arising from questions of ceremony and precedence, no court, whether secular or spiritual, had power to inhibit any action which it might see fit to take. By special papal favor, however, it had power to inhibit their action and thus to cripple them on the spot. This extraordinary privilege, with power to subdelegate, appears to have been first granted in the commissions issued, in 1507, to Ximenes and Enguera as inquisitors-general respectively of Castile and Aragon and was repeated in those of Luis Mercader

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[1] Archivo de Simancas, Libro 939, fol. 63.—Cf. Concil. Trident. Sess. xxv, De Reform. cap. 3.—Ferraris, Prompta Bibliotheca, s. v. *Excom.* Art. 5, n. 17.

[2] C. Trident. *ubi sup.*

and Pedro Juan Poul in 1513.[1] For a considerable time this clause disappears from the commissions, but, towards the close of the century, it again finds place, in a more detailed and absolute form in that granted to Manrique de Lara, after which it continued in those of his successors to the end. It confers the power of inhibiting all judges, even of archiepiscopal dignity, under pecuniary penalties and censures to be enforced by the invocation of the secular arm and of absolving them after they shall have submitted and obeyed.[2] This proclaimed to the world that the Inquisition outranked all other authorities in Church and State and the power was too often exercised for its existence to be ignored or forgotten. This superiority found practical expression in the rule that, in the innumerable conflicts of jurisdiction, all secular and ecclesiastical judges must answer communications from inquisitors in the form of petition and not by letter. If they replied to commands and comminations by letter they were to be fined and proceedings were to be commenced against them and their messengers, and they were required to withdraw and erase from their records all such letters which were held to be disrespectful to the superiority of the Holy Office.[3]

It was an inevitable inference from this that there was no direct appeal from whatever a tribunal might do except to the Suprema, which, though it might in secret chide its subordinates for their excesses, customarily upheld them before the world. The sovereign, it is true, was the ultimate judge and, in occasional cases, he interposed his authority with more or less effect, but the ordinary process was through a *competencia*, a cumbrous

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[1] Bulario de la Orden de Santiago, Libro I de copias, fol. 10, 13, 15.—"Et quibuscunque judicibus et personis quibus tibi inhibendum videbitur etiam sub censuris et privationis et inhabilitatis pœnis inhibendi."

[2] Bulario de la Orden de Santiago, Libro IV, fol. 118, 137; Libro V, fol. 117, 136, 138, 151, 199, 200, 251, 264, 295.—Archivo de Simancas, Gracia y Justicia, Leg. 629.

This clause probably explains a peculiarity in the issue of Manrique de Lara's commission. After the death of Quiroga, Nov. 20, 1594, Clement VIII issued to Manrique, Feb. 10, 1595, a commission subrogating him to Quiroga, with the same powers, for six months until further letters could be made out. Then, August 1, 1595, the full elaborate commission is made out, containing this clause (Bulario, *loc. cit.*, 118, 119). The new clause must have evoked prolonged debate, requiring five months for its settlement.

[3] MSS. of Royal Library of Copenhagen, 218^{b}, p. 338.

procedure through which, as we shall see, the Inquisition could wrangle for years and virtually, in most cases, deny all practical relief to the sufferers.

Another weapon of tremendous efficacy was the power of arrest, possessed at will by inquisitors during the greater portion of the career of the Inquisition. Even to gratify mere vindictiveness, by simply asserting that there was a matter of faith, the inquisitor could throw any one into the secret prison. The civil magistrate might thus abuse his authority with little damage to the victim, but it was otherwise with the Inquisition. In the insane estimate placed on *limpieza de sangre*, or purity of blood, the career of a man and of his descendants was fatally narrowed by such a stain on his orthodoxy; it mattered little what was the outcome of the case, the fact of imprisonment was remembered and handed down through generations while the fact of its being causeless was forgotten. In the later period, when the Suprema supervised every act of the tribunals, the opportunities for this were greatly restricted, but during the more active times the ill-will of an inquisitor could at any moment inflict this most serious injury and the power was often recklessly abused in the perpetual conflicts with the secular authorities. The ability thus to destroy at a word the prospects in life of any man was a terrible weapon which goes far to explain the awe with which the inquisitor was regarded by the community.

That the inquisitor should assume to be superior to all other dignitaries was the natural result of the powers thus concentrated in him. Páramo asserts that he is the individual of highest authority in his district, as he represents both pope and king; and the Suprema, in a consulta addressed to Philip V, in 1713, boasted that its jurisdiction was so superior that there was not a person in the kingdom exempt from it.[1] The haughty supremacy which it affected is seen in instructions issued in 1578 that inquisitors, when the tribunal is sitting, are not to go forth to receive any one, save the king, the queen or a royal prince and are not, in an official capacity, to appear in receptions of prelates or other public assemblies, and this was virtually repeated in 1645, when they were told not to visit the viceroy

[1] Páramo, p. 537.—MSS. of Library of Univ. of Halle, Yc, Tom. 17.

or the archbishop or accept their invitations, for such demonstrations were due only to the person of the king.[1] Exception, however, was probably taken to this for a *carta acordada* of March 17, 1648, lays down less stringent rules and specifies for each tribunal, according to the varying customs of different places, the high officials whom the inquisitor is permitted to visit on induction into office and on occasions of condolence or congratulation.[2]

In the social hierarchy the viceroys and captains-general stood next to the king as representing, in their respective governments, the royal person. To outrank these exalted personages was not beyond inquisitorial ambition. In 1588 there was great scandal in Lima, when the inquisitors claimed precedence over the Count of Villar, the Viceroy of Peru, and carried their point by excommunicating him, but Philip II, in a cédula of March 8, 1589, took them severely to task for their arrogance and added that the viceroy was equally to blame for yielding, as he represented the royal power. This lesson was ineffectual and some years later another method was tried of asserting superiority. In 1596, the Captain-general of Aragon complained to the king that, in the recent auto de fe, the inquisitors had refused to give him the title of Excellency. To this Philip replied, February 6, 1597, that it was unreasonable for them thus to affect equality with his personal representative; they must either concede to him the title of Excellency or themselves be treated as *vuestra merced*, in place of *muy ilustres* or *señoria*, and therefore he could attend the next auto.[3]

This asserted superiority of the Inquisition was very galling to the bishops, who argued that the Holy Office had been founded only four hundred years before, as an aid to their jurisdiction, and they resented bitterly the efforts of the resolute upstarts to claim higher privileges and precedence. The Inquisition, however, was an organized whole, with sharp and unsparing methods

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[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 65; Libro 941, fol. 5; Libro 71, fol. 143.—MSS. of Royal Library of Copenhagen, 218b, p. 300.—MSS of Bibl. nacional de Lima, Protocolo 223, Expediente 5270.

[2] MSS. of Royal Library of Copenhagen, 318b, p. 302.—Bibl. nacional, Seccion de MSS., D, 118, fol. 170.

[3] Solorzano, De Gubernatione Indiarum, Lib. III, Tit. xxiv, n. 53.—MSS. of Bibl. nacional de Lima, Protocolo 228, Expediente 5287.—Archivo de Simancas, Inquisicion, Legajo 1465, fol. 63.

of enforcing its claims and protected in every way from assault, while the episcopate was a scattered and unwieldy body, acting individually and, for the most part, powerless to defend the officials, through whom it acted, from those who claimed that everything concerning themselves was a matter of faith of which they had exclusive cognizance. The serious conflicts over jurisdiction will be considered in a subsequent chapter; here we are concerned merely with questions of etiquette and ceremonial. Seen through the perspective of the centuries, these quarrels, which were conducted with frantic eagerness, seem trivialities unworthy of record, but their significance was momentous to the parties concerned, as they involved superiority and inferiority. The hundred years' quarrel over precedence in Rome, between the ambassadors of France and Spain, which was not settled until 1661 by the triumph of France, had a meaning beyond a mere question of ceremony. In Spain these debates often filled the land with confusion. All parties were tenacious of what they conceived to be their rights and were ready to explode in violence on the smallest provocation. The enormous mass of letters and papers concerning the seats and positions of the inquisitors and their officials at all public functions—whether seats should be chairs or benches and whether they were to have canopies, or cushions, or carpets, shows that these were regarded as matters of the highest moment, giving rise to envenomed quarrels with the ecclesiastical and secular dignitaries, requiring for their settlement the interposition of the royal authority. The inquisitors were constantly arrogating to themselves external marks of superiority and the others were disputing it with a vehemence that elevated the most trivial affairs into matters of national importance, and the attention of the king and the highest ministers was diverted from affairs of state to pacify obscure quarrels in every corner of the land.

It would be futile to enter into the details of these multitudinous squabbles, but one or two subjects in dispute may be mentioned to illustrate the ingenuity with which the Inquisition pushed its claims to superiority. Towards the middle of the seventeenth century it demanded that, when there was an episcopal letter or mandate to be published in the churches and also an edict or letter of the Inquisition, the latter should have precedence in the reading. This was naturally regarded as an effort to show that the inquisitorial jurisdiction was superior to

the episcopal and it led to frequent scandals. In 1645, at Valencia, on Passion Sunday, a secretary of the tribunal endeavored to read letters of the inquisitors before one of the archbishop's, but, by the latter's order, the priest refused to give way, whereupon the inquisitors arrested him: the matter was carried up to to the king, who ordered the priest to be discharged in such wise that there should be no record of his prosecution and that his good fame should be restored. Soon after this, in Saragossa, on a feast-day in the cathedral, a priest commenced to read an archiepiscopal letter, but before he had finished more than a few lines, a secretary of the Inquisition mounted the other pulpit and began reading a letter of the Inquisition; the priest was so disturbed that he stopped, whereupon the archbishop, Juan Cebrian, ordered his arrest, but he pleaded his surprise and confusion and the archbishop relented. In 1649 a more determined effort was made by the Saragossa tribunal. August 15th the parish priest of the cathedral read certain archiepiscopal letters at the accustomed time and was followed by the secretary of the Inquisition with others of the inquisitors. Two days later the priest was summoned before the tribunal and was made to swear secrecy as to orders given to him. The result showed what were his instructions, for the next Sunday, having archiepiscopal letters to read, he waited until the secretary read those of the inquisitors. Some days later similar secret orders were given to the priest of Nuestra Señora del Pilar and when, on October 11th, he commenced reading an archiepiscopal letter, an officer of the Inquisition seized him by the arm and forced him to read first those of the tribunal. Archbishop Cebrian addressed memorials to the king, September 7th and 21st and October 12th asking his protection to preserve the archiepiscopal jurisdiction; the Council of Aragon presented a consulta supporting him, on which the wearied monarch made an endorsement, deploring the evil results of such conflicts and telling the Council to write to the archbishop not to proceed to extremities but to seek some adjustment similar to that by which, a short time before, Cardinal Moscoso in Toledo had caused an inquisitorial letter to be read on a different day, to which the tribunal must be made to conform.[1]

The persistence with which the Inquisition maintained any

[1] Archivo gén. de la C. de Aragon, Leg. 528, n. 2.

claim once advanced is illustrated by its endeavor to introduce a change in the ritual of the mass favorable to its assumption of superiority. It was the custom that the celebrant should make a bow to the bishop, if present, and in his absence, to the Eucharist. In 1635, at Valladolid, the inquisitors required that when the Edict of Faith was read the bow should be made to them and, on the refusal of the officiating canon, they arrested him and the dean who upheld him and held them under heavy bail. This aroused the whole city and brought a rebuke from the king, who ordered them to discharge the bail and not to abuse their jurisdiction. Unabashed by this the effort was made again at Compostella, in 1639, and duly resisted; the king was again obliged to examine the question and, after consultation with learned men, decided that the chapter was in the right and that the inquisitors had the alternative of absenting themselves from the reading. Two rebuffs such as this should have sufficed but, in 1643, after careful preparation, another attempt was made at Córdova, which produced a fearful scandal. Neither side would yield; the services were interrupted; the inquisitors endeavored to excommunicate the canons, but the latter raised such a din with howls and cries, the thunder of the organ, the clangor of bells and breaking up the seats in the choir, that the fulmination could not be heard. Even the inquisitors shrank from the storm and left the church amid hisses, with their caps pulled down to their eyes, but they lost no time in commencing a prosecution of the canons, who appealed to the king, in a portentous document covering two hundred and fifty-six folio pages. Philip and his advisers at the moment had ample occupation, what with the dismissal of Olivares, the evil tidings from Rocroy and the rebellions in Catalonia and Portugal, but they had to turn aside to settle this portentous quarrel. A royal letter of June 16, 1643, ordered the inquisitors to restore to the canons certain properties which they had seized and to remove the excommunications, while reference to similar decisions at Compostella, Granada and Cartagena shows how obstinate and repeated had been the effort of the Holy Office. Notwithstanding this the tribunal of Córdova refused obedience to the royal mandate and a second letter, of September 28th from Saragossa, where Philip was directing the campaign against Catalonia, was required. This was couched in peremptory terms; the excommunications must be removed and, for the future, the Roman

ceremonial must be observed, prescribing that in the absence of the bishop, the reverence must be made to the sacrament.[1]

While thus steadily endeavoring to encroach on the rights of others, the Inquisition was supersensitive as to anything that might be reckoned as an attempt by other bodies to assert superiority, and it vindicated what it held to be its rights with customary violence. When the funeral solemnities of Queen Ana of Austria were celebrated in Seville, in 1580, a bitter quarrel about precedence in seats arose between the tribunal, the royal Audiencia or high court and the city authorities, when the former arbitrarily suspended the obsequies until consultation could be had with Philip II, then in Lisbon, engaged in the absorption of Portugal. He regulated the position which each of the contending parties should occupy and the postponed honors were duly rendered. Matters remained quiescent until a similar function became necessary, after the death of Philip in 1598. The city spent weeks in costly preparations and the catafalque erected in the cathedral was regarded as worthy of that magnificent building. November 29th was fixed for the ceremonies; on the vigil, the regent, or president judge of the Audiencia, sent a chair from his house to the place assigned to him, but the chapter protested so vigorously against the innovation that he was obliged to remove it. The following morning, when the various bodies entered the church at half-past nine, the benches assigned to the judges and their wives were seen to be draped in mourning. This was at once regarded as an effort on their part to establish pre-eminence and excited great indignation. The services commenced and during the mass the inquisitors sent word to the cabildo, or city magistracy, that it should order the mourning removed. After some demur, the cabildo sent its procurador mayor, Pedro de Escobar, with a notary and some alguaziles to the Audiencia, bearing a message to the effect that if the drapery were not removed, the inquisitors and the church authorities were agreed that the ceremonies should be suspended. He was told not to approach and on persisting he and his followers were arrested and thrown into the public gaol. The inquisitors then sent their secretary with a message, but he too was kept at a

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[1] MSS. of Bodleian Library, Arch. S, 130.—Cartas de Jesuitas (Memorial hist. español, XVII, 70–75).—Juan Gomez Bravo, Catálogo de los Obispos de Córdova, p. 643.

distance, when he mounted the steps of the catafalque and cried out that the tribunal excommunicated the three judges, Vallejo, Lorenzana and Guerra, if they did not depart. A second time he came with a message, which he was not allowed to deliver, and again he mounted the steps to declare all the judges excommunicated and that they must leave the church in order that the services might proceed, for the presence of excommunicates was a bar to all public worship. This was repeated again by the fiscal, when the Audiencia drew up a paper declaring the acts of the tribunal to be null and void and ordering it to remove the censure under pain of forfeiting citizenship and temporalities, but the scrivener sent to serve it was refused a hearing and on his persisting was threatened with the pillory. The alcalde of the city endeavored to calm the inquisitors, but Inquisitor Zapata replied furiously that if St. Paul came from heaven and ordered them to do otherwise they would refuse if it cost them their souls.

Meanwhile there were similar trouble and complications among the church authorities. The vicar-general, Pedro Ramírez de Leon, ordered the services resumed, under pain, for the dean and officiating priest, of excommunication and of a thousand ducats; the precentor and canons appealed to the pope, but the vicar-general published them in the choir as excommunicates. The celebrant, Dr. Negron, was sought for, but he had prudently disappeared in the confusion and could not be found. It was now half-past twelve and the canons sent word to the Audiencia that they were going and it could go. To leave the church, however, would seem like an admission by the judges that they were excommunicate and they grimly kept their seats. The cabildo of the city and the tribunal were not to be outdone and the three hostile groups sat glaring at each other until four o'clock, when the absurdity of the situation grew too strong and they silently departed. Meanwhile the candles had been burning until five hundred ducats' worth of wax was uselessly consumed.

So complicated a quarrel could of course only be straightened out by the king to whom all parties promptly appealed. The judges proved that they had not draped their benches as a sign of pre-eminence but had proposed that the same be done by the cabildo and the tribunal. As far as regards the latter, the royal decision was manifested in two cédulas of December 22d. One

of these told the inquisitors that they had exceeded their jurisdiction in excommunicating the judges, whom they were to absolve *ad cautelam* and they also had to pay for the wasted wax. The other ominously ordered the inquisitors Blanco and Zapata to appear at the court within fifteen days and not to depart without licence. At the same time, on December 21st the suspended obsequies were duly celebrated.[1]

It will be seen from these cases that the only appeal from inquisitorial aggression lay to the king and that, even when the inquisitors were wholly in the wrong and the royal decision was against them, no steps were taken to keep them within bounds for the future. The altered position of the Holy Office under the Bourbons was therefore significantly indicated by a decision of Fernando VI in 1747. At the celebration in Granada, on September 11th, of his accession, the chancillería, or great high court of New Castile, observed that the archbishop occupied a chair covered with taffety, outside of his window overlooking the plaza, and that the inquisitors had cushions on their window-sills. It sent messengers to request the removal of these symbols of pre-eminence and, on receiving a refusal in terms of scant respect, it stopped the second bull-fight and put an end to the ceremonies. The matter was referred to the king, when the Suprema, in a memorial of solemn earnestness, argued that the Inquisition had for centuries been in the uncontested enjoyment of the privilege of which it was now sought to be deprived. It was the highest tribunal, not only in Spain but in the world, as it had charge of the true religion, which is the foundation of all kingdoms and republics. The time had passed for this swelling self-assertion. Full discussion was devoted to the momentous question and, on October 3d, Fernando issued a decree which proclaimed to Spain that the Holy Office was no longer what it had been. This was to the effect that, as the chancillería represented the royal jurisdiction, and thus indirectly the king himself, it was entitled to pre-eminence in all such celebrations and in those of the royal chapel; it was justified in its action and thereafter no such signs of dignity as canopies, cushions, ceremonial chairs and the like should be used in its presence. In case of attempts to do so, one of the alcaldes del crimen with

[1] Ariño, Sucesos de Sevilla, pp. 103, 105; Appendix (Sevilla, 1873).—Archivo de Simancas, Inquisicion, Libro 937, fol. 220.

his officers should remove them and punish any workmen engaged in setting them up.[1]

The Inquisition and its members were protected in every way from subjection to local laws and regulations. An edict of Charles V, in 1523, forbade all municipalities or other bodies from adopting statutes which should in any way curtail their privileges or be adverse to them and, if any such should be attempted he declared them in advance to be null and void.[2] This, in fact, was only expressing and enforcing the canon laws enacted in the frenzied efforts to suppress heresy in the thirteenth century and still in vigor. A constitution of Urban IV (1261–5) declares invalid the laws of any state or city which impede, directly or indirectly, the functions of the Inquisition, and the bishop or inquisitor is empowered to summon the ruler or magistrates to exhibit such statutes and compel him by censures to revoke or modify them.[3] While this was designed to prevent the crippling of the Inquisition by hostile legislation, it inferred a superiority to law and was construed in the most liberal way, as was seen in a struggle in Valencia which lasted for nearly two centuries. A police regulation for the improvement of the market-place ordered the removal of all stands for the display of goods under the arcades of the houses. One house belonged to the tribunal; its tenant was the worst offender, and he obstinately kept his stand and appealed to the tribunal for protection against the law. This protection was accorded with such vigor in 1603, that the saintly Archbishop, Juan de Ribera, who was also captain-general, vainly endeavored to secure obedience to the law. Until the close of the eighteenth century the tribunal thus successfully defied the Real Junta de Policia, consisting of the captain-general, the regente and other high officials. At length, in 1783, Carlos III issued a royal declaration that no one should be exempt from obedience to orders of police and good government and that all such cases should be adjudicated by the ordinary courts without admitting the *competencias* with which the Holy Office habitually sought to tire out those who ventured to withstand its aggressiveness. Under this, in 1791, the nuisance in Valencia was abated, when the tribunal apolo-

[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 46.—Archivo de Alcalá, Hacienda, Leg. 544², Libro 8.

[2] Portocarrero, *op. cit.*, § 57.

[3] Cap. 9 in Sexto, Lib. v, Tit. ii.

gized to the Suprema for yielding and excused itself in virtue of the royal declaration of 1783. It had held out as long as it could, but times had changed and even the Inquisition was forced to respect the law.[1] Madrid had been earlier relieved from such annoyance, for a royal cédula of 1746, regulating the police system of the capital, has a clause evidently directed at the Inquisition for it declares that no exemption, even the most privileged, shall avail in matters concerning the police, the adornment and the cleanliness of the city.[2]

The lawlessness thus fostered degenerated into an arbitrary disregard of the rights of others, leading to a petty tyranny sometimes exercised in the most arbitrary and capricious manner. Inquisitor Santos of Saragossa was very friendly with the Licenciado Pedro de Sola, a beneficed priest of the cathedral, and Juan Sebastian, who were good musicians and who gathered some musical friends to sing complins with them on Holy Saturday at Santa Engracia, where the inquisitors spent Holy Week in retreat. Santos used to send his coach for them and entertain them handsomely, but when, in 1624, he became Bishop of Solsona, although the singing continued, the coach and entertainment ceased and the musicians went unwillingly. Finally, in 1637, some of them stopped going; the inquisitors sent for them and scolded them which made them all indignant. Then, in 1638, the secretary Heredia was sent to order them to go and when the chapel-master excused them, with an intimation that they ought to be paid, Heredia told them the tribunal honored them sufficiently in calling for them. They did not go and, when Easter was over, two of them, beneficed priests, were summoned and, after being kept waiting for three hours, were imprisoned in a filthy little house occupied by soldiers and were left for twelve hours without bedding, food or drink. The next day they managed to communicate with the chapter, but it was afraid to interfere and, after six days of this confinement, they were brought before the tribunal and informed that they had the city for a prison, under pain of a hundred ducats, and were made to swear to present themselves whenever summoned. As they went out they saw two more brought in—the chapel-master and a priest. At last the chapter plucked up courage

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 3, fol. 25.—Archivo de Simancas, Inquisicion, Libro 688, fol. 289.

[2] MS. *penes me.*

to address a memorial to the king through the Council of Aragon, which added the suggestion that he should order the inquisitor-general to see to the release of the musicians and the prevention of such extortion. May 11th Philip referred this to the Suprema which, after a month's delay, replied, June 14th, that, desiring to avoid controversy with the church of Saragossa, it had ordered the tribunal to pay the musicians in future, to release any that were in prison and to return whatever fines had been imposed.[1] When petty tyranny such as this could be practised, especially on the privileged class of priests, we can appreciate the terrorism surrounding the tribunals.

Another distinction contributed to the supereminence claimed by the Inquisition—the inviolability which shielded all who were in its service. From an early period the Church had sought to protect its members, whose profession was assumed to debar them from the use of arms, by investing them with a sanctity which should assure their safety in an age of violence. Throughout the middle ages no canon was more frequently invoked than *Si quis suadente diabolo*, which provided that whoever struck a cleric or monk incurred an anathema removable only by personal appearance before the pope and accepting his sentence.[2] More than this was asked for by the Inquisition, for the greater portion of its officials were laymen. They were no more exposed to injury or insult than those of the secular courts, but it was assumed that there was a peculiar hatred felt for them and that their functions in defending the faith entitled them to special security. We shall see hereafter that the Inquisition obtained jurisdiction in all matters connected with its officials, but this, while enabling it to give them special protection, had the limitation that judgements of blood rendered ecclesiastics pronouncing them "irregular." In cases of heresy this had long been evaded by a hypocritical plea for mercy, when delivering convicts to the secular arm for execution, but it was felt that some special faculties were requisite in dealing with cases of mere assault or homicide and a *motu proprio* was procured from Leo X, January 28, 1515, empowering inquisitors to arrest any one, even of the highest rank, whether lay or clerical, who strikes, beats, mutilates

[1] Archivo gén. de la C. de Aragon, Leg. 528, n. 23.—Archivo de Simancas, Inquisicion, Libro 21, fol. 140.

[2] Gratiani Decreti P. II, Caus. XVII, Q, IV, c. 29.

or kills any minister or official of the Inquisition and to deliver him to the secular arm for punishment, without incurring irregularity, even if it results in effusion of blood.[1] The Holy Office thus held in its own hands the protection of all who served it.

This was rendered still more efficient by subsequent papal action. Irritated at some resistance offered to the Roman Inquisition, Pius V published, April 1, 1569, the ferocious bull *Si de protegendis*, under which any one, of whatever rank, who should threaten, strike or kill an officer or a witness, who should help a prisoner to escape or make way with any document, or should lend aid or counsel to such act, was to be delivered to the secular judge for punishment as a heretic—that is to say, for burning—including confiscation and the infamy of his children.[2] Although this was intended for Italy, the Spanish Inquisition speedily assumed the benefit of it; it was sent out October 16th and it was annually published in the vernacular on Holy Thursday.[3]

Thus all concerned in the business of the Holy Office were hedged around with an inviolability accorded to no other class of the community. The inquisitors themselves were additionally protected against responsibility for their own malfeasance by the received theory that scandal was more to be dreaded than crime—that there was inherent in their office such importance to religion that anything was better than what might bring that office into contempt. Francisco Peña, in treating of this, quotes the warning of Aquinas as to cardinals and applies it to the

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[1] Bulario de la Orden de Santiago, Libro I de copias, fol. 139.—Archivo de Alcalá, Hacienda, Legajo 1049.

For some reason a similar brief was obtained from Paul V, November 29, 1606. —Archivo de Alcalá, *loc. cit.*

[2] Bullar. Roman. II, 198.

This was by no means allowed to be a dead letter in Italy. In 1590 we chance to hear of the Inquisitor of Cremona relaxing to the secular arm three offenders under the bull. In some cases however of wounding or threatening witnesses, the galleys were substituted for capital punishment. There was, moreover, a spirit of conciliation in the Roman Inquisition offering a marked contrast to that of Spain. When, in 1635, at Macerata, some laymen were arrested for wounding certain officials of the tribunal and a question arose as to jurisdiction, the Congregation ordered the civil governor to try the cases as its delegate and not to apply the bull *Si de protegendis*, as the wounding had not arisen out of hostility to the Holy Office.—Decreta Sacr. Congr. Sti Officii, pp. 34, 202 (R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Offizio, Vol. 3).

[3] Archivo de Simancas, Inquisicion, Libro 939, fol. 144.

punishment of inquisitors; if scandal has arisen, they may be punished; otherwise the danger to the reputation of the Holy Office is greater than that of impunity to the offender.[1] The tenderness, in fact, with which they were treated, even when scandal had arisen, was a scandal in itself. Thus, when the reiterated complaints of Barcelona caused a visitation to be made there, in 1567, by de Soto Salazar, and his report confirmed the accusations, showing the three inquisitors to be corrupt, extortionate and unjust, the only penalty imposed, in 1568, was merely suspension for three years from all office in the Inquisition. Even this was not enforced, at least with regard to one of them, Dr. Zurita, for we chance to meet him as inquisitor of Saragossa in 1570. He does not seem to have reformed, for his transfer thence to Sardinia, the least desirable of the tribunals, can only have been in consequence of persistent misconduct.[2] The tribunals naturally showed the same mercy to their subordinates, whose sole judges they were, and this retention in office of those whom unfitness was proved was not the least of the burdens with which the Inquisition afflicted Spain.

What rendered this inviolability more aggravating was that it extended to the servants and slaves of all connected with the Holy Office. About 1540 a deputy corregidor of Murcia, for insulting a servant of the messenger of the tribunal, was exposed to the infamy of hearing mass as a penitent.[3] In 1564, we find Dr. Zurita, on circuit through his district, collecting evidence against Micael Bonet, of Palacio de Vicio, for caning a servant boy of Benet Modaguer, who held some office in the Inquisition, and the case was sent to Barcelona for trial, which shows that it was regarded as serious. So, in 1568, for quarrelling with a servant of Micer Complada, who styled himself deputy of the abogado fiscal at Tarragona, the Barcelona tribunal, without verifying Complada's claims to office, threw into prison Gerónimo Zapata and Antonio de Urgel and condemned Zapata to a fine of thirty ducats and six months' exile and Urgel to ten ducats and three months.[4] In Murcia, Sebastian Gallego, the servant of an inquisitor, quarrelled with a butcher over some meat, when

[1] Pegnæ Comment. lxi in Eymerici Direct. Inquis. P. III.

[2] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20; Ibidem, Libro 940, fol. 45.—Bibl. nacional, Seccion de MSS., P V, 3, n. 69.

[3] Archivo de Simancas, Inquisicion, Libro 925, fol. 681.

[4] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 9

they exchanged insults. The secular judge arrested both, but the tribunal claimed them, prosecuted the butcher and banished him from the town.[1] Such cases were of frequent occurrence and it is easy to conceive how galling was the insolence of a despised class thus enabled to repay the contempt with which it was habitually treated.

When the honor of slaves was thus vindicated inquisitors were not apt to condone any failure, real or imaginary, in the respect which they held to be their due, and the offender was made to feel the awful authority which shrouded the tribunal and its judges. As their powers were largely discretional, with undefined limits, the manner in which they were exercised was sometimes eccentric. In 1569, for instance, the Jesuits of Palermo prepared for representation in their church a tragedy of St. Catherine and, on October 4th, they gave a private rehearsal to which were invited the viceroy and principal dignitaries. The inquisitor, Juan Biserra, came as one of the guests and finding the door closed knocked repeatedly without announcing himself or demanding admittance. The janitor, thinking it to be some unauthorized person, paid no attention to the knocking and Biserra departed, highly incensed. When the Jesuits heard of it, the rector and principal fathers called on him to apologize, but, after keeping them waiting for some time he refused to see them. The public representation was announced for October 8th; the church was crowded with the nobility awaiting the rising of the curtain, when a messenger from Biserra notified the Jesuits that he forbade the performance, under pain of excommunication and other penalties at his discretion, until after the piece should have been examined and approved by him. The audience was dismissed and the next day the MS. was sent to Biserra who submitted it to Dominican censors. Although they returned it with their approval he discovered in it two objectionable points, so absurdly trifling as to show that he wanted merely to make a wanton exhibition of his power. The censors replied to his criticism and he finally allowed the performance to proceed. We may not unreasonably assume that this may have been one of the freaks for which Biserra was suspended in 1572, on the report made of him by the visitor Quintanilla. Then, with customary tenderness, he was employed

[1] Archivo de Simancas, Inquisicion, Libro 940, fol. 190.

in the responsible post of visitor at Barcelona, where he died soon afterwards.[1]

The sensitiveness to disrespect and the terrorism which its arbitrary punishment diffused through the community were well illustrated when, in 1617, Fray Diego Vinegas preached the Lenten sermons in the Hospital of N. Señora de la Gracia of Saragossa. He was a distinguished Benedictine, who had held high offices in his Order, and his eloquence on this occasion brought in alms amounting to eight thousand crowns. On January 21st the inquisitors sent him a message to come to them the next day at 2 P.M., to which he replied in writing that he was indisposed and closely occupied with his sermons; if they wished to order him to preach the Edict of Faith, he held himself already charged to do so and begged them to excuse his coming. A second message the same day told him to come at the same hour another day, when he would be told what was wanted of him, to which he answered that he would come but that if it was only to order him to preach the sermon he would return at once to Castile, without again mounting the pulpit. Whether anything underlay this somewhat mysterious action does not appear; the significance of the affair lies in the fact that it at once became a matter of general public concern. When that same night the governor of the Hospital heard of it he recognized the injury that would accrue to the institution and to the whole city and forthwith reported it to the viceroy, who commissioned the Licentiate Balthasar Navarro to undo the mischief. The result of his labors was that the inquisitors declared that as Fray Vinegas pleaded indisposition they would excuse him from preaching the Edict of Faith. The affair appeared to be settled and Vinegas begged permission to call on the two inquisitors, Santos and Salcedo, and pay them the Easter compliments. They graciously acceded and on Easter Monday he waited on them, exculpated himself, and begged their pardon for having been prevented by indisposition from preaching the Edict, all of which they accepted with great courtesy. The community breathed freer, for some vindication of the honor of the Inquisition had been expected. The inquisitors however had been consulting the Suprema and vengeance was at hand. The next day, Tuesday, was the last of the series

[1] Franchina, Breve Rapporto della Inquisizione di Sicilia, pp. 72–5, 93 (Palermo, 1744).

of sermons; Vinegas preached successfully to a crowded church when, on descending from the pulpit, he was arrested by an alguazil of the Inquisition, dragged through the crowd like a heresiarch attempting escape, thrown into a coach and carried to the Aljafería. There he was placed on a bench like a criminal, interrogated as one and then, without being listened to, was sentenced to perpetual deprivation of the honors of the Inquisition (preaching at autos, the edicts, etc.) and reprimanded with the utmost severity. The mark of infamy thus inflicted was indelible and the scandal was immense. The people flocked in crowds to the viceroy in the greatest excitement and he had much ado to quiet them by promising that it should be remedied. Vinegas applied for the reinstatement of his honor to the Council of Aragon, which replied that it had no jurisdiction; then he applied to the Suprema, which refused to hear him. He sent a memorial to the king, who referred it to the Council of Aragon and he continued his efforts for more than a year but it does not appear that he ever obtained relief.[1]

As a rule, any criticism of the justice of the Inquisition and any complaint by one who had passed through its hands were offences to be punished with more or less severity. To this, however, there was an exception in a case the singularity of which deserves mention. Perhaps the most distinguished Franciscan theologian of his day was Miguel de Medina. He fell under suspicion of Lutheranism, was arrested and tried and died during trial, May 1, 1578, in the secret prison of Toledo after four years of detention. Another Franciscan, Francisco Ortiz, espoused his cause so zealously that, in a public sermon in 1576 he pronounced the trial to be unjust, for it was the work of a conspiracy among his brother frailes; the arrest was a mortal sin, as though it were St. Jerome or St. Augustin, and the inquisitor-general (Espinosa) who had signed the warrant was in hell unless he had repented; the inquisitors were ashamed and were seeking to avert the disgrace from themselves, when they ought to be punishing the perjury of those who had testified. This was flat blasphemy against the Holy Office, and it is not easy to understand why the daring fraile escaped, when tried by the tribunal of Toledo, with a reprimand administered privately in the audience-chamber and a prohibition to enter

[1] Archivo gén. de la C. de Aragon, Leg. 528, n. 3.

Madrid without permission — a sentence which was duly confirmed by the Suprema.[1] We shall see hereafter that another Fray Francisco Ortiz, for a similar offence, did not escape so easily.

These were the defences thrown around the Inquisition to secure its effectiveness in its supreme function of maintaining religious unity, and these were the efforts which it made to secure the recognition of the supremacy to which it aspired. It was an institution suddenly introduced into an established ecclesiastical and secular hierarchy, which regarded the intruder with natural jealousy and dislike and resented its manifest resolve to use its spiritual authority for their humiliation. Its arrogant self-assertion led it into frequent mistakes in which even its royal protectors could not justify it, but it gradually won its way under the Hapsburgs. The advent of the Bourbons brought into play a new theory as to the relations between Church and State and the civil authorities were able in time to vindicate their equality and independence. We shall have the opportunity of following this struggle, in which religion was in no way concerned, for the defence of the faith was a pretext under which the Holy Office sought to arrogate to itself control over a constantly widening area of secular affairs, while claiming release from secular obligations.

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[1] Nic. Antonii Bibl. nova, II, 140.—Llorente, Hist. crít. Cap. XXIX, Art. 2, n. 10.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

CHAPTER III.

PRIVILEGES AND EXEMPTIONS.

BEFORE the Revolution introduced the theory of equality, class privileges were the rule. The public burdens were eluded by those best able to bear them and were accumulated on the toilers. The mortmain lands held by the Church were exempt from both taxation and military service and, though Philip V, in the Concordat of 1737, obtained the privilege of taxing such as might subsequently be acquired, the repeated decrees for its enforcement show the impossibility of enforcing it.[1] The complete immunity of ecclesiastics from taxation was emphatically asserted by Boniface VIII in the bull *Clericis laicos* and, although this was revoked by the Council of Vienne in 1312, care was taken to enunciate the principle as still in vigor.[2] Yet in the kingdoms of Aragon they were subject to all imposts on sales, to import and export dues and other local taxation and, when resistance was offered to this, Charles V procured from Adrian VI, in 1522, and from Clement VII, in 1524, briefs confirming their liability.[3] *Hidalguia*, or gentle blood, conferred a multiplicity of privileges, including exemption from taxation, royal and local, with certain exceptions that were largely evaded, and the *labrador*—the peasant or commoner—was distinctively known as a *pechero* or tax-payer.[4] That in such a social order the Inquisition should seek for its members all the exemptions that it could grasp was too natural to excite surprise, though it might occasionally provoke resistance.

As regards freedom from taxation, the subject is complicated by questions concerning royal and local imposts, by the varying customs in the different provinces, and by the distinction between

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[1] Novis. Recop., Lib. I, Tit. v, leyes 14, 15.

[2] Cap. 3 in Sexto, Lib. III, Tit. xxiii.—Cap. 1 Clementin., Lib. III, Tit. xvii.

[3] Dormer, Añales de Aragon, pp. 132, 155.

[4] For the numerous and extensive privileges of the hidalgo, see Benito de Peñalosa y Mondragon, Las Cinco Excelencias del Español, fol. 88 (Barcelona, 1629).

the active officials of the tribunals, known as *titulados y asalaridos*, and the more numerous unsalaried ones, who were only called upon occasionally for service, such as familiars, commissioners, notaries, consultors and censors. Their rights were loosely defined and were subject to perpetual variation by conflicting decisions in the contests that were constantly occurring with the secular authorities, provoked by habitual antagonism and the frequent imposition of new taxes, raising new questions. Ferdinand wrote sharply, April 13, 1504, to the town-council of Barcelona, when it attempted to subject the officials of the tribunal to the burdens borne by other citizens, in violation of the pre-eminences and exemptions of the Holy Office, and he warned them to desist, in view of the judicial measures that would be taken. Yet, in 1508, we find him writing still more sharply to that tribunal, scolding it because it had taken from the house of the alguazil of the Bailía a female slave and, without waiting for formal judgement, had sold her without paying the royal impost of twenty per cent., a disregard of the regalías not permitted to them. They had also issued an order on the custom-house to pass free of duty certain articles for an inquisitor, which was against all rule for, even if the goods were needed for the support of the officials, it was a matter for the farmers of the revenue to decide, and the issuing of such passes would be fruitful of fraud and loss.[1]

These instances indicate the uncertainties of the questions that were constantly arising in the intricate system—or lack of system—of Spanish taxation. To follow the subject in detail would be an endless and unprofitable task. I have collected a considerable number of more or less contradictory decisions of this early period, but the only deductions to be drawn from them are the indefiniteness of the exemption and the earnestness of the effort made to extend it by the Inquisition. The matter evidently was one in which there were no recognized rules and, in 1568, Philip II undertook to regulate it, at least in so far as concerned royal taxation. He defined for each tribunal the officials who were to be exempted from all taxes, excise and assessments, and forbade their exaction under pain of fifty thousand maravedís and punishment at the royal dis-

[1] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 52.—Ibidem, Libro 13, fol. 386.

cretion, but this exemption was granted only during his good pleasure, so that he retained full control and admitted no privilege as inherent in the Inquisition. His enumeration moreover comprised only the *titulados y asalariados*, holding commissions from the Suprema and in constant service, and omitted the familiars and others who greatly exceeded them in numbers.[1]

This attempt at settlement left the matter still undefined and provocative of endless strife. It said nothing as to local taxes; these and the royal taxes were often indistinguishable, or so combined that they could not be separated; the unsalaried officials were not specifically declared to be taxable and were always striving for exemption, and when, in the growing needs of the monarchy, new taxes were imposed, there came ever fresh struggles conducted with the customary violence of the Inquisition. May 10, 1632, the Royal Council earnestly represented to Philip IV that it had already laid before him certain excesses of the inquisitors of Cuenca to which he had not seen fit to reply. Now the corregidor of Cuenca has reported other excesses requiring immediate remedy, for they have issued an order, under pain of excommunication and other penalties, that the collector of the excise on wine, imposed for the pay of the troops, shall not collect it of the salaried officials of the tribunal although they are laymen and subject to it. They pretended that they were not liable to the alcavala (tax on sales) but they were defeated in the suit on this before the Council of Hacienda. And if this is permitted all the other tribunals will attempt the same, and with their exemption will come that of their servants and kindred and connections of all kinds, with frauds and concealment as usual, resulting in increase of charge to other vassals and damage to the treasury, for it seems as though the sole object of the inquisitors is to diminish the royal patrimony.[2] Similar troubles attended the levying of the *servicio de millones*, an exceedingly unpopular impost on wine, meat, vinegar and other necessaries.[3]

When, in 1631, the tax of *media añata*, or half a year's salary

[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 27; Libro 939, fol. 144.—Bibl. nacional, Seccion de MSS., D, 118, p. 102.—Modo de Proceder, fol. 45 (Bibl. nacional, D, 122).

[2] Bibl. nacional, Seccion de MSS., S, 88, p. 102.

[3] Archivo de Simancas, Libro 21, fol. 37; Leg. 1465, fol. 27

levied on appointees to office, was imposed there was a discussion as to whether it was applicable to the Inquisition. This was settled in the affirmative and the Suprema made no objection, for its collection was taken from the *Sala de Media Añata* and was given to Gabriel Ortiz de Sotomayor, appointed by Inquisitor-general Zapata and when he, in the course of a few years, became Bishop of Badajoz, the business was intrusted to the inquisitor-general himself. For awhile the payments were made with some regularity, but, in 1650, an investigation showed that for a long while it had been quietly allowed to drop and, as it was in the hands of the inquisitor-general, there were no means of enforcing an accounting. For a year Arce y Reynoso eluded the efforts of the Sala de Media Añata to obtain information and finally, May 17, 1651, the king ordered him peremptorily to pay his own media añata (due since 1643), to make the other officials do so and to furnish the required information to the Sala. On receiving this he said there were difficulties in making ecclesiastics like inquisitors pay, but he would consult the Suprema and reply in July. July passed away and the Sala again applied to him, when he replied that, as concerned the familiars and other secular officials, orders had already been given and collections made, but as to clerics there were scruples about which he would advise with the king. He failed to do so and in October the king was urged to repeat his demand for immediate payment. The outcome of the affair was that ecclesiastics were exempted and laymen had to pay, while familiars, who had no salaries, were assessed nine ducats—so Arce y Reynoso succeeded in eluding his tax. Collection, moreover, from the laymen was not easy and, January 28, 1654, the Suprema issued general instructions to deduct it without exception from the salaries. This only transferred the indebtedness from the individuals to the receivers or treasurers of the tribunals, who seem to have been equally slow to pay and, in 1655, an inquisitor in each tribunal of Castile and the colonies was designated to collect the money from the treasurer and remit it at once.[1] It is safe to assume that the receipts were trivial and the whole business affords an illustration of the methods by which the revenues of Spain were frittered away before reaching the

[1] Archivo de Simancas, Inquisicion, Libro 40, fol. 168, 203, 212, 229, 294.—Modo de Proceder, fol. 9 (Bibl. nacional, Seccion de MSS., D, 122).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 13, n. 2, fol. 42; Legajo 299.

treasury. Whether productive or not, however, the media añata remained until the end a permanent charge upon the lay officials. In Valencia, in 1790, it had for ten years amounted to an annual average of ten libras.[1]

With regard to local taxation, contests were renewed at every new impost with varying success, and a single case will elucidate the character of these struggles. In 1645 the Córtes of Valencia agreed to furnish for six years twelve hundred men to garrison Tortosa, reserving the right to impose whatever duties or excise might be necessary to defray the expense. In order that the clergy might be included the assent of Archbishop Aliaga was sought, which he granted with difficulty and only on condition that, within eight months, a confirmatory papal brief should be obtained, which was duly accomplished. To meet the charge an excise, known as the *sisa del corte* was levied on all goods cut for garments. The tribunal refused to submit to this and pointed to its contributions to a loan of twenty thousand ducats made by the Inquisition to the king in 1642, and to its payment since 1643 of five per cent. of the salaries for the maintenance of certain mounted men. The city yielded for awhile and then a compromise was made; the ecclesiastics at the time were paying eighteen deniers on the libra (7½ per cent.) while the officials of the tribunal were to be taxed only six deniers (2½ per cent.). To maintain their principle of exemption, however, for some years they had their garments made in the name of other ecclesiastics and paid the eighteen deniers, but in 1659 they grew tired of this and paid the six deniers for themselves, first registering a protest that it was without prejudice to their privileges and exemptions. This continued until 1668, when suddenly, on June 19th, the fiscal of the tribunal summoned the collectors of the *sisa del corte* to pass freely, within twenty-four hours, the cloth cut for the garments of Benito Sanguino, the alcalde mayor, under pain of five hundred ducats. On the 21st the syndics of the city and the collectors interjected an appeal to the king, in spite of which the next day the mandate was repeated, this time giving twelve hours for obedience and adding excommunication to the fine. Another appeal was interposed and the regent of the Audiencia applied for a *com-*

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 14, n. 2, fol. 28; Cartas del Consejo, Leg. 16, n. 9, fol. 7.

petencia, or orderly method of settling disputes, as provided in the Concordia, but notwithstanding this the next day the excommunications were published and the names of the collectors were affixed to the doors of the cathedral as under the anathema of the Church.[1] The final outcome is of little moment; the interest of the affair lies in its illustration of the persistence of the Inquisition and the violence of its methods.

In this respect the case is not exceptional. The formularies of the Inquisition contained a full assortment of arbitrary mandates which it employed, in place of seeking the legal courses prescribed in the Concordias, by which the king and the Córtes sought to preserve the peace. One of these, drawn in the name of the tribunal of Llerena, addressed to the governor and magistrates, recites that complaint has been made of the imposition on officials and familiars of a new octroi on meat and proceeds to assert that, by immemorial custom and royal cédulas, the commissioned officials are exempted from paying any taxes, excise, imposts and assessments, whether royal or local or otherwise; the magistrates are commanded within two hours to desist from the attempt, under pain of major excommunication and a fine of a hundred thousand maravedís for the governor or his deputy and of fifty thousand for subordinates, with the threat, in case of disobedience, of prosecution with the full rigor of law. Moreover the secretary or notary of the city is ordered within the two hours to bring to the tribunal and surrender all papers concerning the assessment on the officials, under pain of excommunication and ten thousand maravedís.[2] Such were the peremptory commands habitually employed, the arrogance of which rendered them especially galling.

Not only were these fulminations ready for use when the case occurred, but there were formulas drawn up in advance to prevent any attempted infraction of the privileges claimed by the officials. Thus this same collection has one addressed to the corregidor and magistrates of a town where a fair is to be held, reciting that an official of the tribunal proposes to send thither a certain number of cattle bearing his brand, which he swears to be of his own raising and, as he is exempt from paying alcavala, tolls, ferriages, royal servicio and all other assessments and

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol. 11, 222.—Bibl. nacional, Seccion de MSS., D, 118, n. 2, fol. 17.

[2] Modo de Proceder, fol. 44 (Bibl. nacional, D, 122).

dues and, as he fears that there may be an attempt to impose them, therefore all officials and collectors are ordered, under pain of major excommunication and two hundred ducats, to abstain from all such attempts, with threats of further punishment in case of disobedience.[1] The enormous advantage which the official thus possessed is plain, as well as the door which it opened to fraud. That the claim was groundless appears by a memorial presented to the Suprema in 1623, in response to a call by Inquisitor-general Pacheco on his colleagues for suggestions as to the better government and improvement of the Inquisition —a remarkable paper to which reference will frequently be made hereafter. On this point it states that, in some tribunals, the officials are exempted from paying the alcavala on the products of their estates, while in others they are not. In some, a portion of the officials have dexterously secured exemption, while others have been compelled to pay, by judicial decision, as there is no basis for such claims. If there is no right or privilege of exemption, it is not seen how the officials can conscientiously escape payment, or how the inquisitors can defend them in evading it, besides the numerous suits thence arising which occupy the time of the tribunals. To cure this it is suggested that the king grant exemptions to all, for there are not more than two or three in each tribunal to be thus benefited.[2] This suggestion was not adopted, but the claim was persisted in with its perpetual exasperation and multiplicity of litigation.

The large numbers of the unsalaried officials, especially the familiars, rendered the question of their exemption of considerably greater importance. They had no claim to it, but they were persistently endeavoring to establish the right and for the most part they were supported by the tribunals in the customary arbitrary fashion. In the futile Concordia of Catalonia in 1599, it was provided that levies and executions for all taxes and imposts could be made on familiars and commissioners by the ordinary officers of justice. In the memorial to Clement VIII asking for the disallowance of this Concordia, the Suprema proved learnedly, by a series of canons from the fourth Council of Lateran down, that the cruce-signati (whom it claimed to correspond with the modern familiars) were exempt.

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[1] Modo de Proceder, fol. 45 (*loc. cit.*).

[2] Archivo de Simancas, Inquisicion, Libro 926, fol. 26.

It even had the audacity to cite the Concordia of 1514, which in reality denied their exemption, and it assumed with equal untruth that this was the universal custom in Spain.[1] Yet, in a consulta of December 30, 1633, the Suprema tacitly excluded the unsalaried officials when it argued that there were not, exclusive of ecclesiastics, more than two hundred officials in Spain entitled to the exemption.[2]

Still, the Inquisition fought the battle for the unsalaried officials with as much vigor as for the salaried. In 1634 the levying of a few reales on a familiar of Vicalvero, on the occasion of the voyage to Barcelona of the Infante Fernando, was resisted with such violence by the tribunal of Toledo, that finally the king had to intervene, resulting in the banishment and deprival of temporalities of a clerical official and the summoning to court of the senior inquisitor.[3] In 1636, Philip IV, to meet the extravagant outlays on the palace of Buen Retiro, levied a special tax on all the towns of the district of Madrid. In Vallecas the quota was assessed on the inhabitants, among whom was a familiar who refused to pay, when the local alcaldes levied upon his property. He appealed to the Suprema which referred the matter to the tribunal of Toledo and it arrested the alcaldes and condemned them in heavy penalties. Then the Alcaldes de Casa y Corte, the highest criminal court, intervened and arrested the familiar, whereupon the Suprema twice sent to the *Sala de los Alcaldes*, declaring them to be excommunicated, but the bearer of the censure was refused audience. On this the Suprema, with the assent of the Council of Castile, sent a cleric to arrest the alcaldes and convey them out of the kingdom, and on March 12th, in all the churches of Madrid, they were published as excommunicate and subject to all the penalties of the bull *in Cœna Domini*.[4] What was the outcome of this the chronicler fails to inform us, but the Council of Castile took a different view of the question when, in 1639, one of its members, Don Antonio Valdés, who had been sent to Extremadura as commissioner to raise troops, was publicly excommunicated by the tribunal of Llerena because, in assessing con-

[1] Constitutions del Cort de 1599, n. 51 (Barcelona, 1603, fol. xvii).—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 5.

[2] Archivo de Simancas, Inquisicion, Libro 32, fol. 110.

[3] Consulta magna (Bibl. nacional, Seccion de MSS., Q, 4).

[4] Ant. Rodríguez Villa, La Corte y Monarquía de España, p. 16.

tributions for that purpose, he had not exempted its officials and familiars. The Council thereupon appealed to Philip, who ordered the decree expunged from the records and that a copy of the royal order should be posted in the secretariate of the tribunal.[1]

Yet it was about this time that the claim in behalf of unsalaried officials seems to have been abandoned, for, in 1636, 1643 and 1644 the Suprema issued repeated injunctions that in the existing distress the royal imposts and taxes must be paid. In 1646 it ordered the tribunal of Valencia not to defend two familiars in resisting payment and in the same year the Córtes of Aragon gained a victory which subjected them to all local charges.[2]

With the advent of the Bourbons the salaried officials found a change in this as in so much else. In the financial exigencies of the War of Succession they were subjected to repeated levies. Philip V called upon them for five per cent. of their salaries and then for ten per cent. to which they were forced to submit. In 1712 a general tax was laid of a doubloon per hearth, which was assessed in each community according to the wealth of the individual. There were no exemptions and appeals were heard only by the provincial superintendents of the revenue. The sole concession obtained by the Suprema was that, where officials of the Inquisition were concerned, the local tribunal could name an assessor to sit with the superintendent and it warned the tribunals that any interference with the collection would be repressed with the utmost severity.[3] Salaries, however, were held to be subject only to demands from the crown for, when Saragossa in 1727 endeavored to include them in an assessment for local taxation, Philip, in response to an appeal from the Suprema, decided that those of the Inquisition, in common with other tribunals, should be exempt, but that real and personal property, including trade, belonging to officials, should be held liable to the tax.[4]

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[1] Consulta Magna of 1696 (Bibl. nacional, MSS., Q, 4).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 78.—MSS. of Royal Library of Copenhagen, 218[b], p. 222.—Bibl. nacional, MSS., D, 118, fol. 122.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, fol, 71, 76, 101, 109, 111, 121, 123, 124, 125, 188, 213; Leg. 13, n. 2, fol. 71.

[4] Ibidem, Leg. 14, n. 1, fol. 148.—Archivo de Simancas, Inquisicion, Libro 27, fol. 85.

Towards the close of the eighteenth century various documents show that all ideas of resistance and all pleas of exemption had been abandoned. The Holy Office submitted to ordinary and extraordinary exactions and the Suprema warned the tribunals that the assessments were wholly in the hands of the royal officers and that it had no cognizance of the matter. The calls were frequent and heavy, as when, in 1794, four per cent. was levied on all salaries of over eight hundred ducats, and three months later a demand was made of one-third of the fruits of all benefices and prebends, which was meekly submitted to and statements were obediently rendered.[1] Under the Restoration, the Inquisition was less tractable. In 1818 an income-tax was levied and was imposed on all salaries, including those of the Suprema, which at once prepared for resistance. There seems to have been a prolonged struggle with a successful result for, on November 17th, it issued a circular enclosing a royal order which conceded exemption.[2]

The exemption from taxation, which included import and export dues or merchandise and provisions required for officials and prisoners, led to the claim of other privileges and to not a few abuses. It was not confined to sea-ports and frontier towns, for the jealous particularism of the kingdoms, dynastically united, kept up their antagonistic policy towards each other and intercourse between them was subjected to regulations similar to those of foreign trade. The exemption from these, as well as from the octroi duties of the towns, was a most important privilege, capable of being turned to account in many ways besides diminishing the expenses of the officials.

We have seen that Ferdinand, in 1508, prohibited the issue of orders to pass goods free, but nevertheless it continued. When, in 1540, Blas Ortiz went to take possession of his office as inquisitor of Valencia, the Suprema furnished him with a pass addressed to all customs officials permitting him to cross the frontiers with three horses and four pack-mules; he could be required to swear that what he carried was his private property and was not for sale, but all further interference was

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 6, fol. 10, 19, 38; Leg. 4, n. 3, fol. 103, 115, 142, 166, 311.

[2] Archivo de Simancas, Inquisicion, Libro 559.—Archivo de Sevilla, Seccion primera, Carpeta 58, n. 454 (Sevilla, 1860).

forbidden under pain of excommunication and a hundred ducats.[1] It was not only on such occasions, however, that the custom-houses were thus eluded. Before the introduction of regular posts, the constant communications between the tribunals and with the Suprema were carried by couriers or by muleteers, and the mysterious secrecy which shrouded all the operations of the Holy Office furnished an excuse for preventing any risk that these sacred packages should be examined. All bearers of letters therefore, even when they had loaded mules, were furnished with passes forbidding, under excommunication and fine, any unpacking or investigation of what they carried.[2] The facilities thus offered for contraband trade are obvious and their value can only be appreciated through a knowledge of the elaborate system of import and export duties and prohibitions of import and export which characterize the policy of the period.[3] Complaints were fruitless, for when the Council of Hacienda issued letters against certain familiars in the Canaries, detected in importing prohibited goods, Philip II, February 11, 1593, ordered the letters to be recalled and that no more should be issued.[4]

There were few things concerning which there was more jealousy than the transfer of grain from one Spanish kingdom to another, and when it was permitted there were duties, either import or export or perhaps both. Deficient harvests, in one province or another, were not infrequent and the tribunals were constantly seeking special relief by obtaining permits to violate the laws, or by violating the laws without permits. Many instances of this could be cited, but it will suffice to recount the experience of the Valencia tribunal in endeavoring to obtain wheat from Aragon. For this it had special facilities, for the Aragonese districts of Teruel and Albarracin were subject to it, but, on the other hand, Aragon was especially firm in prohibiting the exportation of wheat. In 1522 the tribunal undertook to bring some wheat from Aragon and threatened the frontier officials with excommunication if they should interfere. In spite of this they detained it, when the inquisitor published

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 109.

[2] Modo de Proceder, fol. 77 (Bibl. nacional, MSS., D, 122).—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Legajo 17, fol. 20.

[3] See the Libre dels quatre Senyals, Barcelona, 1634.

[4] Portocarrero, *op. cit.*, § 57.

the censures and imprisoned a guard whom he caught, whereupon the Aragonese Diputados remonstrated, saying that if the emperor or pope wanted wheat from Aragon he applied for a licence, and begging the inquisitor to keep within his jurisdiction and release the guard. Then an accommodation was reached and the tribunal was permitted to bring in thirty cahizes (about one hundred bushels), on condition of removing any excommunication that might exist, but it repudiated its side of the agreement and summoned the officials to appear and receive penance. This exhausted the patience of the Diputados; they ordered the wheat to be stopped or, if it had gone forward, to be followed and captured with the mules bearing it; the inquisitor might do what he pleased, but they would employ all the forces of the kingdom and enforce respect for the laws. The position in which the inquisitor had placed himself was so untenable that the inquisitor-general issued an order forbidding tribunals to take anything out of Aragon in violation of the prohibitions.[1]

The effect of this rebuff was evanescent. The tribunal persisted and by false pretences established a claim which, in 1591, the Suprema warned it to use with moderation as the Council of Aragon was making complaint. As usual no attention was paid to this and, in 1597, Philip II was compelled to interfere because the tribunal was issuing to excess letters authorizing the export of wheat from Teruel—an abuse which was doubtless abundantly profitable.[2] If this brought any amendment it was transient. On June 16, 1606, the Diputados represented to the tribunal that they were bound by their oaths of office, under pain of excommunication, to enforce the laws prohibiting the export of wheat; that, in spite of these laws, large quantities were carried to Valencia, to the destruction and total ruin of the land, by individuals armed with licences issued by the tribunal, wherefore they prayed that no more licences be issued. No attention was paid to this and on January 8, 1607, they wrote again, stating that the abuse was increasing and that they must appeal to the king and the Suprema for its suppression. This brought an answer to the effect that the tribunal was more moderate than it had previously been and would continue to be so

[1] Sayas, Añales de Aragon, cap. 85, p. 567.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 298, 313, 339, 405.—Portocarrero, *op. cit.*, § 58.

as it would find convenient, without prejudice to the rights conceded to it by the royal cédulas and, as it was occupied in the service of God, it could reasonably exercise those rights. The asserted rights under which it had so long nullified the laws of Aragon were a conscious fraud for, when it complained to the Suprema of the interference of the Diputados with its immemorial privilege and enclosed the royal cédula conferring it, the Suprema pointed out that this referred only to Castile and not to Aragon; the complaints of the Diputados had been listened to and all that could be done was to invoke the good offices of the Saragossa tribunal to obtain permission to get fifteen hundred bushels per annum. The Saragossa inquisitors willingly lent their aid, but in vain. They wrote, June 6, 1608, that they had brought to bear all their influence on the Diputados who declared that the *fuero* prohibiting the export of grain was too strict for them to violate it. A correspondence ensued with the Suprema which ordered the tribunal, February 8, 1610, to abstain, as previously ordered, but if, in any year, there should be special necessity, it might report the quantity required when instructions would be given. This imposed silence on it until 1618, when another attempt was made to overcome the obstinacy of the Diputados; it had abstained, the tribunal said, for some years from issuing licences, in consequence of the great abuses and excesses of those to whom they were granted, but now the sterility of the land causes great inconveniences and it asks that the fruits of its prebends in Aragon and its rents be invested in wheat allowed to be exported. The Diputados however wisely refused to open the door; the law to which they had sworn imposed heavy penalties for its infraction and they were compelled to refuse. This was probably effectual, as far as concerned Aragon, for we happen to find the tribunal, in 1631, obtaining from the king licence to import two hundred and fifty bushels from Castile.[1]

This narrative is instructive in more ways than one. The pretence of necessity in the service of God was as fraudulent as the claims put forward. The whole business was purely speculative and the licences were doubtless sold to the highest bidder through all these years. The Valencian tribunal was at no time in need of wheat from Aragon or Castile, for it had ample privileges at

[1] Archivo de Simancas, Inquisicion, Libro 688, fol. 66.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 6, fol. 634; Leg. 8, n. 2, fol. 73.

home for all its wants and it was working these local privileges for a profit to some one. Among other public-spirited acts of Ximenes was the founding, in 1512, of an *alhondiga*, or public granary, in Toledo so that, as we are told in 1569, in times of scarcity the citizens could procure supplies at moderate prices.[1] It was probably owing to this that other cities, including Valencia, formed establishments of the kind, monopolizing the traffic in wheat, to which the citizens resorted day by day for their provision. When a loss occurred in the business, from a surplus over the demand or from spoiling of the grain, it was assessed upon the citizens, under the name of *pan asegurado*, but, in 1530, the magistrates relieved the officials of the tribunal from sharing this burden and the exemption is enumerated, in 1707, as still among its privileges.[2] Another privilege, which it shared with the viceroy and the archbishop, was that the baker who served it was the second one allowed every morning to enter the granary and select a sack of wheat (*trigo fuerte*) of five and a half bushels and every week a *cahiz* ($3\frac{1}{2}$ bushels) of *trigo candeal*, without payment save a small tax known as *murs y valls*—evidently for the maintenance of the city defences. This he baked and distributed the bread among the officials and to the prison, in allotted portions, and what was over he sold—showing that the tribunal not only got its wheat gratuitously but more than it needed, to somebody's profit. The amount must have been considerable, for the bakers complained of the unfair competition of the favored baker and, in 1609, the city endeavored to put an end to the abuse, but without success. The matter slumbered until 1627, when the city obtained a royal cédula abolishing the privilege of taking the wheat, but obedience to this was refused because it had been issued without preliminary notice to the other side and without a junta or conference between the Suprema and the Council of Aragon. Then the city ordered the baker no longer to go to the granary for wheat and the aggrieved Suprema complained loudly to the king, urging him to consider the services to God and the tonsure of the inquisitors and not to allow

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[1] Gomesii de Rebus gestis a Fr. Ximenio, Lib. V, fol. 140.

[2] Archivo de Simancas, Inquisicion, Libro 688, fol. 529.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 18.

There was a similar arrangement in Barcelona and, in 1532, the Suprema orders the inquisitors not to allow familiars to be compelled to pay this assessment.—Archivo de Simancas, Libro 77, fol. 44.

these holy labors to be interrupted by the necessity of going personally to the granary. To this Philip replied by ordering the fueros to be observed, which was virtually a confirmation of his cédula, but this seems to have been similarly disregarded, for, in 1628, we find the city again endeavoring to put an end to the collateral abuse of the sale of the surplus bread and the tribunal busily engaged in gathering testimony to prove that this had publicly been the custom from time immemorial. In proving this, however, it also proved unconsciously how fraudulent had been the claim that it had been in need of wheat from Aragon.[1]

This commercial development of the Inquisition led it to utilize its exemption from taxation and octroi duties by opening shops for the necessaries of life, causing violent quarrels with the cities whose revenues were impaired and whose laws were ostentatiously disregarded. Among a number of cases of this in the records, a series of occurrences in Saragossa will illustrate this phase of the activity of the Holy Office. A large part of the local revenues of the city was derived from a monopoly of wine, meal and provisions and no citizen was allowed to bring these articles within the gates. The Aljafería, occupied by the trbunal, was situated a few hundred feet beyond the walls; the inquisitors assumed that they were not bound by the municipal regulations; they introduced what they pleased into the town and the authorities complained that they maintained in the Aljafería a public meat-market, a tavern and a shop where citizens could purchase freely to the infinite damage of the public revenues. The Córtes of 1626 demanded that affairs should be reduced to what they had been prior to the troubles of 1591, when the Aljafería was garrisoned with soldiers, giving rise to profitable trade, but the Suprema prevented the royal confirmation of the acts of the Córtes and the matter was left open. This led to troubles which came to a head, September 21, 1626, when a load of wine for the tribunal on entering the city was seized under the law by the guard and taken to the house of one of the jurados or town-councillors. At once the inquisitors issued letters demanding its release under pain of excommunication and a thousand ducats. The jurados lost no time in forming the *competencia*, which, in accordance with the existing Concordia, was the method provided for deciding such

[1] Archivo de Simancas, Inquisicion, Libro 19, fol. 289; Libro 688, fol. 66, 255. —Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 6, fol. 199.

contests, but the inquisitors refused to join in it, asserting that there could be no competencia, as it was a matter of faith and impeding the Inquisition in the exercise of its functions. They arrested and imprisoned one of the guards, notwithstanding that he had letters of *manifestacion* from the court of the Justicia of Aragon—a species of habeas corpus of the highest privilege in Aragon, which was traditionally venerated as the palladium of popular liberty—and the next day they seized three more who were likewise *manifestados*. The incensed magistrates applied to the Justicia and to the Diputados, to release by force the prisoners from the Aljafería and there was prospect of serious disorder. The Governor of Aragon, however succeeded in getting himself accepted as umpire by both sides and temporarily quieted them by the compromise that the wagon, mules and wine should be delivered to him, that the prisoners should be surrendered through him to the city and that the comminatory letters should be withdrawn, all this being without prejudice to either party. He wrote earnestly to the king, pointing out the imminent danger of an outbreak and the necessity of a decision that should avert such perils for the future; if the assumption that such questions were matters of faith were admitted, the inquisitors could refuse all competencias, which would annul the Concordia and destroy the royal jurisdiction. The city also addressed him, saying that the inquisitors had refused to abstain from further action pending his decision and if these pretensions were admitted they would be unable to pay him the servicio which had been granted.[1]

This resulted in a compromise, agreed upon between the Suprema and the Council of Aragon, under which the city obligated itself to supply the tribunal with meat, wine and ice. It was impossible however to compel the Inquisition to observe compacts. Fresh complaints arose, the nature of which is indicated by a decree of Philip IV, June 17, 1630, requiring the Suprema to order the inquisitors to keep to the agreement and not to sell any portion of the provisions furnished and further to stop the trade carried on in some little houses in the Aljafería where the municipal supervisors could not inspect them. This resulted in a fresh agreement of December 7, 1631, under which the city bought for three thousand crowns the *casa de penitencia*, or prison for penitents, and engaged to maintain in it shops for

[1] Fueros y Actos de Corte in Barbastro y Calatayud, año de 1626 (Zaragoza, 1627, p. 20).—Archivo gén. de la C. de Aragon, Leg. 528, n. 3.

the sale of meat and ice to the inhabitants of the Aljafería at the prices current in the town.[1]

Probably this quieted the matter, but before long the irrepressible inquisitors started another disturbance. The salt-works of Remolinos and el Castellon belonged to the royal patrimony and were farmed out under condition that no other salt should be sold or used in Saragossa and some other places under heavy fines. To enforce this there were commissioners empowered to investigate all suspected places, even churches not being exempt. In 1640 a party in the city was found to be selling salt and confessed that he obtained it from the gardener of the Aljafería. The commissioner, Baltasar Peralta, went there with a scrivener and in the gardener's cottage they found two sacks, one empty, the other nearly full of salt, with a half-peck measure. They announced the penalty to the gardener's wife and proceeded to enforce it in the customary manner by seizing pledges—in the present case, three horses. The inquisitor, who had doubtless been sent for, came as they were leading the horses away, forced the surrender of the horses and salt and told them that they should deem themselves lucky if they were not thrown in prison. Thereupon the royal advocate-fiscal of Aragon, Adrian de Sada, reported the case to the king, adding that it was learned that the coachman of one of the inquisitors was selling salt from the salt-works of Sobradiel. He pointed out that, if the servants of the Inquisition could sell salt freely and the royal officials be deterred by threats from investigation, the revenue would be seriously impaired, for no one would venture to farm the salt-works, and he asked for instructions before resorting to proceedings which might disturb the public peace, as had happened on previous occasions. The matter was referred to the Council of Aragon, which advised the king to issue imperative commands that the inquisitors should not obstruct the detection and punishment of frauds, for their cognizance in no way pertained to the Holy Office.[2]

The Saragossa tribunal had a still more prolonged and bitter dispute with the city over the bake-oven of the Aljafería. This belonged to the crown and, at some time prior to 1630, Philip IV made it over to the tribunal which was pleading poverty. Its use of the privilege soon brought it into conflict with the city,

[1] Archivo de Simancas, Inquisicion, Libro 20, fol. 54; Libro 62, fol. 457.
[2] Archivo gén. de la C. de Aragon, Leg. 528, n. 3.

but a complicated arrangement respecting it was included in the agreement of December 7, 1631, requiring the baker to purchase at least seventy bushels of wheat per month from the public granary, with certain restrictions as to the places whence he could procure further supplies. In 1649 we chance to learn that the oven was farmed out for six thousand reales per annum and, in 1663, a lively conflict arose because the tribunal had granted a lease which was not subject to the restrictions of 1631. Then again, in 1690, the trouble broke out afresh, each side accusing the other of violating the agreement. All the authorities, from the king and viceroy down, were invoked to settle it; there were fears of violence but, May 1, 1691, the tribunal reported to the Suprema that a compromise had been reached on satisfactory terms.[1]

The independent spirit of Aragon caused it to suffer less from the mercantile enterprises of the Inquisition than the more submissive temper of Castile. In 1623 there was a flagrant case in Toledo, arising from a butcher-shop established by the tribunal in violation of the municipal laws. Its violent methods triumphed and Don Luis de Paredes, an alcalde de corte, sent thither to settle the matter, was disgraced for attempting to restrain it. This called forth an energetic protest from the Council of Castile, which boldly told the king that he should not shut his eyes to the fact that the inquisitors were extending their privileges to matters beyond their competence, with such prejudice to the public weal that they were making themselves superior to the laws, to the government and to the royal power, trampling on the judges, seizing the original documents, forcing them to revoke their righteous acts, arresting their officials and treating them as heretics because they discharged their duty.[2]

In procuring provisions, whether for consumption or sale, besides the freedom from local imposts, the Inquisition had the further advantage of employing coercive methods on unwilling vendors and of disregarding local regulations and prohibitions. As early as 1533 the Aragonese, at the Córtes of Monzon, took the alarm and petitioned that the statutes of the towns, when short of bread-stuffs and provisions, should be binding on officials of the Inquisition, to which the emperor's reply was the equivo-

[1] Archivo de Simancas, Inquisicion, Lib. 38, fol. 22; Libro 62, fol. 457, 526, 528, 544; Lib. 922, fol. 453.

[2] Bibl. nacional, MSS., Mm, 464.—Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 45, 46.

cating one customary when evading confirmation.[1] The significance of this is manifested by a *carta acordada* of 1540, authorizing the tribunals to get wheat in the villages for their officials and prisoners and, if the local magistrates interfere, to coerce them with excommunication. Yet inquisitorial zeal in using this permission sometimes overstepped the bounds and, in this same year, the Suprema had occasion to rebuke a tribunal which had issued orders to furnish it with wheat under pain of a hundred lashes, for it was told that, in rendering such extra-judicial sentences, it was exceeding its jurisdiction.[2] How bravely the Suprema itself overcame all such scruples was manifest when laws of maximum prices, and the heavy discount on the legal-tender spurious vellon coinage, rendered holders of goods unwilling to part with them at the legal rates. It issued, February 14, 1626, to its alcalde, Pedro de Salazar, an order to go to any places in the vicinage and embargo sheep and whatever else he deemed necessary, sufficient for the maintenance of the households of the inquisitor-general and of the members and officials, paying therefore at the rates fixed by law, to effect which he was empowered to call for aid on all royal justices, who were required to furnish all necessary aid under penalty of major excommunication *latæ sententiæ* and five hundred ducats. So again, on April 11, 1630, Salazar was ordered to go anywhere in the kingdom and seize six bushels of wheat, in baked bread, for the same households, paying for it at the established price, and all officials, secular, ecclesiastical and inquisitorial, were required to assist him under the same penalties.[3] This was an organized raid on all the bakeries of Madrid, and Salazar was more scrupulous than the average official of the time if he did not turn an honest penny by taking bread on his own account at the legal rate and selling it at the current one.[4]

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[1] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.

[2] Archivo de Simancas, Inquisicion, Libro 939, fol. 63, 64.

[3] Ibidem, Libro 940, fol. 220, 221. The excommunication *latæ sententiæ* worked of itself when the act was committed and did not require to be published. It was one of the worst ecclesiastical abuses and during the later middle ages was so lavishly employed that men scarce knew whether or not they were excommunicate under some mandate of which they had never heard.

[4] This abuse existed in England under the name of Purveyance and Preemption, but there it was restricted to the royal household. It inevitably led to many abuses and was replaced, in 1660, with an excise on malt and spirituous liquors by 12 Carol. II, cap. 24, §§ 12–27.

The tribunal of Valencia enjoyed another privilege in the important matter of salt, the royal monopoly of which rendered it so costly to the ordinary consumer. Every year the tribunal issued an order to the farmers of the salt-works, commanding them, under pain of excommunication and fifty ducats, to deliver to the receiver of confiscations twelve cahizes (about forty-two bushels) of refined salt, at the price of eight reales the cahiz, and the custom-house officials were summoned, under the same penalties, to let it pass without detention or trouble for the service of God. The salt was duly apportioned among the officials at this trivial price, each inquisitor getting four bushels, down to the messengers who received two-thirds of a bushel, and even *jubilado* officials had their portion. When or how this originated is unknown; in 1644 it seems established as of old date and it continued until 1710, when the new dynasty brought it to a sudden conclusion. The Council of Hacienda reported it to the king, as though it were a novelty just discovered, pointing out that the eight reales were less than the cost of transport from the works to the magazines; that the manufacture was a monopoly of the regalías and the price charged was in no respect a tax or impost, but was regulated by the necessities of the national defence; that no other tribunal in Spain, secular or ecclesiastic, made such a demand, while the publication of censures against royal officials was dangerous in those calamitous times. This aroused Philip, who ordered a prompt remedy. The Suprema no longer ventured an opposition or remonstrance, but wrote immediately to Valencia expressing its surprise; the demand must be withdrawn at once; if any censures had been published they must be revoked and no such demonstration should have been made without previous consultation.[1]

It would be superfluous to adduce further examples of the manner in which the tribunals abused their power for unlawful gains and benefits, and we can readily conceive the exasperation thus excited, even among those most zealous in the extermination of heresy.

Few of the privileges claimed by the Inquisition gave rise to more bickering and contention than its demand that all connected with it should be exempt from the billeting of troops

[1] Archivo hist. nacional, Inquisicion de Valencia, Libro 7 de Autos, Leg. 2, fol. 391, 494; Leg. 2, n. 18; Leg. 13, n. 2, fol. 11.

and the furnishing of *bagages* or beasts of burden for transportation. The subject is one of minor importance, but it furnishes so typical an illustration of inquisitorial methods that it is worthy of examination somewhat in detail. Under the old monarchy the *yantar* or *droit de gîte*, or right to free quarters, was an insufferable burden. Almost every Córtes of Leon and Castile, from the twelfth century complained of it energetically, for it was exercised, not only by the royal court in its incessant peregrinations, but by nobles and others who could enforce it, and it was accompanied by spoliation of every kind, while the impressment of beasts of burden was an associated abuse and even the lands of the Church were not exempt.[1] The more independent Aragonese were unwilling to submit to it, and a fuero of the Córtes of Alcañiz, in 1436, provided that the courtiers and followers of the king should pay all Christians in whose houses they lodged.[2] When the Inquisition was founded and was to a great extent peripatetic, its officials apparently claimed free quarters, for a clause in the Instructions of 1498 provides that where a tribunal was set up they should pay for their accommodations and provide their own beds and necessaries.[3] When travelling, a decree of Ferdinand, October 21, 1500, repeated in 1507, 1516, 1518, 1532, and 1561, provided that they should have gratuitous lodging and beds, with food at moderate prices.[4] The frequent repetition of this indicates that it aroused opposition and, in 1601, when the inquisitor of Valencia was ordered to go at once on a visitation of Tortosa, he was told not to oppress the city by demanding free quarters but to lodge decently in a monastery or in the house of some official.[5]

Furnishing free quarters however was different from enjoying them. The old abuses gradually disappeared with the settled habitations for kings and tribunals, but the change in military organization, with standing armies, gave rise to others which, if more occasional, were also more oppressive—the billeting of troops. When Louis XIV resorted to the *dragonnades*—the quartering of dragoons on Huguenot families—as an effective

[1] Córtes de Leon y de Castilla, T. I, II (Madrid, 1861–3).—Colmeiro, Córtes de Leon y de Castilla, II, 122, 124, 136, 150, 162–3, 181, 193, 201, 277.

[2] Fueros y Ordinacions del Reyno de Aragon, Lib. VII (Zaragoza, 1624, fol. 131).

[3] Arguello, fol. 22.

[4] Archivo de Simancas, Inquisicion, Libro 1; Libro 939, fol. 144.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 304.

coercion to conversion, it shows how severe was the infliction. The rebellion of Catalonia, in 1640, had for its proximate cause the outrages committed by troops quartered for the winter in places insufficient for their support, culminating in their burning the churches of Riu de Arenas and Montiró.[1] The massacre in Saragossa, December 28, 1705, of the French troops in the service of Philip V, had the same origin.[2]

As the pay of Spanish armies was habitually in arrears and the commissariat system imperfect, it can be realized how valuable was the privilege of exemption from entertaining these uninvited guests and providing them with transportation when they departed. In the war with Portugal, in 1666, Galicia suffered so seriously that we are told a company of cavalry was worth to its captain two thousand ducats in ransoms, from outrage.[3] That the Inquisition should claim such exemption was to be expected, for it was one of the privileges of hidalgos, but the earliest allusion to it that I have met occurs in 1548, when Inquisitor-general Valdés ordered that no billets must be given on houses occupied by inquisitors or officials, even though not their own or during their absence, for their clothes were in them.[4] What authority he had to issue such a command it might be difficult to say, but it indicates that the exemption was an innovation and, as it refers only to salaried officials, it infers that the numerous unsalaried ones were not entitled to the privilege, which is further proved by the fact that, in the Castilian Concordia of 1553, regulating the exemptions of familiars, there is no allusion to billeting. The action of Valdés, however, settled the matter as far as the salaried officials were concerned and even the Aragonese Córtes of 1646, which greatly limited the claims of the Inquisition, admitted that they had the same privileges as hidalgos.[5]

The determination with which this was enforced is seen in a case in 1695, when Inquisitor Sanz y Múñoz of Barcelona threatened with excommunication and a fine of two hundred libras the town-councillors of Manlleu if they should assign quarters in a country-house belonging to the portero of the Inquisition, although it was occupied by a peasant who worked on the land.

[1] Parets, Sucesos de Catalonia (Mem. hist. Español, XX, 150–182; Appendix, pp. 219, 299, 301, 312).

[2] Macanaz, Regalías de los Reyes de Aragon, p. 111 (Madrid, 1879).

[3] Candamo, *op. cit.* (Valladares, Semanario erúd., IV, 13).

[4] Archivo de Simancas, Inquisicion, Libro 939, fol. 144.

[5] Fueros y Actos de Corte de Zaragoza, 1645–6 (Zaragoza, 1647, p. 10).

The councillors appealed for protection to the Audiencia, or royal court, which invited the inquisitor to settle the matter amicably in the prescribed form of a competencia, but he treated the overture with such contempt that he promptly issued a second mandate, under the same penalties, and summoned the councillors to appear before him as having incurred them. The Audiencia made another attempt at pacification to which he replied that he proposed at once to declare the councillors as publicly excommunicated. The Diputados of Catalonia thereupon protested vigorously to the king that, while all the rest of the people were patriotically united in aiding the war, and the gentry had voluntarily foregone their privilege of exemption, the officials and familiars of the Inquisition were exciting tumults and riots in their efforts to extend exemptions to those who had no claim.[1]

The chief trouble arose with the unsalaried officials, especially the multitudinous familiars, who had no claim to exemption. The Barcelona tribunal seems to have started it, for one of the complaints made to de Soto Salazar, on his visitation of 1567, was that the inquisitors forbade the quartering of soldiers in the houses of familiars; in his report he suggested that it should be done when necessary and the Aragonese Concordia of 1568 followed this idea by prohibiting inquisitors to support familiars in refusing to receive men assigned to them when there were no other houses to receive them.[2] There was evidently no recognized exemption but a steady effort to establish one, while the familiars complained that the hatred felt for them led to their being oppressed with billets when others went free. To remedy this Philip II, in a cédula of February 21, 1576, ordered that no discrimination should be made against them, but that they should be placed on an equality with justicias and regidores who were not called upon to furnish quarters until all other houses were occupied. Complaints continued and he advanced a step, February 22, 1579, by decreeing that for three years, in towns of upwards of five hundred hearths, familiars should be exempt from billeting and furnishing transportation; in smaller towns, one-half should be exempted and where there was but one he should be exempt. This was renewed frequently for three years at a time and as

[1] Archivo gén. de la C. de Aragon, Fondos del Concejo de Aragon, Leg. 708.

[2] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 20.—Actos de Corte del Reyno de Aragon, fol. 96 (Zaragoza, 1664).

frequently was overlooked, but this made little differenec, for we are told by an experienced inquisitor that it was always assumed to be in force and, when a familiar complained of a billet, the tribunal would issue a mandate ordering his relief within three hours under a penalty of 100,000 mrs.; if the exemption was in force, a copy of the cédula was included in the mandate, if it was not it still was quoted as existing in the archives of the tribunal.[1]

There were few questions which gave rise to more embroilment than this. Both sides were unscrupulous; the privilege excited ill-will, it was evaded by the authorities wherever possible and the tribunals were kept busy in defending their familiars with customary violence. At length, in 1634, the necessities of the state were pleaded by Philip IV as his reason for withdrawing all exemptions—a measure which he was obliged to repeat more than once.[2] It is somewhat remarkable therefore that, when the Córtes of Aragon, in 1646, succeeded in greatly abridging the privileges of familiars, they were included with the salaried officials in the exemption from billets. This did not avail them much for we are told that, in the changes effected by the Córtes, the terror felt for the Inquisition was so greatly diminished that there was scant ceremony in imposing on its officials; that the familiars were singled out to have two or three soldiers quartered on them and when they complained the tribunal ventured no more than to instruct its commissioner to use persuasion.[3] Catalonia was not so fortunate and strife continued with the usual bitterness. As a frontier province, in war time it was occupied with troops and there were abundant opportunities for friction. In 1695 the Diputados complained that, as the only mode of escaping billets was to become a familiar, many had themselves appointed, although there was already an innumerable multitude, and that even when the local magistrates were compelled to receive soldiers, the familiars refused, in contempt of the royal orders.[4]

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[1] Archivo de Simancas, Libro 23, fol. 42; Leg. 1157, fol. 23.—Modo de Proceder, fol. 41–2 (Bibl. nacional, MSS., D, 122).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg 2, n. 18.—Archivo de Simancas, Inquisicion, Libro 23, fol. 42.

[3] Fueros y Actos de Corte, p. 12 (Zaragoza, 1647).—Bibl. nacional, MSS., D, 118, fol. 122.

[4] Archivo de Simancas, Libro 26, fol. 69; Libro 66, fol. 78.—Archivo de la C. de Aragon, Fondos del Concejo de Aragon, Leg. 708.

The War of Succession brought fresh necessities and the change of dynasty was unfavorable to the Inquisition in this as in so much else. A royal decree of February 11, 1706, abolished all exemptions but, as a favor to the Inquisition, four of its officials were excepted in towns and twenty in cities that were seats of tribunals. The Suprema accepted this cheerfully but, when a decree of January 19, 1712, revoked all exemptions, it remonstrated and was told that, while the king recognized the claims of the Inquisition to all the privileges granted by his predecessors, the existing urgency required the withdrawal of all exemptions and, as the law was absolute, he could make no exceptions. Although this covered the salaried officials, it seems to have been the familiars who complained the loudest; possibly now that the tribunals could no longer protect them they were exposed to special discrimination. It was a question of money, however, rather than of hardship, for a system of composition had been developed under which by paying the *cuartel* or *utensilio*—an assessment proportioned to the wealth of the individual—the billet was escaped.[1] When the urgency of immediate peril was passed these decrees were either withdrawn or became obsolete. The claim of exemption revived and with it the active efforts of the tribunals to protect those whose exemptions were disregarded and to punish the officials who disregarded them.[2]

In 1728 Philip V made a well-intentioned attempt to relieve the oppression of the poor arising from the numerous classes of officials who claimed exemption from the common burdens, including the billeting of troops. As for the familiars, he says, who all claim exemptions and give rise to disturbances, attacks on the local magistrates, with excommunications and other penalties, and perpetual competencias, all this must cease. Yet he admits their exemption and only insists that it must be confined to the number allowed by the Concordia of 1553; that limitation had never been observed and the inquisitors had appointed large numbers in excess of it, in spite of perpetual remonstrance, and Philip now ordered that tribunals should not issue certificates to more than the legal number and should not take proceedings against the local magistrates.[3] As usual the royal orders were disregarded. The tribunal of Valencia threat-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 18.
[2] Ibidem, Legajo 390.
[3] Autos Acordados, Lib. VI, Tit. xiv, auto 4.

ened with excommunication and fine the magistrates of Játiva and San Mateo, at the instance of some familiars on whom soldiers had been quartered, and, on learning this, Philip addressed the Suprema in 1729 stating that the records showed that familiars were entitled to no exemption; even if they were, the tribunal had exceeded its powers in employing obstreperous methods in defiance of the royal decrees. There must be no competencia; the Valencia tribunal must be notified not to exceed its jurisdiction and the Suprema itself must observe the royal orders. After the delay of a month, the Suprema forwarded the royal letter to Valencia, sullenly telling the tribunal to report what could be done and not to act further without orders.[1]

For two centuries the Inquisition had been accustomed to obey or to disregard the royal decrees at its pleasure and to tyrannize over the local authorities. The habit was not easily broken and it was hard to conform itself to the new order of things. A formulary of about 1740 contains a letter to be sent to magistrates granting billets on familiars, couched in the old arrogant and peremptory terms and threatening excommunication and a fine of two hundred ducats. Familiars, it says, are not to furnish quarters and beasts of burden, except in extreme urgency when no exemptions are permitted, and this it assumes to be in accordance with the royal decrees, including the latest one of November 3, 1737.[2] I can find no trace of a decree of 1737 and we may assume that it was this obstinacy of the Inquisition that induced Philip, in 1743, to reissue his decree of 1728 with an expression of regret at its inobservance and the disastrous results which had ensued; he added that, when the houses of the non-exempt were insufficient for quartering troops, they could be billeted on hidalgos and nobles.[3]

The Inquisition still adhered to its claims, but Carlos III taught it to abandon its comminatory style. When, in 1781, the authorities of Castellon de la Plana billeted troops on familiars, the Valencia tribunal adopted the more judicious method of persuading the captain-general that they were to be classed with hidalgos and he issued orders to that effect. This did not please Carlos III, who brushed aside the claim to exemption by a peremptory order that the familiars of Castellon de la Plana

[1] Archivo hist. nacional, Inquisicion de Valencia, Legajo 14, n. 2, fol. 9.
[2] Ibidem, Legajo 299.
[3] Autos Acordados, *ubi sup.*

should subject themselves to the local government in the matters of billets and that there should be no change until he should issue further commands.[1]

This would seem in principle to abrogate all claims to exemption, but Spanish tenacity still held fast to what it had claimed and, in 1800, when José Poris, a familiar of Alcira, complained that the governor had quartered on him an officer of the regiment of Sagunto, the Valencia tribunal took measures for his relief.[2] The times were adverse to privilege, however, and in 1805 the Captain-general of Catalonia sent a circular to all the towns stating that familiars were not exempt. The magistrates accordingly compelled them to furnish quarters and beasts of burden, and, when the tribunal complained to the captain-general and adduced proofs in support of its claims, he responded with the decrees of 1729 and 1743, which he assumed to have abrogated the exemption and he continued to coerce the familiars. The same process was going on in Valencia and, when that tribunal applied to Barcelona for information and learned the result, it ordered its familiars to submit under protest. Then followed a royal cédula of August 20, 1807, limiting strictly what exemptions were still allowed; the Napoleonic invasion supervened and under the Restoration I have met with no trace of their survival.[3]

Another privilege which occasioned endless debate and contention was the right of officials and familiars to bear arms, especially prohibited ones. This was a subject which, during the middle ages, had taxed to the utmost the civilizing efforts of legislators, while the power assumed by inquisitors to issue licences to carry arms, in contravention of municipal statutes, was the source of no little trouble, especially in Italian cities.[4] The necessity of restriction, for the sake of public peace, was peculiarly felt in Spain, where the popular temper and the sensitiveness as to the *pundonor* were especially provocative of deadly strife.[5] It would be impossible to enumerate the endless

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 2, fol. 79; Leg. 16, n. 5, fol. 4.

[2] Ibidem, Varios, Leg. 392; Leg. 492, n. 27.

[3] Ibidem, Leg. 398; Cartas del Consejo, Leg. 17, n. 3, fol. 22.

[4] See the Author's Inquisition of the Middle Ages, I, 382 *sqq.*

[5] See for example the *Vida de D. Diego, Duque de Estrada* (Mem. hist. español, XII, 47).

series of decrees which succeeded each other with confusing rapidity and the repetition of which, in every variety of form, shows conclusively how little they were regarded and how little they effected. Particular energy was directed against *armas alevosas*—treacherous weapons—which could be concealed about the person. In the Catalan Córtes of 1585, Philip II denounced arquebuses, fire-locks and more especially the small ones known as pistols, as unworthy the name of arms, as treacherous weapons, useless in war and provocative of murder, which had caused great damage in Catalonia and had been prohibited in his other kingdoms. They were therefore forbidden, not only to be carried but even to be possessed at home and in secret, and against this no privilege should avail, whether of the military class or official or familiar of the Inquisition or by licence of the king or captain-general, under penalty for those of gentle blood of two years' exile, for plebeians of two years' galley-service, and for Frenchmen or Gascons of death, without power of commutation by any authority. Three palms, or twenty-seven inches of barrel, was the minimum length allowed for fire-arms in Catalonia and four palms in Castile. Philip IV, in 1663, even prohibited the manufacture of pistols and deprived of exemptions and *fuero* those who carried them, while as for poniards and daggers, Philip V, in 1721, threatened those who bore them with six years of presidio for nobles and six years of galleys for commoners.[1]

These specimens of multitudinous legislation, directed against arms of all kinds, enable us to appreciate how highly prized was the privilege of carrying them. In an age of violence it was indispensable for defence and was equally desired as affording opportunities for offence. That the Inquisition should claim it for those in its service was inevitable and it had the excuse, at least during the earlier period, that there was danger in the arrest and transportation of prisoners and in the enmities which it provoked, although this latter danger was much less than it habitually claimed. The old rules, moreover, were well known under which no local laws were allowed to interfere with such privilege,[2] and the Inquisition had scarce been established in Valencia when the question arose through the refusal of the

[1] Constitutions de Cathalunya, Lib. ix, Tit. xix, cap. 3, 4 (Barcelona, 1588, p. 495).—Novís. Recop., Lib. xii, Tit. xix, leyes 2, 8, 15.

[2] Michael Albert, Repertorium de Pravitate Hæreticorum, s. v. *Arma* (Valentiæ, 1494).

local authorities to allow its ministers to carry arms. Ferdinand promptly decided the matter in its favor by an order, March 22, 1486, that licences should be issued to all whom the inquisitors might name—for the time had not yet come in which the inquisitors themselves issued licences.[1] Probably complaints arose as to the abuse of the privilege for the instructions of 1498, which were principally measures of reform, provided that, in cities, where bearing arms was forbidden, no official should carry them except when accompanying an inquisitor or alguazil.[2] As indicated by this, policy on the subject was unsettled and it so remained for a while. November 14, 1509, Ferdinand ordered that the ministers of the Sicilian Inquisition should not be deprived of their arms; June 2, 1510, he thanked the Valencia tribunal for providing that its officials should go unarmed, for, by the grace of God, there is no one now who impedes or resists the Inquisition and, if there were, the royal officials or he in person will provide for it; then, in about three months, on August 28th, he wrote to the Governor of Valencia that the salaried officials of the tribunal, with their servants and forty familiars should enjoy all the prerogatives of the Holy Office and were not to be deprived of their arms.[3]

We see in all this traces of general popular opposition to exempting inquisitorial officials from the laws forbidding arms-bearing. This was stimulated by the difficulty of preventing the exemptions from being claimed by unauthorized persons without limit, leading Catalonia, in the Concordia of 1512, to provide that officials bearing arms could be disarmed, like other citizens, unless they could show a certificate from the tribunal, and further that the number of familiars for the whole principality should be reduced to thirty, except in cases of necessity.[4] Although this Concordia was not observed, Inquisitor-general Mercader, in his instructions of August 28, 1514, admitted the necessity of such regulations by prohibiting the issue of licences to bear arms; by reducing the overgrown number of familiars to twenty-five in Barcelona and ten each in Perpignan

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[1] Archivo gén. de la C. de Aragon, Regist. 3684, fol. 89.

[2] Instrucciones de 1498, § 2 (Arguello, fol. 12).

[3] Archivo de Simancas, Inquisicion, Libro 3, fol. 96, 125.—Bibl. nacional, MSS., D, 118, fol. 20.

[4] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1, § 16.

and other towns, by permitting the disarmament of those who could not exhibit certificates and by endeavoring to check the fraud of lending these certificates by requiring them to swear not to do so and keeping lists whereby they could be identified.[1]

The right of arming its familiars, thus assumed by the Inquisition was by no means uncontested. We have seen how the Empress Isabella when in Valencia, in 1524, ordered the arms taken from them and broken, leading to a protest from Inquisitor-general Manrique, who asserted this to be a privilege enjoyed since the introduction of the Inquisition. In spite of this Charles V, by a cédula of August 2, 1539, ordered inquisitors to prohibit the use of arms by familiars.[2] The matter remained a subject of contest for some years more. In 1553 there were quarrels concerning it between the Valencia tribunal and the local authorities, but the Concordia of 1554 admitted the right unreservedly.[3]

By this time, in fact, it was generally recognized, but this, in place of removing a cause of discord only intensified and multiplied it. The right to bear arms could scarce be held to include weapons which were prohibited to all by general regulations, yet the authorities had no jurisdiction over familiars to enforce them. Thus when flint-lock arquebuses were prohibited and the Viceroy of Valencia included familiars in a proclamation on the subject, in 1562, Philip II called him to account, telling him that the order must come from the inquisitors and, in 1575 he repeated this to the Viceroy of Catalonia.[4] The Suprema might decide that familiars were included in prohibitory decrees and that inquisitors must issue the necessary orders, as it did, in 1596, with regard to one respecting daggers and in 1598 to one forbidding fire-locks and pistols at night,[5] but the tribunals had no police to enforce these orders and, when the secular authorities undertook to do so, inquisitors were prompt to resent it, in their customary fashion, as a violation of the immunities of the Holy Office.

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[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Ibidem, Sala 40, Lib. 4, fol. 98.—Bibl. nacional, MSS., D, 118, fol. 20.

[3] Archivo de Simancas, Inquisicion, Lib. 926, fol. 33.—Bibl. nacional, MSS., D, 118, fol. 20; D, 146.—MSS. of Bodleian Library, Arch. S, 130.

This article however was omitted from the Valencia Concordia of 1568.

[4] Bibl. nacional, MSS., D, 118, fol. 20.—Portocarrero, § 57.

[5] Bibl. nacional, MSS., D, 146.—Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 5, n. 2, fol. 76.

Even more fruitful of trouble was the fact that it was impossible to make the inquisitors respect the limitations imposed by the Concordias on the number of familiars and consequently to obey the rule of furnishing lists of them to the authorities so that they might be known. Appointments were lavished greatly in excess of all possible needs and without informing the magistrates—often, indeed, without keeping records in the archives. The familiar might or might not carry with him the evidence of his official character but, whether he did so or not, his arrest or disarmament was violently resented, and the ordinary citizen when caught offending was apt to claim that he was a familiar in hopes of being released. How exasperating to the civil authorities was the situation may be gathered from a case occurring in Barcelona, in 1568. The veguer, on his nightly rounds, arrested Franco Foix, whom he found armed with a coat of mail, sword, buckler and dagger. The culprit claimed to be a familiar and the veguer obediently handed him over to the tribunal. He proved not to be one, but, instead of returning him, the inquisitors fined him in forty-four reales for their own benefit (presumably as a penalty for personating an official) and restored to him his forfeited arms.[1] When the laws were thus openly set at defiance, conditions were eminently favorable for quarrels, even without the violent mutual animosity everywhere existing between the tribunals and the civil authorities; collisions were correspondingly frequent and were fought to the bitter end.

It would be wearisome to multiply cases illustrating the various phases of these quarrels which occupied the attention of the king and his councils in their settlement. A single one will suffice to show the spirit in which they were conducted on both sides. In 1620, by order of the tribunal of Valencia, acting in its secular capacity and not in a matter of faith, the commissioner at Játiva arrested a man and sent him to Valencia under the customary guard of relays of familiars. One of these named Juan López, armed with a prohibited flint-lock, was conveying him, on February 23d, when at Catarroja, about a league from the city, some armed alguaziles, in the service of Dr. Pedro Juan Rejaule, a judge on the criminal side of the Audiencia, arrested him, taking away his weapon and carrying him to Dr.

[1] Archivo de Simancas, Visitas de Barcelona, Legajo 15, fol. 20.

Rejaule's house. Disregarding his documents, Rejaule told him that he could not be released without giving bail to present himself to the viceroy and, as he was unable to furnish it, he was handed as a prisoner to the local magistrates. On learning the event the inquisitors applied to the regent of the Audiencia who ordered the release of López, which was effected and Rejaule visited the tribunal, admitted that he had been in error, and promised in future to observe all necessary respect. In spite of this the inquisitors proceeded to try him for impeding the Inquisition, ordered him to keep his house as a prison under pain of three hundred ducats, and threw into the secret prison, as though they were heretics, the four alguaziles who had made the arrest. When notice of this was served on Rejaule he protested that the inquisitors were not his judges and that he would appeal, whereupon the additional indignity was inflicted upon him of posting two guards in his house with orders to keep him in sight.

This produced a crisis. The viceroy assembled in his palace all three *salas* or branches of the Audiencia, where the matter was fully discussed and it was resolved to release Rejaule and hold the two guards as hostages for the imprisoned alguaziles. At 2 A.M. Dr. Morla went with halberdiers furnished by the viceroy, seized and handcuffed the guards and brought Rejaule to his brother judges. At the same time a scrivener of the court had been sent to the inquisitor Salazar with a message from the viceroy to the effect that, as the offence had not been in a matter of faith, Rejaule was justiciable only by the king; if the Inquisition held otherwise a competencia could be formed; the Audiencia had decided that Rejaule and the alguaziles must be released and the guards be held until this was done. The scrivener also presented a petition of appeal to the pope, or to whomsoever was judge, and demanded *apostolos* or letters to that effect. To this Salazar replied in writing that the arrests had been made for matters incident to and dependent upon affairs of the faith, in which the Inquisition had exclusive jurisdiction and could admit no competencia; he could say no more as to the cause of the arrests without violating the secrecy of the Inquisition and incurring excommunication and he begged the viceroy not to interfere in a matter concerning so greatly the service of God and the king. At 4 A.M. the scrivener returned with this reply to where the viceroy and judges were waiting. At the magic word "faith,"

however fraudulently employed, all opposition vanished. By six o'clock Dr. Morla had taken Rejaule back to his house and had replaced the guards and, at the same time, the scrivener bore to the inquisitors a note from the viceroy saying that, as they had certified that it was a matter of faith, the Audiencia had restored everything to its previous condition and he offered not only not to impede the Inquisition but to show it all aid and favor.

The case was thus transferred to the court, where the Suprema on one side and the Council of Aragon on the other, struggled for a favorable decision from Philip III. The former evidently felt the weakness of the claim that the faith, was involved, but it argued that impeding the Inquisition in any way conferred jurisdiction on it and Aliaga, in his double capacity of inquisitor-general and royal confessor, added a bitter complaint as to the manner in which the Inquisition was abused and maltreated. To this the king replied that he wished the affair treated with the customary moderation and mercy of the Holy Office, especially as it was not directly a matter of faith, and whatever sentence the Suprema resolved upon for Rejaule and the other inculpated parties must be submitted to him before publication. Besides, he ordered a junta of two members each of the Suprema and the Council of Aragon to be formed and to devise a plan for the avoidance of future contention. This assumed Rejaule's guilt and awarded the victory to the Suprema, but it was not satisfied and presented a consulta representing the perilous condition of the Valencia tribunal, which necessitated the punishment of the delinquents as a warning, but Philip merely repeated his former decision.[1]

What was Rejaule's fate we have no means of knowing, but his career was evidently blasted, whatever may have been the so-called mercy exhibited. As for the perilous position of the tribunal insisted on by the Suprema, it seems to be set forth in a petition of the syndic of the College of Familiars, February 25, 1616, complaining of arrests and ill-treatment and asking the tribunal to take evidence on the subject. It accordingly did so, but while the testimony was ample as to the existence of ill-feeling towards the familiars, in substance it amounted only to their being deprived at night of daggers and bucklers which

[1] Archivo de Simancas, Inquisicion, Libro 19, fol. 161; Libro 927, fol. 329.

were prohibited weapons, and it does not appear that any action was taken in consequence. Complaints continued and another petition of October 30, 1626, asked that an envoy be sent to the Suprema, for which the familiars would defray the cost, for unless some relief was had they would resign in a body, as their position only exposed them to wrong and insult and their privileges were set at naught.[1]

The difficulty of enforcing the laws on the people was intensified by the privileges claimed by the familiars. They were by no means peaceable folk and the unprivileged class naturally regarded it as a hardship to be restricted to the use of swords when these gentry were so much more efficiently armed. The Suprema as a rule supported its satellites. For ten years, from 1574, it resisted, in Aragon, the enforcement on familiars of a royal decree against carrying prohibited weapons at night, although the Concordia of Aragon in 1568 provided that familiars should obey the laws respecting arms and that inquisitors should not protect them in violations. Members of all the Royal Councils were involved in the discussion, as though it were the weightiest affair of state and it was not until 1584 that the Suprema was induced to issue the necessary orders, which it was obliged to repeat in 1592.[2]

Another illustration of its attitude occurs with respect to a pragmática of great severity against the use of fire-arms, issued by Philip III, March 14, 1613, pronouncing the mere discharge of a weapon to be a capital offence, whether death ensued or not. It abrogated all privileges and exemptions and conferred on the royal courts full jurisdiction in such cases, and all this was accepted and its observance enjoined by the Suprema. This met with such scant obedience that the Council of Aragon in a consulta of July 31, 1632, called the king's attention to the evils existing from the exemption of familiars and suggested that they should not be permitted to decline the jurisdiction of the courts for crimes committed with fire-arms. It was doubtless in consequence of opposition by the Suprema that it was not until September 30, 1633, that Philip IV, in a cédula addressed to the Viceroy of Valencia, ordered that, with the assent of the Councils of Aragon and of the Inquisition, the pragmática of

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 6, fol. 48, 225.

[2] Archivo gén. de la C. de Aragon, Leg. 528.—Actos de Corte del Reyno de Aragon, fol. 94 (Zaragoza, 1664).—Bibl. nacional, MSS., D, 146.

1613 must be strictly observed by which all exemptions were disallowed and offenders were triable and punishable by the royal courts; the Inquisition must withdraw from all pending competencias and the cases be carried to conclusion by the Audiencia. The Suprema must have consented unwillingly to this, for it labored with the wavering monarch and, on November 8th, he wrote withdrawing the cédula and ordering the suspension of all cases before the Audiencia. A few weeks later he yielded to other influences and annulled the last letter, but added that his orders of September 30th must be executed impartially, for the Inquisition complained that it was enforced only against its officials and in such case he would give it a free hand again. December 27th the Suprema sent this to the Valencia tribunal with formal instructions to obey it, but added a confidential letter saying that efforts would not be relaxed to persuade the king to remit all such cases back to them; meanwhile an agreement had been obtained from the Council of Aragon that all sentences by the Audiencia should be referred to it before execution and the tribunal must watch them closely and send such reports as would enable the Suprema to obtain favorable action on them.[1]

For this endless strife, for the habitual disregard of the laws by familiars, the Suprema was primarily responsible. It was perfectly acquainted with the innumerable edicts specifying prohibited weapons and forbidding the carrying of them after night-fall; it acquiesced, ostensibly at least, in the subjection of these offences to the royal courts and yet it encouraged familiars in the belief that it had power to override all laws and could confer licence to violate them. The formula of commission which it caused to be issued to familiars contained a clause granting them full liberty to carry arms, offensive and defensive, publicly and secretly, by day or by night, and ordering all secular officials to abstain from interference with them, in virtue of holy obedience and under penalty of excommunication and of fifty thousand maravedís applicable to the expenses of the Holy Office.[2] It could

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 405–7.

[2] Ibidem, Leg. 1, n. 3, fol. 49.—Bibl. nacional, MSS., D, 118, fol. 20; fol. 54, n. 21; Ibidem, D, 146.

The commission as familiar issued March 7, 1642, by the tribunal of Toledo to Francisco de Gayeta of Madrid, says "y os damos licencia y facultad para que podais traer armas, asi ofensivas como defensivas, publica y secretamente, de

not be fuller or more explicit; there are no exceptions as to the character of arms or allusion to the jurisdiction in these cases granted by the king to the royal courts. When one branch of the government thus resolutely placed itself in opposition to the sovereign and encouraged its subordinates to resist the laws and the constituted authorities, peace was impossible and conflicts were inevitable. Yet the illegality of all this was admitted when, in 1634, the familiars of Valencia held a meeting to assess themselves for a donation to be offered to the king, in return for a privilege to bear arms, and the Suprema instructed the tribunal to aid the movement, and again when, in 1638, a fruitless offer was made by them of twelve thousand ducats for the revocation of legislation on the subject.[1]

To crown all this, the Suprema, in 1657, reached the audacity of arguing that the right of familiars to bear arms was imprescriptible and could not be abrogated by any prince, for it would impede the Inquisition in the free exercise of its functions, wherefore it denied that any competencia could be formed in such cases; the secular authorities had no jurisdiction and there could not even be a discussion about their claim to interfere.[2] Philip IV had the weakness to submit to these extravagant claims, in 1658, and to decide that the Suprema alone had cognizance in such matters. The case in which this occurred was that of Jaime Espejo, alcaide of the penitential prison of Valencia, arrested for carrying pistols and it has interest for us because in it the inquisitor, Don Antonio de Ayala Verganza, argues away all the royal decrees and pragmáticas as not meaning what they said and proves it by citing a vast number of cases in which, when carried up to the king, he overruled his own legislation, invariably deciding in favor of the Inquisition and against his own jurisdiction. He could sometimes be brought to issue

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dia y de noche, y mandamos en vertud de santa obediencia y so pena de excomunion mayor y de cincuenta mil mrs. para gastos desto Santo Oficio, á todas las dichas justicias y á sus alguaciles, executores y ministros no os toman las dichas armas ni os quebranten los dichos privilegios y exempciones de que los dichos familiares pueden y deben gozar, con sus personas y bienes, ni sobre ello os molesten ni ynquieten en manera alguna."

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 407; Leg. 9, n. 1, fol. 436, 476, 499.

[2] This was sound inquisitorial law, as the Suprema proved by citing the authorities. See, for instance, Pegnæ Comment. 105 in Eymerici Director. P. III and Bordoni Sacrum Tribunal, cap. 40, Q, 16, n. 24.

wholesome general regulations, but, when it came to their execution, the ever-present dread of interfering with the service of God overwhelmed him.[1]

Yet Philip promptly reversed himself for, in a despairing effort to put an end to these interminable quarrels, he was induced to issue a royal letter, December 23, 1659, declaring that the cognizance of infractions of the laws respecting prohibited arms lay with the royal jurisdiction and that no competencias should be formed in these cases. When this letter was alleged by the royal court, in the case then pending of Joseph Navarro, a familiar arrested for carrying a pistol, the Inquisition in reply airily cast aside the pragmática of 1613, and its confirmation in 1633, by asserting that both before and after those laws it had always exercised jurisdiction over these cases, as was notorious to every one—which was all doubtless true. As for the recent letter of 1659, it had not been issued with the assent of the Suprema; being thus irregularly issued it should not be regarded as valid, until the king should be supplicated to modify it, and until this was done the accused should be surrendered to it or he could be released under bail to both jurisdictions.[2] The vacillating monarch probably yielded again; whether he did so or not mattered little to the Holy Office, which regarded his decrees so lightly. The miserable business of quarrelling over the multiplication of the laws went on and, in 1691, Carlos II found it necessary again to prohibit the carrying of pistols and *armas cortas* and to deprive offenders of their claims to jurisdiction, even if they were familiars or salaried officials of the Inquisition.[3]

Several cases in the earlier years of Philip V seem to indicate that this matter was an exception to the general limitation of the privileges of the Holy Office and that there was a tendency to admit its claims.[4] Their final extinction, however, was not far off. In 1748, Fernando VI prohibited all officials of tribunals, including the Inquisition, from carrying cut-and-thrust weapons of any kind; exclusive jurisdiction in the enforcement of this was reserved for the secular courts and all claims to *fuero* were abolished. He confirmed and extended this by proclama-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 49–69.
[2] Ibidem.
[3] Bibl. nacional, MSS., R, 102, fol. 142.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 49, 59, 64.

tions of 1749, 1751 and 1754, with penalties of six years in the mines for commoners and six years' service in presidio for nobles. In another of 1757 he regretted the non-observance of these laws and ordered their irremissible enforcement without privilege of fuero. This legislation was supplemented by Carlos III, in 1761, who included in the prohibition all fire-arms of less than four palms length of barrel, although he conceded to gentlemen the use of holster pistols when on horseback but not when on mule-back.[1] Yet the Inquisition continued to issue the old form of commissions granting unlimited license, until the magistrates of Seville and Alcalá la Real refused to recognize them when, in 1777, it admitted its altered position by a modification which granted the right to carry non-prohibited weapons, but only when on duty for the Holy Office, and contented itself with exhorting the secular authorities not to interfere with this.[2]

In somewhat ludicrous contrast with the belligerent spirit, indicated by the earnest desire to carry arms, was the claim that all connected with the Inquisition were exempt from military service. In its relations with the State the Holy Office recognized no duties of citizenship; it only claimed privileges. That the salaried officials, regularly employed in the tribunals, should enjoy such exemptions was merely in accordance with old custom, for a law of Juan II, in 1432, specifically released from the obligation of service nearly all officials, including even physicians, surgeons and schoolmasters.[3] That this should apply to the Inquisition seems to have been assumed as a matter of course in its early days but, in 1560, the corregidor of Córdova summoned the officials and familiars to appear in the musters; they all claimed exemption, when the inquisitor-general upheld the appeal of the officials but denied that of the familiars. Similar questions arose in Murcia in 1563 and 1575, in which a similar distinction was drawn.[4] In Valencia, the familiars had probably been more successful, for an article in the Concordia of 1568 provides that they must serve their turns in guarding the coasts and that inquisitors shall not defend them in seeking

[1] Novís. Recop., Libro xii, Tit. xix, leyes 16–19.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 15, n. 11, fol 45.

[3] Nueva Recop. Libro vi, Tit. iv, ley 7.

[4] Archivo de Simancas, Inquisicion, Libro 979, fol. 26.—Bibl. nacional, MSS., D, 118, fol. 20.

exemptions under pretext of their office.[1] The same question arose in Majorca and was settled by a law providing that familiars refusing to perform guard-duty on their appointed days could be compelled by the royal officials.[2] Thus by common consent at this time salaried officials were exempted while the claims of familiars were rejected.

In the troubles of the seventeenth century, when the very existence of Spain was threatened, the question as to officials as well as familiars came up again and the Suprema sought to protect both classes. In 1636 and 1638, the corregidors of various cities refused to except the officials when making up the lists for conscription, but Philip IV decided that they were exempt.[3] As the danger increased, in 1640, with the rebellions in Catalonia and Portugal, and the resources of the kingdom were strained to the utmost, all claims were disregarded. By a cédula of September 7, 1641, Philip declared this to be a religious war, as the rebels were allied with nations infected with heresy. Inquisitor-general Sotomayor was required to summon all officials and familiars to organize and serve and was clothed with power to enforce it. No protest was made against this, for it was a financial rather than a military move; arrangements were made to commute service for cash and the Suprema was thus aided in meeting the royal demands for contributions.[4]

This was only a temporary truce. Philip, in a letter of February 22, 1644, to Inquisitor-general Arce y Reynoso, reported that the attitude of the officials had excited much dissatisfaction in Galicia; he therefore ordered that no exemptions be admitted and no excuses be received. To this the Suprema responded with bitter complaints that in Saragossa the lot had fallen on a messenger of the tribunal and the widow of a notary, who were told that they must furnish substitutes, all of which was in violation of the privileges of the Inquisition, crippling it in its pious labors so essential to the faith and reducing it in popular esteem to a level with other institutions. Unstable as usual where the Holy Office was concerned, Philip abandoned his position and admitted that salaried officials were not liable to serve or to

[1] Valencia Concordia of 1568, Art. 14 (MSS. of Bodleian Library, Arch. S, 130).

[2] Ordinacions y Sumari dels Privilegis etc. del Regne de Mallorca, p. 323 (Mallorca, 1663).

[3] Archivo de Simancas, Inquisicion, Libro 36, fol. 92, 98.

[4] Ibidem, Libro 49, fol. 240; Libro 23, fol. 42.

furnish substitutes, which the Suprema promptly conveyed to the tribunals, cautioning them not to employ excommunication in collisions with the royal officials until after obtaining its permission.[1]

Even in this hour of supreme need the liability of familiars was contested. Philip endeavored to placate the Suprema by assigning them to garrison duty, but it remonstrated, asserting that the Inquisition could not perform its functions if wholly deprived of them, and the cause of religion was higher than any other. It therefore asked that no place should be left without one, in small towns there should be two and in larger places four. To this Philip assented, on condition that those exempted should contribute to those who served, but the Suprema demurred; every one could avoid service who could pay the assessment, so this would be giving the familiars no special privileges; there could be no question that favors shown to the Inquisition would contribute to success in the war, for experience had demonstrated that the more sovereigns had fostered it the more fortunate they had been. However just was the argument it was fruitless; Philip adhered to his decision, but when the corresponding decrees were issued, the Council of Castile remonstrated in its turn and the distracted monarch was involved in a fresh discussion between the two.[2]

The Suprema carried its point that those exempted should not contribute to those conscripted and the arrangement remained in force. It was repeated in a *carta acordada* of January 14, 1668, and, when, in 1681, a question arose in Tembleque, the Suprema cautioned the Toledo tribunal not to issue more letters of exemption than the settlement permitted, in order to avoid competencias which only serve to render the Holy Office hateful and to imperil its other privileges.[3] Carlos III seems to have been more liberal when, in 1767, he included, in an elaborate list of those exempt from military service, the ministers and dependents of the Inquisition who were relieved from billets under the decree of May 26, 1728, which, it will be remembered, granted the privilege to the number of familiars allowed under the old

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[1] Archivo de Simancas, Inquisicion, Libro 36, fol. 5, 92.—MSS. of Royal Library of Copenhagen, 218b, p. 222.

[2] Ibidem, Libro 23, fol. 42; Libro 49, fol. 270.

[3] Archivo hist. nacional, Inquisicion de Toledo, Legajo 498.—MSS. of Royal Library of Copenhagen, 218b, p. 182.

Concordias. Carlos IV was more exacting for, in 1800, when regulating the conscription in minute detail, he granted exemption only to the titular officials and took special care to exclude familiars and other dependents.[1] This continued to the end. September 14, 1818, the Suprema communicated to the tribunals a decision of the king that, in order to secure exemption from conscription, it was not necessary to exhibit a royal commission, but one from the inquisitor-general or Suprema sufficed.[2] Evidently the local tribunals were no longer allowed to issue certificates of exemption.

The right of officials and familiars to hold secular offices raised questions that caused no little debate. It was evidently of advantage to the Inquisition that those who were bound to it and enjoyed its exemptions should be in positions of influence where they could guard its privileges and promote their extension. On the other hand, for these very reasons, the people were jealous of office-holding by its ministers and dreaded to have their local authorities relieved of responsibility through their claim on the *fuero* or jurisdiction of the Inquisition. Had these local positions been elective, popular good sense could have averted the danger, but they were awarded by lot, the names of those deemed eligible being placed in a *bolsa* or bag—a process known as *insaculacion*—and drawn forth.[3]

The earliest instance I have met of a refusal to include officials of the Inquisition among the eligibles occurs in 1503, when Ferdinand wrote to his Lieutenant-general of Majorca that he was astonished to learn that the names of Pere Prat, his son Pere Prat, Carman Litra and Gerónimo Serma had not been insacculated because they held office in the Inquisition; it should rather be a recommendation; they must not be thus dishonored and their names must at once be put in the bolsa.[4] Doubtless Ferdinand's watchfulness preserved this privilege for officials during his life, but subsequently popular feeling must have manifested itself by their exclusion, for, in 1523, Charles V for-

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[1] Novís. Recop., Lib. VI, Tit. vi, ley 7, § 2; ley 14, cap. 35, §§ 4, 28, n. 7.

[2] Archivo de Simancas, Inquisicion, Libro 559.

[3] For the elaborate process of insaculacion in Catalonia, which amounted, in some degree, to a primary election, see Capitols de Cort de 1585, cap. 5, 6, 71, 72 (Barcelona, 1685, fol. 5–9, 46).

[4] Archivo de Simancas, Inquisicion, Libro 67, fol. 22; Libro 68, fol. 59.

bade it in an edict and he followed this by a special pragmática, May 30, 1524, asserting their eligibility to public office in all his dominions and for all future time, under pain of the royal wrath and of two thousand florins, but he provided that they should not be entitled to the jurisdiction of the Inquisition for official malfeasance.[1] Notwithstanding this, Philip II was obliged to issue special instructions on the subject to Sardinia in 1552 and to Navarre in 1558.[2]

In this, as in so much else, the Catalans were especially intractable. Córtes of the three kingdoms of Aragon were held in 1553, in which Catalonia alone took up the matter and adopted a law, confirmed by Prince Philip, prescribing that no bayle or his lieutenant, or judge, or scrivener could be a familiar, nor could he accept office after his term of service had expired.[3] This received scant obedience, nor did the Inquisition pay attention to the clause in the pragmática of 1524 depriving it of cognizance of official malfeasance. One of the complaints of the royal Audiencia to de Soto Salazar, in his visitation of the Barcelona tribunal in 1566, was that it assumed jurisdiction in all such cases. Salazar recommended that this should be forbidden, for it impeded the proper administration of the towns, and officials could not be punished for violating local ordinances about bread, vineyards, meadows, breaking irrigating canals to water their lands, and multitudinous other derelictions.[4]

Catalonia refused to accept the Concordia of 1568 and, in 1585, the Córtes re-enacted the provisions of 1553 in an enlarged form, including almost all offices, and subjecting violation to a penalty of two hundred ducats, which was confirmed by Philip II.[5] This seems to have been enforced for, in 1586, a memorial from the Bishop of Segovia says that in Catalonia the names of all officials of the Inquisition were removed from the lists of eligibles, that commissioners and familiars were resigning and that every day withdrawals were received from applicants, so that the tribunal would be crippled and the Córtes could have contrived nothing

[1] Portocarrero, *op. cit.*, § 57.—Archivo de Simancas, Inquisicion, Libro 68, fol. 61; Libro 919, fol. 59; Inquisicion de Barcelona, Córtes, Legajo 17, fol. 60.

[2] Ibidem, Libro 919, fol. 58, 60, 65.

[3] Constitutions de Cathalunya, Lib. I, Tit. lvi, cap. 15.

[4] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 20.

[5] Constitutions de Cathalunya, Lib. I, Tit. lvi, cap. 16.

more damaging.[1] The Catalans held good, despite the earnest efforts of the Holy Office, which declared long afterwards that this was the severest blow that it had ever received. In the Córtes of 1599 the battle was renewed after elaborate preparations by the inquisitors. On June 30th the king presented a series of articles, in response to those submitted to him by the Córtes, and among them was one declaring officials and familiars eligible to all offices, but the Catalans would have none of it. In the elaborate memorial presented to Clement VIII by the Suprema against the work of the Córtes, it complained bitterly of the laws of 1553 and 1585 as diminishing notably the authority of the Inquisition and causing great lack of officials, so many having ignominiously resigned, while others could not be found to replace them.[2]

Again, when the Córtes were about to assemble in 1626, the Barcelona tribunal implored the Suprema to use its utmost exertions for the repeal of the law of 1585, for no person of consideration would accept office and it was obliged to appoint those of low condition, which was fatal to its authority. The Córtes yielded in so far as to adopt an article throwing open the offices, provided incumbents were justiciable by the civil courts for a long series of offences, but the whole legislation of the Córtes came to naught through lack of the royal confirmation.[3] When the question was coming up again in the Córtes of 1632, earnest appeals were made to the Suprema to have the obnoxious law of 1585 repealed. The condition of the Inquisition in Catalonia was represented as most deplorable by reason of it. In a memorial to the king it was stated that in Barcelona there were but four or five familiars, and they were mechanics, ineligible to public office; there was not a single advocate of the accused, nor an ecclesiastical consultor, so greedy was every one for public office. Throughout the principality there was the same dearth—familiars only in miserable villages, destitute of tempting positions, and those were of base condition, for in fact the barons would endure none other in their lands. The Suprema was urged to bring the matter before the Rota and it submitted the question to its fiscal, but he wisely reported that,

[1] Archivo de Simancas, *ubi sup.*, fol. 56.

[2] Ibidem, fol. 2, 28, 5.

[3] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 87, 10, 92, 9.

although a favorable result was to be anticipated, yet it was not expedient to set the example of recourse to Rome which might result in other matters being carried thither with damage to the jurisdiction of the Holy Office.[1]

Thus Catalan pertinacity triumphed. When, in 1667, Pedro Momparler, familiar at Alconer, asked permission to resign, in order to accept the office of bayle, and his request was referred to the Suprema, it replied that it should be denied on account of the evil influence of his example, but it added that if he should renounce his familiarship before the royal justice for the term of his office, the inquisitors should pretend ignorance.[2]

In Majorca, frequent alterations of the law show that it was subject to active debate and that preponderance shifted from one side to the other. In 1637 it was decided that none of those connected with the Inquisition could hold public office; then, in 1643, they were allowed to do so, in positions where they had not to vote or to give counsel; again, in 1660, the prohibition was made absolute; then, in 1662, royal letters of January 11th and March 4th removed the prohibition, provided they would previously renounce all claim to the jurisdiction of the Inquisition. These letters afford a remarkable illustration of the vacillation of the monarch and of the extent to which bureaucracy had crippled his autocracy—only this time it was the Council of Aragon which imitated the methods of the Suprema. The latter body was dissatisfied with the arrangement and addressed to the king a consulta, April 5, 1663, asking its suspension and that a junta of the two councils should be called to consider the subject. Philip promptly acceded and, on April 10th, ordered the Council of Aragon to write to that effect to the viceroy. The command was not obeyed and, on September 19th, the Suprema asked him to remedy the omission, whereupon he asked the council to state its reasons and, on its doing so, he again ordered it, October 3d, to execute his decree of April 10th. It was still recalcitrant and, on March 19, 1664, the Suprema represented the delay to the king who the next day called upon the council to render an exact account of what it had done. It replied that in conformity with his commands it had written on October 3, 1663, copy of which it enclosed. This proved to be merely copies of the letters of 1662 which had given rise to

[1] Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 2, 9, 14.

[2] Libro XIII de Cartas, fol. 215 (MSS. of American Philosophical Society).

the debate, showing that it had deliberately nullified his orders. In view of all this the Suprema, July 24, 1664, asked the king to insist on literal compliance and that a copy of the despatch of the Council of Aragon to the viceroy should be furnished to it. This proved to be merely a duplicate of that of October 13, 1663, with the date altered to April 6, 1664. Then the Suprema again asked the king peremptorily to order exact obedience and he replied that he had done so. Meanwhile the Viceroy and the inquisitor of Majorca had been playing at cross-purposes in consequence of the contradictory despatches received by each.[1] Such a method of carrying on an organized government seems incredible and, trivial as was the question at issue, a case such as this throws light on one of the causes of Spanish decadence. The question itself, after all this trouble, apparently remained unsettled, for, in 1673, there was a competencia over Gabriel Berga, a knight of Santiago and a familiar, when the tribunal contended that he could not renounce its jurisdiction.[2]

It would be superfluous to follow out in detail the vicissitudes of this matter in the other provinces of Spain, where it gave abundant occasion for quarrels conducted with customary vehemence. It seems to have settled itself into the rule that officials and familiars were eligible to public office but that, during their terms of service, they were not entitled to the jurisdiction of the Inquisition. Such, we are told in 1632, was the practice in Castile, Aragon and Valencia.[3] Yet still there were disputes for, about the middle of the seventeenth century, a formula is given for use when a familiar is prevented from taking office. This sets forth at much length that, if familiars are refused office, no one will take the position, which will inflict great detriment on the faith; it cites the royal cédulas, it sets aside opposing arguments by showing that for all malfeasance in office the familiar will be subject to the royal jurisdiction and finally it orders his immediate induction in his post under penalty of excommunication and of five hundred ducats; no further notice will be given and all further action will be published in the halls of the Inquisition, which will be full legal notice to all parties concerned.[4]

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[1] Ordinacions del Reyne de Mallorca, p. 297.—Archivo de Simancas, Inquisicion, Libro 68, fol. 98; Libro 69, fol. 97.

[2] Ibidem, Libro 68, fol. 32, 97, 224.

[3] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 9.

[4] Modo de Proceder, fol. 40 (Bibl. nacional, MSS., D, 122).

I have met with no further legislation on the subject and presumably some arrangement of this kind was in force to the end.

It was highly inconsistent but, at the same time, thoroughly in keeping with the spirit of the Inquisition in its dealings with the public, that while it vindicated so energetically the right of its officials to hold honorable and lucrative posts, it claimed for them the privilege to refuse to serve in those which were onerous. In the municipalities there were a certain number of these latter, entailing unremunerative labor and responsibility, which no one could refuse to accept when his name was drawn from the bolsa. The officials claimed to be insaculated for the desirable positions but not for the undesirable ones. That such a claim could be made and sustained is a forcible illustration of the power of the Inquisition.

There is no allusion to this in the earlier Concordias and no specific grant that I have been able to find. It seems to have been merely a gratuitous assumption on the part of the Inquisition, asserted with its customary persistence. A noteworthy case growing out of it occurred, in 1622, in the town of Lorca (Murcia) where a familiar refused to serve in the office of collector of the alcavala, or tax on sales, and was imprisoned for contumacy. The inquisitors of Murcia demanded his liberation and excommunicated the alcalde mayor for refusing to obey. This failing, they prepared to arrest him and called upon the corregidor of Murcia, Pedro de Porres, for assistance. On his refusal they excommunicated him and then laid an interdict on the city of Murcia. The citizens appealed to their bishop, Fray Antonio Trejo, who remonstrated with the tribunal and, finding this unavailing, issued an edict declaring the interdict invalid. Bishops were not subject to inquisitorial jurisdiction, even for heresy, without special papal faculties, but the inquisitor-general, Andres Pacheco, was the most audacious and inexorable assertor of inquisitorial omnipotence and he did not hesitate to condemn the episcopal edict, to publish the condemnation in all the churches, to fine the bishop in eight thousand ducats and to summon him, under pain of four thousand more, to appear within twenty days and answer to the action brought against him by the fiscal as an impeder of the Inquisition. The bishop and chapter sent the dean and a canon to represent them, but, without a hearing, they were thrown *incomunicado* into the secret prison, excom-

municated and the censure published in all the churches. The inquisitors imprisoned the parish priest of Santa Catalina for disregarding the interdict and the whole ecclesiastical body of Murcia became involved. Finally, through the intervention of the king and the pope, the bishop was absolved, but the Inquisition reaped a rich harvest of fines. Those of the bishop, dean and some of the canons were kept by the Suprema, while the local tribunal, in addition to inflicting terms of exile, of from one to eight years, secured from José Lucas, the episcopal secretary, a thousand ducats, from Alonso Pedriñan, the fiscal, eight hundred and, from thirteen other priests and dignitaries of the church, sums ranging from fifty to one hundred and fifty—in all, an aggregate of 3272 ducats.[1]

A claim enforced so relentlessly was dangerous to dispute and even the Aragonese Concordia of 1646, which registered a triumph over the Holy Office, admitted the right of salaried officials and familiars to decline onerous offices.[2] In time, however, there seems to have come a slight modification of the claim. About 1750 we have the formula of a mandate, issued at the instance of a familiar, forbidding, under pain of excommunication and of two hundred ducats, the authorities of a town from including him among those liable to serve in any of the minor offices, nor in any of the more important ones until every other inhabitant has served his turn.[3]

It is not difficult to understand the origin of the claim that the buildings of the Inquisition and the houses of its officials were sanctuaries into which the officers of justice could not penetrate without special permission. The asylum afforded to criminals in churches was an old established practice throughout Europe to which Spain was no exception. Even as late as 1737 the papal sanction was deemed necessary to except from this certain crimes, such as murder, highway robbery and high treason.[4] Asylum was also afforded by the feudal rights which debarred royal officers of justice from intruding on lands of nobles, and the withdrawal of this right in Granada is cited as one of the

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[1] Llorente, Hist. crít. Cap. xxvi, Art. ii, n. 11.—Archivo de Simancas, Inquisicion, Libro 918, fol. 1053.

[2] Fueros y Actos de Corte en Zaragoza, 1645–6, pp. 11–12 (Zaragoza, 1647)

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299.

[4] Novís. Recop., Lib. i, Tit. iv, ley 4.

causes of the agitation leading to the rebellion of 1568.[1] In Aragon this was developed so far that a law of Jaime I, in the Córtes of Huesca in 1247, which still continued in force, gave to the houses of infanzones, or gentlemen, the same right of asylum as that possessed by churches.[2]

It is therefore somewhat remarkable that the claim of affording asylum was not made at the outset by the Inquisition, especially in view of the importance attached to the secrecy which shrouded all its operations. Yet, until the middle of the sixteenth century, such claims when made were authoritatively repudiated. Inquisitor-general Tavera writes, September 3, 1540, a sharp letter to the inquisitors of Seville saying that he is informed that recently certain murderers had been received and protected in the castle of Triana, occupied by the tribunal, and that the officers of the royal justice had not been allowed to search for them; the punishment of delinquents should be in no way impeded and no occasion be given for complaint; the gates of the castle must be kept shut so that criminals cannot take refuge there.[3] So, in 1546, among instructions from the Suprema to the tribunal of Granada, is an order that no criminals or debtors shall find refuge in the Inquisition, nor be allowed to sleep there nor between the gates; the janitor must eject them and, if they will not go, report it to the inquisitors for proper action.[4] This shows that the abuse was commencing but that it was disapproved and the same is seen in the Valencia Concordia of 1554, which says that, as the Inquisition has no privileges as an asylum, it cannot protect those who take refuge there.[5]

Evidently the local tribunals were claiming a right which the central authority disallowed; they were moreover claiming it not only for the building of the Inquisition but for the houses of officials and familiars. Among the malfeasances of the Barcelona tribunal, reported in 1567 by de Soto Salazar, were cases of this kind. When the bayle of Perpignan sought to arrest some culprits they were sheltered by Pedro de Roca, a familiar, in his house and he resisted the bayle who came with a posse to

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[1] Mendoza, Guerra de Granada, p. 71 (Ed. Ribadeneira).

[2] Fueros del Reyno de Aragon, Lib. I, Tit. *De his qui ad ecclesias* (Zaragoza, 1624).

[3] Archivo de Simancas, Inquisicion, Libro 13, fol. 120.

[4] Ibidem, Libro 926, fol. 33.

[5] MSS. of Bodleian Library, Arch. S, 130.

arrest them; Roca accused the bayle and his men for this; they were imprisoned for a long while by the Barcelona inquisitors and were condemned to fines and exile. So when the bayle of Sens, with a posse, broke into the house of Vicente Valele, who was merely a temporary commissioner, to arrest some culprits who had taken refuge there, he accused them and they were all imprisoned.[1]

The rapidity with which the abuse developed in Valencia is manifested by a comparison of the Concordias of 1554 and 1568. The former, as we have seen, admits that the Inquisition could offer no asylum, while the latter is obliged to forbid the lower officials and familiars from putting the arms of the Inquisition on their houses; all such must be removed and their houses shall not have immunity from the officers of justice—evidently the officials found profit in harboring thieves and murderers and the tribunal supported them.[2] In Barcelona a sort of compromise was reached by which, on application to the tribunal, one of its ministers was sent with the officers of justice to enter houses of officials where criminals had taken refuge, but the Córtes of 1599 complained that this delay afforded time for escape and, in the abortive Concordia enacted there, a clause provided that this should not be necessary and that, in case of resistance, houses could be entered. It shows how slow was the Suprema to assert a right of asylum that, in its protest to Clement VIII, it accepts this article on the ground that the Inquisition never has impeded the pursuit and arrest of malefactors.[3] In time, however, it overcame these scruples and, in 1632, it issued repeated orders that the officers of justice should not be allowed to enter the houses of officials. Philip IV countermanded this, but the Suprema presented a consulta saying that there was no objection when the pursuit was *flagrante delicto;* prisoners, however, were frequently confined in the houses of officials and an unlimited right of entry might be abused to obtain communication with them in violation of the all-important secrecy of the Holy Office. As usual, the vacillating monarch yielded and, in 1634, issued a decree restricting the right of search to cases of hot pursuit.[4]

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[1] Archivo de Simancas, Visitas de Barcelona, Leg. 15, fol. 20.

[2] MSS. of Bodleian Library, Arch. S, 130.

[3] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 28.—Constitutions del Cort de 1599, Const. 50 (Barcelona, 1635, fol. xvii).

[4] Archivo de Simancas, Inquisicion, Libro 32, fol. 109.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

It is remarkable that the Aragonese Concordia of 1646, imposed by the Córtes on Philip, which in so many ways restricted the privileges of the Inquisition, recognized this doubtful one in the fullest manner. As the ministers, it says, of so holy an office should enjoy certain honors and pre-eminence, it orders that they, including familiars, shall have as to their houses the same privileges as caballeros and hijosdalgo—which, as we have seen, included the right of asylum.[1] As regards the buildings of the Inquisition itself, a scandalous case occurring in 1638 shows how far it had travelled since Tavera rebuked the tribunal of Seville. In Majorca the Count of Ayamano, at the head of a band of assassins, committed the sacrilege of escalading the walls of a convent for the purpose of murdering his wife who had sought refuge there. Philip ordered every effort made to arrest him and his accomplices, but he escaped to Barcelona with eight of them and all found asylum in the Inquisition, in the apartments of his uncle, the Inquisitor Cotoner. It affords a curious insight into the conditions of the period to see that this created a situation impenetrable to the highest authorities of the land. Philip called a junta of two members each of the Suprema and Council of Aragon to devise how the criminals could be captured without scandal or quarrel with the Inquisition. The result of their deliberations seems to be a letter from the Suprema to Cotoner telling him that, if he wanted to help his nephew, it should be outside and not inside of the Inquisition, in order to avoid the troubles ensuing on an attempt of the royal officers to remove him. The imperturbable Cotoner was not to be scared by this gentle warning and a fortnight later the Suprema enclosed to him a royal decree telling him that he would see the untoward results of sheltering his nephew. As complete satisfaction was demanded he was ordered to report in full all details, including his motives in harboring one who was put to the ban, especially when the latter was not a familiar.[2] Unfortunately we do not know how the affair ended, but when the Suprema, in place of dismissing Cotoner, inquired as to his motives, we may assume that the asylum offered by the Inquisition saved the forfeit life of the criminal by some compromise.

The immunity of the houses of officials became generally recognized, with the proviso that permission of search would be

[1] Fueros y Actos de Corte, p. 11 (Zaragoza, 1647).

[2] Bibl. nacional, MSS., X, 157, fol. 244.

granted by inquisitors if special application was made to them, when they preserved their jurisdiction by sending one of their people to accompany the officers of justice. An exception which proved the rule however was made in favor of the administrators of the tax on tobacco, to whom general letters were given empowering them to search the houses of officials for contraband tobacco. Even this was argued away by the Suprema in 1728, when it asserted that semi-proof in advance was necessary to justify search and full proof to give jurisdiction.[1]

It is evident from the above that the Holy Office, with its claims for special privileges and exemptions and its methods for enforcing their recognition, was a very disturbing factor in the body politic. Yet the greatest source of conflict lay in the exclusive jurisdiction which it sought to establish over all who were connected with it, not only between themselves but between them and the rest of the community. This engrossed so large a portion of its activity and was the cause of such perpetually recurring trouble that its consideration requires a chapter to itself.

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 16, 406.—Bibl. nacional, MSS., R, 102, fol. 169.

CHAPTER IV.

CONFLICTING JURISDICTIONS.

The principal source of strife between the Inquisition and the other authorities arose from its claim to exclusive competence in all cases involving those connected with it and their dependents. This gave rise to perpetual conflicts, conducted with the utmost tenacity, which filled the land with confusion and, in many cases, rendered the administration of justice a mockery. For two centuries the monarchs vainly endeavored to keep the peace by repeated efforts to define the boundaries between the rival jurisdictions and the methods of settling their differences. The tireless efforts, on the one side, of the Holy Office to extend its authority and increase its emoluments caused it constantly to violate compacts, while the jealousy of the civil magistracy on the other and its natural desire to repel intrusion rendered it prompt to use whatever means lay in its power. The struggle was unequal against the superior weapons furnished by papal faculties and against the royal favor which was with the Inquisition, but the conflict was maintained with marvellous constancy, supported by popular sympathy, and the time of the king and his advisers was frittered away in deciding a continuous stream of petty quarrels, growing out of trivial incidents, but assuming portentous proportions through the violent methods which had aggravated them.

To understand the claim of the Inquisition to exclusive cognizance of the cases of its subordinates it is necessary to bear in mind the benefit of clergy, through which, from the early middle ages, all clerics were exempted from the jurisdiction of the laity and were subjected wholly to the spiritual courts. This amounted virtually to immunity for crime, both because those courts were debarred from rendering judgements of blood and because of the inevitable favoritism manifested to those of their own cloth.[1] As civilization advanced the disorders caused by a class, thus emboldened in wrong-doing by impunity,

[1] I have considered this subject in some detail in "Studies in Church History," pp. 177 *sqq.*

were the source of constant solicitude to rulers and were deplored by right-thinking churchmen. In this, Spain was no exception. In a project of instructions drawn up by a Spanish bishop for the delegates to the Lateran Council in 1512, the crimes and scandals perpetrated by married clerks and those in the lower orders, through expectation of immunity, are dwelt upon as reasons for a change; there were daily conflicts between the spiritual and secular courts, leading to interdicts cast on cities, and some universal legislation by the Church was desirable.[1] No such remedy was adopted, and when the Council of Trent gave promise of reform, the Spanish prelates, in contrast with the Inquisition, which made every effort to extend its jurisdiction over offenders, proposed in 1562 to the council that married clerks wearing secular habits should not enjoy protection from secular justice.[2] In 1544, Fernando de Aragon, when Viceroy of Valencia, declared that his principal trouble lay with the Church, of which the chief object was to protect evil-doers and liberate them from his justice, an opinion in which he was heartily seconded by the saintly Tomás de Vilanova, then recently appointed archbishop.[3]

Yet the marked aversion in Spain to ecclesiastical encroachment led to repeated enactments restraining spiritual jurisdiction within strict limits. In a series of laws, dating from the fourteenth to the sixteenth century, Henry II, Juan II, Henry IV, Ferdinand and Isabella and Charles V endeavored by the severest penalties to repress its inevitable tendency to extend itself, whether by seizure of the persons or property of the laity or by entertaining cases between laymen. Ferdinand and Isabella, in 1493, even threatened half confiscation and perpetual exile from Spain for all who, under any pretext, aided ecclesiastical judges in taking prisoners from secular officials or who assisted them in any way.[4] In addition to this was the *recurso de fuerza* through which appeal lay to the royal courts or to the *Sala de Gobierno* whenever the spiritual courts refused an appeal or heard secular cases or those in which laymen were concerned.[5]

[1] Breve Memoria (Döllinger, Beiträge zur politischen, kirchlichen u. Cultur-Geschichte, III, 207).

[2] Le Plat, Monument. Concil. Trident., Tom. V, pp. 84, 565.

[3] Coleccion de Documentos, V, 83, 85.—See also Carranza, Comentarios sobre el Catechismo, fol. 230.

[4] Ordenamientos Reales, Lib. III, Tit. 1, leyes 4, 5 (Salmanticæ, 1560, pp. 790, 793).—Novís. Recop., Lib. II, Tit. i, leyes 6, 7, 8, 12; Lib. XII, Tit. xii, ley 6.

[5] Novís. Recop., Lib. II, Tit. ii, leyes 2, 3, 4, 6, 9, 10, 11, 18, 22, 23.

It is necessary to bear in mind this tendency and these restrictions on ecclesiastical jurisdiction to estimate properly the latitude obtained by the Inquisition in purely secular affairs.

Whether, at its inception, the Inquisition enjoyed the prerogative of exclusive cognizance of cases involving its officials it would be impossible now to say. They were mostly laymen and as such were subject to the secular courts, while, in the popular opposition elicited by their proceedings, especially in the Aragonese kingdoms, there might be anticipated danger that they would be terrorized or prosecuted unless protected by being reserved for judgement by their own tribunals. The earliest mandate to this effect that I have met is a cédula of Ferdinand, March 26, 1488, addressed to all the officers of justice in Catalonia ordering them, under penalty of two thousand florins and the royal wrath, to take no cognizance of anything concerning the ministers and familiars of the Inquisition; all their acts in such cases are declared invalid, and any one whom they may have arrested is at once to be transferred to the tribunal, showing that, at least in Catalonia, no such exemption from secular justice had previously been recognized.[1]

Yet in this unlimited decree Ferdinand had overlooked details which necessarily presented themselves in practice. Was this exemption from secular jurisdiction confined to the *titulados y asalariados* or did it extend to the unsalaried commissioners and familiars, receiving no pay, pursuing their customary avocations and only called upon for occasional service? There was also a question about the servants of officials, for an abuse of the spiritual courts had included those of clerics. Then it might be asked whether the protection accorded to the person of the official extended to his property in civil suits, with the wide avenue thus opened to abuses of many kinds. There was, moreover, a well-settled principle of law that the accuser or plaintiff must seek the court of the defendant; if, in violation of this, the official could enjoy what was known as the active *fuero* as well as the passive—that is, if he as plaintiff could bring suit or prosecution before his own tribunal—his power of offence would be vastly increased, together with his opportunities for tyrannizing over all around him.

These were questions which had to be decided. It would seem

[1] Archivo de Simancas, Inquisicion, Lib. 32, fol. 19.

that the inquisitors construed their powers in the most liberal fashion, giving rise to abuses which called for repression and a limitation of their jurisdiction. The reformatory Instructions of 1498, accordingly, order them not to defend officials and their servants in civil cases and only officials in criminal actions, a rule repeated in a carta acordada of May 4th of the same year.[1] This excluded servants wholly and deprived officials of the *fuero* in civil matters, but it was soon modified by Ferdinand, in a letter of January 12, 1500, to the Catalonia tribunal, ordering it not to interfere with the royal court in a certain suit, and expressing the rule that the plaintiff must seek the court of the defendant.[2] It was impossible however to restrain inquisitors from exceeding their jurisdiction and he was obliged, August 20, 1502, to repeat his injunctions to the same tribunal, in consequence of complaints from the Diputados. The inquisitors were roundly taken to task for lending themselves to the schemes of the receiver in buying up debts and claims and then collecting them through the tribunal; they were told that they must defend none but salaried officials actually in service; if they are plaintiffs in civil suits they must apply to the court of the defendants, while if they are defendants the plaintiffs must seek the tribunal. To evoke other cases, he says, causes great scandal and will lead to troubles which must be prevented. A fortnight later he emphasized this about a civil case which they had evoked from the royal court; they must remit it back and not have to be written to again as he would not tolerate such proceedings.[3] Thus familiars and servants were not entitled to the *fuero*, or inquisitorial jurisdiction, while salaried officials enjoyed it, active and passive, in criminal actions and only passive in civil suits.

Unduly favorable as was this to the Inquisition, the tribunals paid no attention to its limitations; they welcomed all who

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[1] Instrucciones de 1498, § 2 (Arguello, fol. 12).—Archivo de Simancas, Inquisicion, Libro 939, fol. 144.

[2] Archivo de Simancas, Inquisicion, Libro 1.

[3] Ibidem, Libro 13, fol. 385, 386; Lib. 2, fol. 7, 10.

The tribunal of Murcia possessed a cédula of Ferdinand, February 28, 1505, ordering the payment of a debt to an official in which he used the expression that inquisitors are judges in all cases of officials and ministers. This seems to have been regarded as furnishing a foundation for the subsequent extension of jurisdiction, for the Suprema, November 22, 1635, ordered the original to be sent to it and a transcript was kept by the tribunal.—MSS. of Royal Library of Copenhagen, 218b, p. 204.

sought their judgement seat, and the desire for it of those who had no claim on it shows that they had a reputation of selling justice. One or two cases will exemplify this and show how good were the grounds of complaint by the people. There was a certain Juan de Sant Feliu of Murviedro, whose father and mother-in-law had been condemned for heresy, and to whom Ferdinand had kindly granted their confiscations, including the dowry of his wife. In 1505 the town of Murviedro farmed out to him and his wife the impost on meat for 11,100 sueldos a year; he died and, in the settlement of his account, he was found to owe the town a hundred and fifty libras, which it proceeded to collect from his sons in the court of the governor. Under pretext that his property had been confiscated and restored, they appealed in 1511 to the tribunal of Valencia, which promptly evoked the case and inhibited the court from further action, whereupon the town complained to Ferdinand who ordered the case remitted to the governor. Unabashed by this, in 1513, Sant Feliu's heirs on the same pretext obtained the intervention of the tribunal in another case, in which Doña Violante de Borja had sued them for 7500 sueldos which she had entrusted to him to invest in a censo of the town of Murviedro; the censo had been paid off and he had concealed the fact and kept the money. Judgement was given against them, when the inquisitors interposed and prohibited the royal court from further action. Ferdinand expressed much indignation at their interference with justice in a matter wholly foreign to their jurisdiction and ordered the prohibition to be withdrawn. Even more arbitrary was the action, in 1511, of the Majorca tribunal, when Pedro Tornamirandez sued the heirs of Francisco Ballester for some cattle and obtained judgement in the court of the royal lieutenant, whereupon the heirs appealed to the inquisitor who evoked the case and forbade further proceedings in the secular court. None of the parties had any connection with the Inquisition and there was not even the pretext of confiscation; it was a mere wanton interference with the course of justice, only explicable by some illicit gain, and when Ferdinand's attention was called to it he ordered the inquisitor to revoke his action.[1] If, under Ferdinand's incessant vigilance the Inquisition thus boldly prostituted its powers, we can appreciate how well-founded, under

[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 104, 151, 242.

his careless successors, were the complaints of those who suffered under wrongs perpetrated under the pretence of serving God.

In the Catalan Concordia of 1512 there was an attempt to do away with some of these abuses and the bull *Pastoralis officii* of Leo X, confirming the Concordia, marks another stage in the development of the *fuero*. No one, he said, could be cited save in his own ordinary court at the instance of an official or familiar; if it were attempted, all acts concerning it were invalid and the inquisitors must condemn the plaintiff in double the expenses and damage; if any official bought property in suit, or on which a suit was expected, he could be cited before a court not his own and if he claimed property under seizure by a secular judge, the latter could disregard all inhibitions issued by inquisitors; moreover inquisitors should have no cognizance in matters concerning the private property of officials. While thus striking at some of the more flagrant abuses of the *fuero*, Leo opened the door to worse ones by admitting familiars and the commensals or servants of officials to participation in the immunities of the Inquisition.[1] The bull, in fact, is in accordance with the Instructions of 1514, as issued by Inquisitor-general Mercader, and we shall see how completely the restrictive clauses were ignored while those admitting familiars and servants were developed.[2]

The question as to familiars and servants was not absolutely settled for some years. It is true that, in 1515 at Logroño, when the corregidor arrested Martin de Viana, a servant of the secretary Lezana, and refused to surrender him to the tribunal, he and his deputy and alguazil were excommunicated and the Suprema on appeal subjected them all to fines and humiliating penance.[3] On the other hand, in 1516 at Valladolid, when Alonso de Torres, servant of Inquisitor Frias, was thrown into the royal prison, the inquisitor did not reclaim him but procured the interposition of the Suprema, which ordered him to be released on bail and then, after nine months had passed without a charge being brought against him, he procured a royal cédula for the release of his bondsmen.[4] Whatever doubts may have existed on the subject were removed, in 1518, by a cédula of Charles V, reciting that in

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 219.—Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 2.

[2] Archivo de Simancas, Inquisicion, Lib. 933.

[3] Archivo de Simancas, Inquisicion, Lib. 925, fol. 680.

[4] Ibidem, Lib. 3, fol. 452.

Jaen the secular courts assumed cognizance of criminal cases concerning officials and familiars and their servants, which was contrary to the privileges of the Holy Office, wherefore he forbade it strictly for the future.[1] After this the Inquisition had no hesitation in insisting on its rights. When, in 1532, the corregidor and officials of Toledo were excommunicated for punishing the servant of an inquisitor and the Empress-regent Isabel wrote to the tribunal to absolve them, the Suprema instructed it not to obey her.[2] She learned the lesson and, in 1535, when ordering some servants of inquisitors and familiars to be remitted to the Inquisition, she said it was accustomed to have their cases, both civil and criminal, and it was her pleasure that this should be observed.[3]

The civil authorities were somewhat dilatory in recognizing the immunity of servants, and cases continued to occur in which the tribunals vindicated their jurisdiction energetically. About 1565 two officers of the royal justice in Barcelona arrested a servant of Inquisitor Mexia in a brothel where he was quarrelling with a woman, for which they were thrown into the secret prison as though they were heretics and were banished for three months, while the judge of the royal criminal court, who had something to do with the matter, was compelled to appear in the audience-chamber and undergo a reprimand in the presence of the assembled officials of the tribunal. The virtual immunity for offenders resulting from the privilege is illustrated by the case, in the same tribunal, of Pedro Juncar, servant of the receiver, who murdered the janitor of the Governor of Catalonia; the governor arrested him but was forced to surrender him to the tribunal, which discharged him with a sentence of exile for a year or two and costs.[4] The influence on social order of conferring immunity on such a class can readily be conceived.

The privilege of the fuero was not confined to servants but was extended in whatever direction the ingenuity and perseverance of the tribunal could enforce it. Penitents who were ful-

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[1] Archivo de Simancas, Inquisicion, Lib. 9, fol. 1; Lib. 939, fol. 149.—MSS. of Bodleian Library, Arch. S, 130.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 147.

[3] Ibidem, fol. 144.

[4] Ibidem, Visitas de Barcelona, Leg. 15, fol. 20.—A summary of cases, apparently compiled about 1582, may be found in the Simancas Archives, Leg. 1465, fol. 79.

filling their terms of penance were claimed and the claim was confirmed, in 1547, by Prince Philip. In Valencia and Barcelona the workmen employed on the buildings of the Inquisition were given nominal appointments under which they claimed immunity. In Lima the tribunal complained to the viceroy of the arrest of a bricklayer who was working for it, but it got no satisfaction. In Barcelona the tribunal granted inhibition with censures on the civil court, in which the brother of a familiar was suing a merchant on a protested bill of exchange.[1]

We have seen the limitations imposed by Ferdinand and the bull *Pastoralis officii* and the reiteration of the principle that the plaintiff must seek justice in the court of the defendant. As far as regards Castile, Charles V had overthrown this in criminal matters for both officials and familiars. Civil cases remained in a somewhat undetermined state, especially concerning familiars, the inquisitors endeavoring to grasp as far as they could both the active and passive fuero. When, in 1551, complaints came from Valencia that the tribunal was collecting debts for familiars, Inquisitor-general Valdés wrote that he did not know how this had come to pass and called for precise information as to when it had commenced and generally as to the method observed in the civil cases, active and passive, of familiars, so that he could answer Prince Philip.[2] There was a good deal of uncertainty about the whole subject; the courts were restive and the situation was becoming strained. In the endeavor to settle it, Charles, in 1542, reissued his edict of 1518 with a *sobre carta* emphatically commanding its strict observance and forbidding the secular courts from any cognizance of the criminal cases of officials or familiars.[3] This did not mend matters. The courts persisted in exercising jurisdiction over familiars, the *recurso de fuerza* was freely invoked and competencias multiplied. Both sides appealed to Charles, who was in Germany, and this time the opponents of the Inquisition gained the advantage. Prince Philip, as regent, issued a cédula, May 15, 1545, in which

[1] Archivo de Simancas, Inquisicion, Lib. 7, fol. 6; Lib. 13, fol. 20, 370, 372; Lib. 688, fol. 18; Visitas de Barcelona, Leg. 15, fol. 20.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 200.—Bibl. nacional de Lima, Protocolo 223, Expediente, 5288.

[2] Archivo de Simancas, Sala 40, Lib. 4, fol. 206

[3] Bibl. nacional, MSS., X, 157, fol. 244.

he described how laymen, subject to the secular courts, obtained immunity for their crimes on pretext of being familiars; how the tribunals, in defending them, cast excommunications on the officers of justice, through which scandals and disquiet were daily increasing, and the course of justice was impeded. The familiars were in no way entitled to immunity from the secular courts, as they were not officials, although a different custom existed in Aragon and the inquisitors pretended to it in Castile, under the cédula of 1518 and the sobrecédula of 1542, but these were both irregular, not having been despatched by the Council and Secretariat of Castile as is customary and necessary. Therefore in order that delinquent familiars may not remain unpunished and be induced to commit crimes by the prospect of immunity, the emperor ordered the matter to be thoroughly discussed and meanwhile the cédulas of 1518 and 1542 to be suspended, in conformity with which they are declared to be suspended, inquisitors are ordered no longer to take cognizance of the cases of familiars and the secular courts are instructed to prosecute them in accordance with the laws.[1]

The Inquisition did not acquiesce tamely in this defeat, which was aggravated by the secular courts interpreting it as giving them jurisdiction over officials as well as familiars. It protested and resisted and showed so little obedience that the Córtes of Valladolid, in 1548, asked that it should be compelled to confine itself to its proper functions in matters of faith.[2] Quarrels and recursos de fuerza continued and finally the whole question was referred to a junta consisting of two members each from the Suprema and Council of Castile. The representatives of the Inquisition conceded that it had been in fault in appointing too many familiars and in claiming for them all the exemptions of salaried officials; those of the Council admitted that the courts had erred in interfering with civil and criminal cases properly appertaining to the Holy Office. Mutual concessions were made, resulting in

[1] Bibl. nacional, MSS., X, 157, fol. 244.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 149.—All this shows how mistaken is the assertion of Llorente (Hist. crít. Cap. XLVII, Art. 1) repeated by Rodrigo (III, 365) and others, that Charles V, in 1535, suspended the royal jurisdiction (under which the Inquisition had cognizance of the affairs of its officials) and restored it in 1545. This action was confined to the tribunal of Sicily. The anonymous author of the *Discurso historico-legal sobre el Origen etc. de la Inquisicion*, p. 93 (Valladolid, 1803) seems to be the only one who has recognized this.

[2] Colmeiro, Córtes de Leon y de Castilla, II, 217.

what was known as the Concordia of Castile, March 10, 1553—an agreement which the Inquisition admitted, a century later, that neither side had observed.[1]

The Concordia was silent as to the salaried officials, thus leaving them in possession of the active and passive fuero in both civil and criminal cases. It devoted itself wholly to the familiars who, in this as in so much else, were the leading source of trouble. After regulating, as we shall see hereafter, their number and character, it defined that in civil cases they should be subject wholly to the secular courts. For the greater crimes, moreover, cognizance was also reserved exclusively to the courts, the list comprising treason, unnatural crime, sedition, violating royal safe-conducts, disobedience to royal mandates, treachery, rape, carrying off women, highway robbery, arson, house-breaking and crimes of greater magnitude than these, as well as resistance or formal disrespect to the royal courts. Those who held office were also amenable to the courts for official malfeasance. This left only petty offences subject to inquisitorial jurisdiction and for these familiars were liable to arrest by secular magistrates, subject to being immediately transferred to the Inquisition. For doubtful cases it was provided that, when the lay judge and inquisitor could not agree, there should be no contention, but the evidence was to be sent to the court of the king, where two members each of the Suprema and Council of Castile should decide as to the jurisdiction; for this a majority was required and, in case of equal division of votes, the matter went to the king for final decision. No appeal from this was allowed and meanwhile the accused was retained in the prison to which he had been consigned at arrest.[2] This process of adjudicating disputes

[1] Bibl. nacional, MSS., X, 157, fol. 244.—MSS. of Bodleian Library, Arch. S, 130.—MSS. of Library of Univ. of Halle, Yc, 17.

[2] Nueva Recop., Lib. I, Tit. i, ley 18.—Novís. Recop., Lib. II, Tit. vii, ley 1.

It is not without interest to observe that the privileges of officials and familiars of the Roman Inquisition were much more limited than in Spain. Familiars had no exemption from public burdens or duties or military service and were subject to the secular courts in all criminal cases. When, in 1633, those of Jesi asked to have their civil suits tried by the Inquisition, the Congregation did not even answer them. The only officials entitled to the *forum* were those in continual active service, and there is nothing said about wives, children and servants sharing in the privilege. As in Spain, the number of familiars was excessive. Faenza was allowed 50, Ancona 40 and Rimini 30.—Decret. Sacr. Congr. Sti Officii, pp. 197–8, 200 (R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Offizio, vol. 3).

became known as *competencia*, the details of which will be considered hereafter.

Whatever concession the Inquisition made in thus surrendering a portion of its jurisdiction over familiars was more than compensated by what was evidently part of the agreement, the issue on the same day of Philip's cédula addressed to all judicial bodies forbidding them to entertain appeals of any kind from the acts of the Holy Office (p. 341). It thus secured complete autonomy; it was rendered self-judging, responsible to the king alone, and the populations were surrendered wholly to its discretion.

As far as regards Castile, the Concordia of 1553 was final. It is true that the royal cédula of Aranjuez, April 28, 1583, extended its principles to the salaried officials, but there is no trace of the observance of this.[1] Another point was subjected to a temporary modification. The absolute denial of justice in allowing inquisitors to have their civil suits decided by their own tribunals attracted attention, after nearly a century, and the Suprema, February 18, 1641, ordered that these cases should be referred to it, when, if it deemed proper, it would commission the tribunal to hear them, but this slender restriction seems to have elicited so active an opposition that it was withdrawn within three months by a counter order of May 14th, restoring to the inquisitors the power of sitting in judgement on their own cases.[2] It is easy to conceive the amount of oppression and wrong which they could thus inflict.

With these trivial exceptions the Concordia remained the law in Castile. In 1568 Philip II issued a cédula stating that it had not been observed, wherefore he ordered strict compliance with it and, as late as 1775 Carlos III treats it as being still in force and to be respected by all parties.[3] If Philip, however, expected peace between the rival and jealous jurisdictions, as the result of the Concordia, he deceived himself. Both were eager for quarrel and opportunities to gratify combative instincts were not lacking. The secular courts resented the intrusion of the

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[1] The only allusion that I have met to this is its citation in the argument of the alcaldes del crimen of Granada in the case of Gerónimo Palomino. A copy is in the Bodleian Library, Arch. S, 130

[2] MSS. of the Royal Library of Copenhagen, 218b, p. 202.

[3] Bibl. nacional, MSS., X, 157, fol. 144.—Novís. Recop., Lib. II, Tit. viii, ley 10.

Inquisition, which was careful to keep antagonism active by the insulting arrogance of its methods, whenever a question arose between them. There was ample field for contention, for not only were the excepted crimes loosely defined, giving rise to many nice questions, but the Inquisition acutely argued that before the royal courts could assume possession of a case the crime must be fully proved, for the familiar was entitled to the fuero until his guilt was ascertained, thus keeping in its own hands all the vital parts of the process and excluding the secular justices.[1] Then the circle of excepted cases was enlarged, not only for familiars but for salaried officials, by various edicts from time to time, as we have seen with regard to pistols and discharging fire-arms. Another instance was a cédula of Philip II, in 1566, including among exceptions the violation of royal pragmáticas, which was put to the test, in 1594, when the Chancellery of Granada prosecuted a notary of the tribunal for wearing a larger ruff than was allowed by a sumptuary pragmática; the tribunal excommunicated the judges but, when the case was carried up to the Suprema and Council of Castile, the Chancellery was justified.[2] In the frenzied efforts to maintain the value of the worthless vellon coinage, Philip IV, by repeated edicts between 1631 and 1660, deprived familiars and salaried officials of the fuero in cases of demanding more than the legal premium for the precious metals or of counterfeiting or importing base money.[3] Frauds on the revenue from tobacco also deprived all offenders of exemptions, by a pragmática of 1719, but it was difficult to enforce and had to be repeated in 1743, after which at last Inquisitor-general Prado y Cuesta, in 1747, ordered the tribunals to obey it.[4]

Although Navarre was under the crown of Castile, the Concordia of 1553 was not extended to it until 1665, by a royal cédula

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[1] See the case of Montalvo and del Aguila, in 1642, when the arguments mainly turn on this point (MSS. of Bodleian Library, Arch. S, 130). Also that of Francisco Cases, about 1650, when both sides were able to cite precedents in their favor.—Arch. hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol. 638.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 125.

[3] Archivo de Simancas, Inquisicion, Lib. 38, fol. 264.—Nueva Recop., Lib. v, Tit. xxi, Declaraciones, ley 21, §§ 9, 10.—Autos Acordados, Lib. v, Tit. xxi, Autos 13, 16, 21, 22, 25.

[4] Autos Acordados, Lib. ix, Tit. viii, Auto 6.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 146.—MSS. of Royal Library of Copenhagen, 218b, p. 265.

of May 9th. The questions which agitated the rest of Spain seem to have rarely presented themselves there, for we hear little of them in that quarter, although, in 1564, the tribunal of Logroño complained of the intrusion of the secular courts on its jurisdiction and there were, as we shall see hereafter, occasional collisions on the subject of witchcraft, which was *mixti fori*.[1]

The kingdoms of the Crown of Aragon were the scenes of much greater trouble than those of Castile, in delimiting the boundaries of the rival jurisdictions, for they still had institutions which could remonstrate against abuses and struggle for their removal. We have seen how recalcitrant they were when the Inquisition was introduced and how vigorously they struggled against the abuses which followed. In the Concordias of 1512 and 1520 they secured certain paper guarantees, but these were brushed aside by the Inquisition with customary ill-faith. Irritation and hostility became chronic, with the result that they were denied some of the slender alleviations vouchsafed to Castile, on the ground that the character of the population and the neighborhood of the heretics of France rendered it necessary that the Holy Office should be fortified with greater privileges than in the rest of Spain.

Of the three kingdoms Valencia was the one which gave the least trouble in this matter. Yet a case occurring in 1540 is highly significant of the terrorism under which the royal judges discharged their duties. Dr. Ferrer of Tortosa, one of the judges, appealed to Inquisitor-general Tavera, representing that in the previous year he had condemned to death a murderer, who had fully deserved it. Now that the inquisitor had come his enemies represent that the culprit was a familiar, although he had never claimed to be one, and it is currently reported that the inquisitor is about to prosecute him (Ferrer). If he is in fault in the matter he will cheerfully submit to punishment, but he begs not to be subjected to the infamy of a trial. To this appeal the Suprema responded by ordering the inquisitor to send it such evidence as he may gather and to await a reply before taking action.[2] It is evident that all criminal judges lived in an atmosphere of dread lest at any moment the honest discharge of their functions

[1] Archivo de Simancas, Inquisicion, Libro 23, fol. 42.—Ibidem, Inquisicion de Barcelona, Córtes, Legajo 1, fol. 45.

[2] Ibidem, Sala 40, Lib. 4, fol. 107.

might precipitate them into a disastrous conflict with the tribunal. It justifies the complaints of the Córtes of 1547 and 1553, the latter of which declared that the inquisitors exceeded their jurisdiction, intervening in many affairs, both civil and criminal, that had no connection with heresy. This caused great disturbance of justice and contentions between the jurisdictions, in which the tribunal assumed to be supreme and to define the limits of its own power. Great as were these evils they were daily increasing and were becoming intolerable, wherefore the Córtes prayed that the subject be investigated and a clear definition be made between the royal jurisdiction and that of the Inquisition.[1]

This resulted in a junta of the members of the Suprema and of the Council of Aragon, who agreed upon a Concordia, published by Prince Philip, May 11, 1554. In this he recited that, in consequence of the great numbers of familiars and their endeavoring to have all their cases, civil and criminal, tried by the tribunal, which sought to protect them in this against the claims of the royal judges, there had arisen many contentions in which the whole of the Audiencia had been excommunicated. To put an end to this unseemly strife he had caused the junta to be held, with the result of the following articles, which he ordered both sides to observe, the royal officials under pain of a thousand florins, and the inquisitors as they desired to please him and the emperor. In this the first point was the reduction of the excessive number of familiars; in the city of Valencia they were not to exceed one hundred and eighty; in towns of more than a thousand hearths there might be eight, in those of over five hundred six, in smaller places four, except that in the coast towns there might be two more. Lists of all appointees were to be furnished to the magistrates, both to check excess and to identify individuals. In civil suits they were to enjoy the passive fuero but not the active; if in contracts they renounced this privilege the condition held good, while, if the other party agreed to accept the jurisdiction of the Inquisition, he could not be cited before it. In criminal cases, the Inquisition had sole cognizance with respect to officials, their servants and families and to familiars but not to their wives, children and servants. When contests arose with secular courts, mild measures were to be used and excommunica-

[1] Archivo de Simancas, Inquisicion, Lib. 922, fol. 17; Inquisicion de Barcelona, Córtes, Leg. 17, fol. 75.

tion be avoided as far as possible. When a familiar entered into a treaty of peace and truce, it was to be executed before an inquisitor and, if it contained a condition of death for violation, the inquisitor, in case of such violation, was to relax the culprit to the secular arm to be put to death. Familiars who were in trade were not to enjoy the fuero for frauds or violations of municipal laws and officials holding public office were liable to the secular courts for malfeasance therein.[1]

This would appear to grant to the Inquisition all that it had any excuse for asking, but it was impossible to bind the inquisitors to any compact, or to observe any rules. A letter to them from the Suprema, in September, 1560, reminds them that it had already ordered them, in the case of Juan Sánchez, to deprive him of his familiarship, to withdraw their inhibitions and censures, and to remit the affair to the secular judge, in spite of which they had gone forward and rendered sentence; now, as Sánchez is not a familiar, they must positively send the case back to the ordinary courts.[2] When such persistence in injustice existed, it is not surprising that, at the Córtes of Monzon, in 1564, the deputies of Valencia, like those of Aragon and Catalonia, presented a series of complaints, bearing chiefly on abuses of jurisdiction. We happen to have a view of the situation by an impartial observer, the Venetian envoy, Giovanni Soranzo, in his relation of 1565, which is worth repeating, although we must bear in mind that it was impossible for a Venetian statesman to give Philip II credit for the honest fanaticism which underlay his character. After alluding to the privileges of the Aragonese kingdoms, he proceeds "The king uses every opportunity to deprive them of these great privileges and, knowing that there is no easier or more certain method than through the Inquisition, he is continually increasing its authority. In these last Córtes the Aragonese prayed that the Inquisition should take cognizance of no cases save those of religion and said that they grieved greatly that it embraced infinite things as distant as possible from its jurisdiction and they presented many cases not pertaining in any way to its duties. In truth at present the Inquisition interposes in everything, without respect to any one of whatever rank or position, and we may say positively that this tribunal is the real master which rules and dominates all Spain.

[1] MSS. of Bodleian Library, Arch. S, 130.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 247.

The king replied that the Inquisition was not to be discussed in the Córtes, when they all arose and threatened to depart without finishing any other business, if the king did not wish them to discuss a matter of so much importance to them. The king quieted them by promising that, when he returned to Castile, he would listen to their complaints and would not fail to grant the appropriate relief. But undoubtedly he did this so that the Córtes should end without a revolt, his intention being to increase rather than to diminish the importance of the Inquisition, clearly recognizing it as the means of maintaining his reputation and of keeping the people in obedience and terror.'"[1]

Soranzo's account of the Córtes is not wholly complete. When Philip promised relief after his return to Castile, the deputies replied that they did not choose to be convoked in Castile and that they would go no further with the subsidio which he wanted until they were satisfied. The sessions were prolonged; the patience of the deputies outwore his own and he promised that he would have a visitation made of the tribunals of the three kingdoms and then, in concert with their Diputados, issue a new series of regulations.[2] The promise was kept. Francisco de Soto Salazar, a member of the Suprema, was sent, in 1566, with full powers and instructions to investigate all abuses, but especially those connected with jurisdiction in matters not of faith. In Valencia his attention was particularly called to a practice of appointing deputy inquisitors and officials and investing them with the privilege of the fuero as well as mechanics employed on the palace of the Inquisition and houses of the officials and also to the overgrown number of familiars and their character.[3] In Catalonia, especially, he found much to criticize, as we shall have occasion to see hereafter, for he performed his mission thoroughly and conscientiously; he listened to all complaints, investigated them and bore back to the Suprema full reports which bore hardly on the methods of all the tribunals. Prolonged debates ensued between the Suprema, the Council of Aragon and the Diputados and finally, in 1568, a new Concordia was issued. It is significant that it no longer was a royal decree but bore the shape of instructions from Inquisitor-general Espinosa

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[1] Relazioni Venete, Serie I, T. V, p. 86.

[2] Gachard, Don Carlos et Philippe II, T. I, pp. 100–2.

[3] Archivo de Simancas, Inquisicion, Libro 13, fol. 370–2.

and the Suprema to the tribunals, and the king only appeared in it as communicating it to his representatives and ordering its observance under pain of a thousand florins, coupled with commands to favor and reverence the Inquisition and its officials, to give them all necessary aid and to protect and defend their privileges.

The Concordia thus granted to Valencia confirmed that of 1554 and ordered its observance, adding a number of special provisions, highly suggestive of the abuses which had flourished. As affording a view in some detail of the causes of popular irritation and of the remedies sought, I subjoin an abstract of the articles bearing on the subject.

Outside of the city the local magistrates are to have cognizance of civil cases of familiars involving less than twelve libras.

Familiars of other districts settling in Valencia lose the fuero, but retain it if the residence is temporary.

The number of familiars is to be reduced to that provided in 1554, weeding out the least desirable.

They must present themselves with their commissions to the local magistrates in order to be entered on the lists, without which they forfeit their exemption.

The provision depriving those in trade of the fuero, for frauds and offences committed in their business, which has not been observed, is to be enforced.

Crimes committed prior to appointment are not entitled to the fuero.

No cleric or religious or powerful noble or baron is to be appointed.

Consultors are not to be considered as officials, but only persons holding commissions from the inquisitor-general, to whom may be added a steward of the prison and two advocates of prisoners.

In future the servants of officials must really be servants living with them and receiving regular wages in order to be protected by the inquisitors.

Inquisitors are not to interfere, at the petition of an official or familiar, with the regulations of the college of surgeons.

Any familiar who is a carpenter and who brings lumber from the sierra of Cuenca shall not be protected by the inquisitors, but shall be left for judgement to the secular court.

Outside of cases of heresy inquisitors must not interfere with the execution of justice by the royal judges under pretext that culprits have committed offences pertaining to them, but in such cases the judges shall be notified and allowed to execute justice, after which the inquisitors can inflict punishment. In case of heresy, however, a prisoner can be demanded, to be returned after trial, provided he is not sentenced to relaxation.

Familiars are not to be protected in the violation of municipal regulations, nor, during pestilence, in the refusal to observe the regulations for the avoidance of contagion; they must submit for inspection the goods which they bring in and

the royal judges shall not be prevented from imposing the penalties provided in the royal pragmática.

Commissioners shall not form competencias with secular or ecclesiastical judges, nor shall their assistants enjoy greater privileges than familiars.

Persons temporarily employed to make arrests, or to read the edicts, or as procurators, etc., shall not be defended by the inquisitors.

As the inquisitorial district of Valencia comprehends Teruel in Aragon and Tortosa in Catalonia, those places are not to be exempted from the Concordia under the pretext that the Concordia of 1554 spoke of the kingdom of Valencia.

The widows of officials, while remaining unmarried, enjoy both civil and criminal fuero, but not their children and families as has been the case, but widows of familiars are deprived of it and are not to be defended by the inquisitors.

The judge employed by the inquisitors to hear the cases of officials and familiars is to be dismissed; such cases are to be heard by the inquisitors outside of the regular hours of service and for this they are to charge no fees.

Servants and families of salaried officials are only to have the passive fuero in civil cases, like familiars.

Inquisitors are no longer to defend familiars in matters of the apportionment of irrigating waters, injuries to harvests, vineyards, pastures, forests, furnishing of lights, licences for building, street-cleaning, road-mending and furnishing provisions.

Inquisitors are not to publish edicts with excommunication for the discovery of debts, thefts or other hidden offences committed against officials and familiars, nor such edicts against any delinquents save in cases of heresy.

Persons arrested, except for heresy, are not to be confined in the secret prison but in the public one, where they can confer with their counsel and procurators, and they are to be allowed to hear mass and receive the sacraments.

Familiars holding office are not to be defended for official frauds or malfeasance, but the secular authorities are to be freely allowed to administer justice.

Inquisitors shall not give safe-conducts to persons outlawed or banished by the royal judges, except in cases of faith and then only for the time necessary to appear before them.

When any official or familiar, in criminal or civil cases not of faith, has consented tacitly or explicitly to the secular jurisdiction or has pleaded clergy, the inquisitors shall not protect him nor inhibit the secular judges. And if any official or familiar inherits property in litigation the case shall remain in the court where it is pending.

As familiars in civil cases have only the passive and not the active fuero there shall no longer, as heretofore, be artifices employed, such as pretended criminal prosecutions and interdicts, to obtain cognizance of such cases, but they shall be conducted in the court of the defendant.

When a suit between outsiders has been decided, if any official or familiar intervenes to prevent the execution of the decision, on the pretext that he is in possession of the property at issue or a part of it, the inquisitors shall not support him in it.

If an outsider commits a crime while in company with an official or familiar, or is an accomplice in a crime committed by an official or familiar, the inquisitors shall not have cognizance of his case but only of that of the official or familiar.

When a grave crime has been committed by or against a familiar the inquisitors shall not send a judge to take testimony or punish, with salary by the day, but shall avoid expense by making a commissioner gather the evidence.

Inquisitors shall no longer enforce contracts of peace and truce unless they have been entered into before them or by their order.

Inquisitors shall not have cognizance of contracts between outsiders because of a clause submitting them to the fuero, nor of cases of donations or cession to officials or familiars.

Inquisitors shall not protect widows of officials and familiars in refusing to pay imposts and contributions.

When inquisitors have to summon secular judges before them it must be only in cases where it is unavoidable and then only with great consideration.

If a bankrupt is a familiar the inquisitors have cognizance, but not in the case of an outsider under pretext that an official or familiar is a creditor.

Familiars shall not make arrests or other execution of justice without orders from inquisitors.

Inquisitors shall not proceed against the priors and officials of guilds and confraternities who levy upon a familiar, who is a member, for dues under the rules of the association, or when a familiar has had the administration of a church or hermitage or hospital and is sued for debts or contributions due.[1]

The other prayers and demands of the Córtes were rejected, but those which were granted sufficiently indicate the abusive manner in which the tribunal had extended its jurisdiction, how that jurisdiction was admittedly used to protect officials and familiars in violations of law, and how intolerable was the influence on municipal and commercial life of letting loose on the community a class who were beyond the reach of justice. We can readily understand the eagerness of the lawless and unscrupulous to obtain positions which secured for them such privileges and why it was impossible to restrain inquisitors within the prescribed limits of their appointing power.

After protracted effort the Valencians had thus obtained promise of substantial relief, but as usual it was a promise only made to be broken. How little intention there was of enforcing the reform was promptly revealed for, when the authorities naturally ordered the new Concordia to be printed so that the courts and rural magistrates could be guided by it in their dealings with the officials and familiars, the inquisitors at once

[1] MSS. of Bodleian Library, Arch. S, 130.

ordered the printers to suspend work and appealed to the king, who commanded that all copies should be surrendered.[1] Although the settlement was permanent and remained in force until the end, it apparently never was published for general information. At the moment it was regarded as greatly limiting the secular jurisdiction of the tribunal, and the worthy Valencian inquisitor, Juan de Rojas, says that he is ashamed to allude to its depressed and weakened condition, which has worked great injury to the faith.[2] His grief was superfluous; the tribunal was not accustomed to be bound by law and its methods of enforcing its assumed prerogatives were difficult to resist. In 1585 the Córtes had a fresh accumulation of grievances which, by order of the king, the Suprema sent to the inquisitors with orders to report the method of meeting them most advantageous to the Holy Office.[3]

If space permitted abundant cases could be cited to show the justice of these complaints. In fact, the correspondence between the Suprema and the tribunal, during the last fifteen years of the sixteenth century, is largely devoted to cases of competencias arising from crimes of all descriptions committed by familiars and to the punishments inflicted by the tribunal, the heaviest of which is the galleys, in two or three cases. Sometimes the charges are dismissed and as a whole the criminals seem to have escaped so lightly that prosecution only served to encourage their lawlessness.[4] There was no improvement as time went on and a case occurring in 1632 is worth alluding to as illustrating the results of the *fuero* and the spirit in which it was administered by the tribunal. Don Martin Santis was murdered by pistol shots, while returning with some Dominican frailes in a coach from the Grao of Valencia to the city. Four notorious familiars, Pedro Rebert, Joan Ciurana, Jaime Blau and Calixto Tafalla, were suspected and were arrested by the Audiencia. The tribunal claimed them, a competencia was formed and the case came up before the Suprema and the Council of Aragon. The Marquis of los Velez, the viceroy, took advantage of it to represent to Philip IV the disorders and scandals caused by the criminal familiars who were protected by the Inquisition. This paper was referred to the Council of Aragon which, on July 21st, presented a consulta on the subject. There is, it says, no peace or safety to be hoped

[1] Archivo de Simancas, Inquisicion, Libro 688, fol. 59.

[2] Rojas de Hæreticis, P. I, n. 446.

[3] Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 5, n. 1, fol. 150.

[4] Ibidem.

for in Valencia unless there is reform in the selection of familiars, for there is no crime committed there in which they are not principals or accomplices, in the confidence of escape through the intervention of the tribunal, since there is no one, however guilty he may be of atrocious crime, who is not speedily seen walking the streets in freedom. In all disturbances, familiars are recognized as ringleaders and their object in gaining appointment is only to enjoy immunity for their crimes. In Valencia, Pedro Revert, Joan Ciurana and Sebastian Adell, all familiars, are the chief disturbers of the peace. So in Villareal, a place notorious for murders, Jaime Blau has been the moving spirit. In Benignamin, where there are constant outbreaks, the leaders of the factions are Gracian España, Martin Barcela and others, likewise familiars. It is the same in Orihuela with Juan García de Espejo and others. Scarce anywhere is there trouble in which familiars are not concerned and they daily become more insolent through impunity, for the inquisitors never punish with the requisite severity. One result is that it is almost impossible to procure evidence against these malefactors, in consequence of witnesses knowing that they will shortly be released and will avenge themselves. Justice cannot be administered and still greater evils are to be anticipated if the king does not provide a remedy. If it is difficult to revise the Concordia and introduce the necessary provisions, at least the king can order that these familiars be dismissed and greater care be exercised in new appointments. All the viceroys have recognized these impediments to justice, for these people only seek exemption from the secular courts in order to be free to commit crimes.

We might imagine much of this to be exaggeration were not its truth tacitly admitted by the Suprema, when transmitting it to Valencia with instructions for information on which to base a reply. There is no rebuke or exhortation to amendment, but the inquisitors are told to act with the utmost caution and secrecy; to report the number of familiars in Valencia and how many are unmarried; to give details as to the cases cited by the Council of Aragon and what punishments were inflicted; what was the record of those inculpated in the murder of Don Martin Santis; covertly to obtain statistics of crime in Valencia for the last ten years, committed by those not exempt, the punishments inflicted by the royal court and whether these were subsequently remitted; whether, when familiars were tried by the tribunal,

accomplices were prosecuted in the royal courts, and if so what sentences were pronounced; also to make secret investigation as to promises made to familiars by the judges to let them off easily if they would not claim the fuero, and finally to furnish a list of cases in which the tribunal has punished its officials for trifling offences. Altogether the effort was evidently much less to offer a justification than to make a *tu quoque* rejoinder. Apparently the statistics asked of the tribunal were unsatisfactory, for there was no use made of them in the answer presented October 6th, in which, after seeking to explain away the assertions of the viceroy and Council of Aragon, the Suprema accused the secular courts and their officials of perpetual prosecution of familiars, who were arrested on the slightest suspicion, assumed to be guilty and then forced by cruel treatment to renounce the fuero. The suggestions for reform were airily brushed aside. To dismiss delinquent familiars would be almost impossible, in view of its effect upon their families and kindred. To enquire of the royal officials as to the character of aspirants for appointment was inadmissible, as it would admit them to participation in a matter with which they had nothing to do. The true cure for the troubles would be to secure the Inquisition in its rights by forbidding the secular courts from assuming any jurisdiction over familiars. In short it was a passionate outburst, precluding all hope of amendment, to which the king replied by telling the Suprema to see that the tribunal did not employ violent measures against the royal officials, but report to him any excess for his action. Evidently nothing was to be hoped for from him and indeed he had written on August 6th to the viceroy that the case must take its regular course as a competencia and the inquisitors must not use inhibitory censures or summon the judges to appear before them. The result was the usual one that the tribunal obtained cognizance of the case; one, at least, of the accused, Jaime Blau, was found guilty, for we have his insufficient sentence, condemning him to exile and a fine of three hundred ducats—a sentence which goes far to explain the eagerness of the inquisitors to extend their jurisdiction, for they rarely inflicted corporal punishments on their delinquent officials, when pecuniary ones were so much more profitable.[1]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol. 766; Leg. 8, n. 2, fol. 171, 172, 200, 219, 277, 322, 440, 442.—Archivo de Simancas, Inquisicion, Lib. 20, fol. 134–42.

The same spirit was shown when, in 1649, disturbances between armed bands led Philip IV to order the Suprema to instruct the inquisitors that familiars and officials participating in these brawls, or lending aid to peacebreakers, should not enjoy the fuero and that the tribunal should not defend them or interfere with the course of justice. Instead of obeying, the Suprema replied that it suspended the order until the king should be better informed. It then proceeded with a long argument to show that the faith would be imperilled by such abridgement of the privileges of the Holy Office. Besides, these factional contests had always been customary in Valencia and it was impossible to avoid favoring one side or the other, for these armed bands demanded whatever they wanted—money, or food or clothes—and people were forced to give it at the risk of having their harvests burnt or their throats cut. The consulta ended with the impudent suggestion that in future it would be much better for the king, before issuing such decrees, to communicate to the Suprema the consultas of the other councils on which they were based so that a junta could be formed and the matter be debated.[1]

Evidently the Suprema held that this semi-savage state of society should be encouraged by favoring the factionists and, under such conditions, amelioration was impossible. Rivalry of jurisdiction paralyzed the law and there was perpetual friction over the veriest trifles, for the tribunal was always on the watch to resist the minutest infraction of its prerogatives or disregard of its dignity. When, in 1702, Jacinto Nadal, a familiar of Onteniente, received a summons to appear before Don Pedro Domenech, a criminal judge of the Audiencia, he at once appealed to the tribunal which sent word, on May 29th, that he had been under arrest since March 25th and the papers in any charge against him must be surrendered to it. It turned out that Domenech only wanted him to enter security for his son and, when this was done, the inquisitors complained that Nadal had done wrong in going to the judge after appealing to them, and that Domenech had not treated them with proper respect, so that some months were required to arrange a truce between them.[2]

Aragon was a source of greater trouble than Valencia. The popular spirit was more independent, it had resisted the intro-

[1] Archivo de Simancas, Inquisicion, Lib. 38, fol. 14.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 26.

duction of the Inquisition until the murder of San Pedro Arbués had rendered further opposition impossible, it had been cheated of the fruits of the tenacity of Juan Prat and it possessed an institution peculiar to itself, designed to limit the encroachments of the sovereign power and well adapted to restrain the arrogance of anything less formidable than the mingled spiritual and temporal jurisdiction of the Holy Office.

The origin of the court of the Justicia of Aragon was fondly attributed by the Aragonese to the legendary times of the kingdom of Sobrarve and there is fair probability in the theory of the latest writer on the subject that it was derived by the Christians from the conquered Moors.[1] In the thirteenth century the Justicia was already judge between the king and his subjects; every precaution was taken to render him independent; he was irremovable by the king and even his resignation was void; he could accept no office from the king; he was not liable to arrest and in a case of prosecution the Córtes sat in judgement on him; every person in the kingdom was required to obey his commands, to respect his decisions and to aid in their enforcement. His court consisted of his assessors or lieutenants, originally appointed by him, but subsequently by the king. The Córtes of 1528 increased the number to five, submitting fifteen names to Charles V, who selected five, while the rest were placed in a *bolsa* and drawn as vacancies occurred. They were virtually the equals of the Justicia, for the assent of a majority was required in all judgements and all precautions were taken to secure their independence.[2] It is true that, in spite of the inviolability of the Justicia, there were cases on record in which Justicias had been made way with and that, on the suppression of the rising caused by Antonio Pérez, in 1591, the Justicia, Juan de Lanuza, was beheaded without trial, and in the ensuing Córtes of Tarazona the appointment of both Justicia and lieutenants was surrendered to the king.[3] Nevertheless the court of the Justicia was regarded by the Aragonese with the greatest pride and reverence, as the safeguard of their liberties and the highest expression of

[1] Blancas, Aragonensium Rerum Commentarii, p. 26 (Cæsaraugustæ, 1598). —Julian Ribera, Orígines del Justicia de Aragon (Zaragoza, 1897).

[2] Fueros y Observancias del Reyno de Aragon, Lib. I, fol. 21–3; Lib. III, fol. 69–84 (Zaragoza, 1624).—Actos de Cortes del Reyno de Aragon, fol. 1 (Zaragoza, 1664).—Blancas, *op. cit.*, p. 361.

[3] Ribera, *op. cit.*, p. 182.—Blancas, *op. cit.*, p. 499.—Argensola, Informacion de los Sucesos del Reino de Aragon, cap. xlv, lv (Madrid, 1808).

judicial authority existing in the world; it was the bond that united the state and the foundation of its tranquillity. When the Justicia authorized the cry of *Contrafuero! Viva la Libertad y ayuda á la Libertad!* it summoned every citizen to sally forth in arms to defend the liberties of the land. Moreover, he had the power of withholding from execution all papal decrees, and his authority in ecclesiastical matters in general caused him to be popularly termed the married pope.[1]

So far as we are concerned, the power of the court was exercised through two processes, the *manifestacion* and the *firma*. The former was a kind of habeas corpus, under which a person had to be produced before it, either to be liberated on bail or to be confined in the *carcel de manifestados*—a special prison over which even the king had no jurisdiction. The summons of a manifestacion had to be obeyed, even if the subject were on the gallows with the halter around his neck, or if it was addressed to the highest secular or spiritual court of the land. It was a privilege to which every citizen was entitled; when, in 1532, Charles V sent orders that Don Pedro de Luna should be deprived of it, he was not obeyed, and a special envoy was sent to him in Germany, asking the prompt withdrawal of the command as, until the return of the messenger, the land would be in great suspense. The *firma* was of various kinds, but in general it was of the nature of an injunction, stopping all proceedings and summoning the parties before the court of the Justicia, where their cases would be determined, and it was especially useful in preventing arbitrary arrests and seizure of property. Failure to obey a firma was promptly followed by seizure of temporalities and, under a fuero of King Martin, it could be served on the king himself. One was served on Charles V, at Valladolid, and again one on the papal nuncio and, when the latter disregarded it, his temporalities were sequestrated. Such a jurisdiction could not fail to come into collision with the Inquisition, against which its powers were frequently invoked, and the favorite device of the tribunal, of evading service by closing its doors, was unavailing, for attaching the firma to the gates was held to be legal service. In 1561, the Justicia granted a manifestacion to Don Juan Francés del Ariño, in a case not of faith; the tribunal prepared to answer by fulminating excommunications, but the court issued a *monitorio*

[1] Blasco de Lanuza, Historias de Aragon, II, 143 (Zaragoza, 1622).—Blancas, *op. cit.*, Epist. prælim., p. 2.—Macanaz, Regalías de los Reyes de Aragon, pp. 85, 91.

against it, when a settlement was reached which both parties considered satisfactory. In the same year, when the inquisitors arrested Bartolomé Garate, secretary of the court, it served a monitorio upon them and, in 1563, it did the same for the censures issued against Augustin de Morlanes, of the criminal council of the Audiencia. In 1626, when Pedro Banet, secretary of the tribunal, was accused of the murder of Juan Domingo Serveto, the action of the inquisitors led to the issue against them of a firma and monitorio, under which their temporalities were seized and this was followed by another firma, prohibiting the use of excommunication.[1]

Under such institutions, animated by such a spirit, it was inevitable that the extension of the temporal jurisdiction of the Holy Office should provoke a bitter and prolonged conflict. We have seen the early struggles of this; how concessions were wrung from monarch and Inquisition, to be disregarded by them as soon as the momentary pressure had passed, and how the remonstrances of the Córtes of 1528 and 1533 were contemptuously brushed aside. The grievances were real and the Suprema knew them to be such, but the policy was invariable of denying their existence and refusing amendment when asked for by the sufferers. The temper in which complaints were heard was significantly manifested when, in 1533, the Córtes of Monzon adopted certain articles and presented them to Inquisitor-general Manrique and the Suprema, with the request that they should be adopted. Thereupon Miguel de Galbe, fiscal of the tribunal of Lérida, addressed to Manrique a formal accusation, naming four members of the Córtes, who seem to have been the committee deputed to communicate with the Suprema, asking that they and all who had advocated the articles should be prosecuted as fautors of heretics and impeders and disturbers of the Inquisition, while the articles in question should be publicly torn and burnt as condemned and suspect of heresy, injurious to the honor of God and prejudicial to the Holy Office.[2] Parliamentary discussion had doubtless been warm and freedom of debate and legislation was contrary to the principles of the Holy Office. Possibly it was the unpleasant experience of the Suprema on this occasion

[1] Fueros y Observancias del Reyno de Aragon, Lib. I, fol. 23.—Dormer, Añales de Aragon, Lib. II, cap. lx.—Blancas, *op. cit.*, pp. 350–1.—Archivo de la Corona de Aragon, Leg. 528, n. 4.—Archivo de Simancas, Sala 40, Lib. 4, fol. 262. —Bibl. nacional, MSS., Mm, fol. 122.

[2] MS. *penes me.*

that led it to keep away from the Córtes of Monzon in 1537 and to order the inquisitors to do likewise or, if their duties called them there, to keep silent. Thus, when the Córtes asked the emperor to make the Inquisition obey the laws, he was able to promise accordingly and then the Suprema could subsequently argue it away in a consulta.[1]

The remedial decree of Prince Philip, in 1545, was limited to Castile, and Aragon was coolly told that its customs were different. Abuses continued unchecked and at the Córtes of Monzon, in 1547, a long series of grievances was presented to the inquisitor-general, as though the crown had ceased to be a factor. The bull *Pastoralis officii*, by which Leo X had confirmed the Concordia of 1512, had limited the number of familiars to ten permanent ones in Saragossa and ten temporary ones elsewhere as needed, in place of which the number was between five hundred and a thousand; the bull had prescribed that they should be married men of good character, in place of which many were bandits and homicides and of notoriously evil life; the bull had ordered dismissal for officials and familiars who did not pay their debts or who engaged in trade, whereas the fuero was held to cover debts contracted and offences committed prior to appointment; when they became bankrupt they took refuge with the tribunal and the creditors were unpaid; if they were creditors of a bankrupt they seized all the assets and others got nothing; men procured appointments in order to revenge themselves in safety on their enemies; it was impossible to collect debts of them and this protection was extended even to women. A woman who claimed that her father had been a familiar was thus defended from her creditors; the brother of a notary of the tribunal, who had committed an offence, caused the aggrieved parties to be arrested and the inquisitors held them until they were forced to a compromise. How little hope there was of redress for all this is visible in the contemptuous indifference with which Inquisitor-general Valdés answered the several articles. As to bandits and homicides being made familiars, he said the Inquisition had need of all kinds of officials for its various functions, and as to the specific complaints the stereotyped answer was that any one deeming himself aggrieved could appeal to the Suprema and get justice.[2]

[1] Archivo de Simancas, Inquisicion, Libro 78, fol. 145, 192.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 219.—Archivo de Simancas, Inquisicion, Lib. 922, fol. 12.

The Concordia of 1553 was applicable to Castile alone and that of 1554 to Valencia. Aragon remained without the slender alleviation provided for in the latter, for the adjustments of 1512 and 1521 were treated as non-existent. At the Córtes of 1563-4 the complaints were so vivacious that, as we have seen, Philip promised investigation which resulted in the Concordia of 1568. The formula for Aragon was virtually the same as the combined Valencia Concordias of 1554 and 1568, the evils with which the two kingdoms were afflicted being virtually the same. As usual, familiars were the class that excited the bitterest hostility. Their commissions were all to be called in and then sixty were to be appointed for Saragossa, while the other towns were assigned from eight to one or two according to population. Their character was to be closely scrutinized and all bandits, homicides, criminals, powerful nobles, frailes and clerics were to be excluded, and no one was to enjoy the fuero whose name was not on lists presented to the magistrates. They were to have, in criminal matters, the active and passive fuero but in civil suits only the passive; it was the same with servants of officials, while officials themselves had active and passive in both civil and criminal. The utmost caution and moderation was prescribed in the employment of inhibitions and excommunications of the royal judges, and the royal alguazils were not to be arrested save in cases of grave and notorious infraction of inquisitorial rights.[1]

The Concordia did not bring concord. In 1571 there arose a bitter dispute between the tribunal and the court of the Justicia, in which excommunications were freely used and, in December, the Diputados appealed to Pius V to evoke the case and remove the censures, but he told them to go to the inquisitor-general. After the death of Pius, the kingdom insisted with Gregory XIII and, in December, 1572, obtained from him a brief committing the case to the Suprema or to Ponce de Leon the new inquisitor-general, but, at the same time, he ordered that some remedy be found to prevent the inquisitors from abusing the privileges conceded to them by the canons and the popes.[2] The next year, 1573, formal complaints were made by the kingdom of infractions of the Concordia and, by 1585, aggravation had reached a point that the Córtes asked for a new concordia. Philip promised to send a person to Saragossa to gather information as to griev-

[1] Actos de Corte del Reyno de Aragon, fol. 94–6 (Zaragoza, 1664).

[2] Bibl. nacional, MSS., D, 118, fol. 108, n. 38; Dd, 145, fol. 352.

ances alleged against certain inquisitors and officials, after which arrangements were made for the drafting and acceptance or rejection of a new agreement, but there is no trace of any resultant understanding.[1] Quarrelling necessarily continued with little intermission. In 1613 the removal of the name of Juan Porquet, a familiar, from *insaculacion*, by the royal commissioner of Tamarit, gave rise to a great disturbance which was long remembered and, in 1619, there was a clash between the tribunal and the captain-general, which caused much scandal, resulting in the governor being summoned to Madrid, where he was kept for four years.[2]

Thus it went on until, in 1626, the Córtes were again assembled. It was known that demands for relief would be made and the Suprema asked Philip to submit to it whatever articles were proposed, in reply to which he assured it that there should be no change to its prejudice, but that he would procure its increase of privilege.[3] The chief business of the Córtes was the questions connected with the Inquisition. Philip was not present and his representative, the Count of Monterrey, did not feel empowered to grant the demands made. The only absolute action taken was to adopt as a *fuero* or law the Concordia of 1568, which hitherto had only the authority of the orders of the king and inquisitor-general. As regards reform, it was left to a commission, consisting on one side of royal appointees and on the other of four delegates named by each of the four *brazos* or estates. The commission framed a series of fourteen articles, by no means radical in their character, but Philip procrastinated in confirming or rejecting them; the Suprema, in 1627, appealed to Rome to withhold papal sanction and they were quietly allowed to drop, on the pretext that the Concordia of 1568, now erected into law, would suffice to prevent future grounds of complaint. How futile this was is apparent from a conflict which occurred during the sitting of the commission. The assessor of the governor, as was his duty, entered the house of the secretary of the tribunal, *flagrante delicto*, for a most treacherous murder attributed to him. Although his obligation to do this was notorious, arrest of subordinates followed on both sides and the indignant people were

[1] Archivo de Simancas, Inquisicion, Lib. 82, fol. 84.—Fueros de Aragon, fol. 222 (Zaragoza, 1624). Cf. Dormer, Añales de Aragon, Lib. II, cap. xxxviii.

[2] Bibl. nacional, MSS., Mm, 464.

[3] Archivo de Simancas, Inquisicion, Libro 30, fol. 474.

with difficulty restrained from a tumult. The royal officials at once took steps to form a competencia, in conformity with the Concordia which had just been erected into a law; this required all proceedings to be suspended but the inquisitors excommunicated the assessor, refusing to join in the competencia because, as they asserted, the case was an evident one, thus assuming that they could set aside all law by merely declaring that a case was evident.[1]

The Inquisition had never been restrained by the Concordia and now that it had again baffled the Córtes it was still less inclined to submit to restraint. Quarrels continued as virulent as before, a single example of which will illustrate its invincible tendency to extend its jurisdiction on all possible pretexts. Berenguer de San Vicente of Huesca, in 1534, had founded in that city the College of Santiago and when, in 1538, the municipality added an endowment of more than six thousand ducats, he made the magistrates its patrons. In 1542 he procured from Charles V a cédula, confirmed by the pope, making the inquisitors of Aragon visitors or inspectors of the college, during the royal pleasure and so long as they should perform their functions loyally and well. This supervisory function they stretched in course of time to bring the college and all its members under their jurisdiction, although in 1643 it was asserted that the last visitation had been made in 1624. This power they exercised in most arbitrary fashion. When an attempt was made to burn the college and the town offered a reward for the detection of the incendiary, they interposed with the threat of an interdict and frightened the citizens into submission. In 1643 a pasquinade against some of the inhabitants led to the prosecution of the rector of the college, Dr. Juan Lorenzo Salas, who promptly procured letters from the tribunal inhibiting further proceedings and demanding all the papers. The patience of Huesca was exhausted. It declared its position to be intolerable, for the students appealed to the fuero in all disputes with the townsmen, and the result of the stimulus thus given to that turbulent element was driving away the population and every one lived in apprehension of some terrible event. To gain relief it applied to the Audiencia for a competencia but was told that this was impossible, whereupon it obtained from the court of the Justicia a *firma* prohibiting the

[1] Fueros y Actos de los Córtes de Barbastro y de Calatayud, pp. 20–22, 55–6 (Zaragoza, 1626).—Archivo de la Corona de Aragon, Leg. 528.—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 1, fol. 12.

inquisitors from acting; they refused to allow it to be served when it was put on the gate of the Aljaferia with notice that if answer was not made within thirty days it would be followed with exile and seizure of temporalities. The Suprema ordered the inquisitors to answer by excommunicating all concerned. Philip was then in Saragossa, on his way to Catalonia to put himself at the head of his army, for the disgrace of Olivares had forced him to govern as well as to reign, but he was compelled to distract his thoughts with these miserable squabbles. The Council of Aragon appealed to him to require the inquisitors to show cause why they should not be deprived of the visitation and to impose silence on all until he should reach a decision; the Audiencia rendered an opinion that the court of the Justicia could not refuse to issue the firma and, if the complainant insisted on its service, it must be served if the whole power of the kingdom had to be called upon. On the other hand the Suprema declared that the service of the firma was unexampled and urged the king to support the Inquisition in a matter on which depended the ruin or the preservation of the monarchy, for it would be better to close the Holy Office than to expose its jurisdiction to such disgrace, while in these calamitous times favor shown to the Inquisition would placate God and insure the success of his arms. Philip's reply was long and maundering, irresolute between his reverence for the Inquisition and his fear of alienating in his extremity the Aragonese by violating their most cherished privileges. If Huesca would desist from the service of the firma he would order the tribunal to form a competencia. Huesca, however, was intractable; its very existence, it asserted, was at stake and it begged the king not to interfere with the legal remedies to which it had been forced and, in conveying this reply to the king, the Council of Aragon warned him that it could not prevent Huesca from serving the firma, as this would be a notorious violation of the law on the point regarded by the kingdom as most essential. Yet, after all, the question was evaded by the device of appointing as visitor of the college the inquisitor Juan Llano de Valdés, who succeeded in reaching an agreement with the city. It would seem that thereafter special visitors were nominated for, in 1665, we hear of such an appointment issued to Inquisitor Carlos del Hoya and it may be doubted whether Huesca gained much.[1]

[1] Archivo de la Corona de Aragon, Leg. 528, n. 4.—Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 127; Lib. 38, fol. 205, 209, 262, 280, 290.

These disturbances mark the highest point reached by the Inquisition in Aragon as regards its temporal jurisdiction. How little cause of complaint it really had, and how Aragon, in spite of its sturdy independence, had endured greater abuses than those permitted in Castile, is evinced in a suggestion made by the Suprema, February 11, 1643, in response to a demand from the king to devise some new source of raising money for the bankrupt treasury. This was that if he would grant to the familiars of Castile the same privileges of active and passive fuero enjoyed by those of Aragon, they would cheerfully contribute to a considerable assessment, with the added advantage of diminishing the competencias which caused so much trouble and loss of time.[1] Such a proposal affords the measure of the wrongs inflicted on society by those who profited by their exemption from the secular courts, for even the more limited privileges of the Castilian familiars rendered the position one to be eagerly sought, in spite of the considerable cost of proving the condition precedent of *limpieza*, or purity of blood. These evils were vastly aggravated by the fact, as we shall see hereafter, that the tribunals never regarded the limitation on numbers prescribed by the Concordias, but filled the land with these privileged persons who, for the most part, turned to the best account the protection of the Holy Office.

That Aragon should be permanently restive under this adverse discrimination was inevitable and the time had come when it could dictate in place of supplicating. Since the Córtes of 1626 twenty years elapsed before Philip found himself constrained to assemble them again. The situation was desperate; the Catalan rebellion bade fair to end in the permanent alienation of the Principality to France, and it was not wise to impose too severe a strain on the loyalty of Aragon, when the Córtes met September 20, 1645, for a session of fifteen months. In preparation for the struggle, the Suprema presented to the king, September 30th, an elaborately argued memorial in which it told him that the calamities of the war should lead him to greater zeal in fortifying the Inquisition with new graces and privileges, so as to win the favor of God, whose cause they served and from whom alone was relief to be expected. It was therefore asked that whatever demands on the subject should be presented should be reserved for discussion with the inquisitor-general and Suprema.[2] Philip

[1] Archivo de Simancas, Inq., Gracia y Justicia, Leg. 621, fol. 90.

[2] Archivo gén. de la C. de Aragon, Leg. 528.

doubtless made the desired promise, but the Aragonese had too often found their hopes frustrated in this manner to submit to it again under existing circumstances.

The Córtes lost no time in presenting their petition on the subject, which asked for radical reform in all the Aragonese kingdoms. The jurisdiction of the Inquisition was to be confined to cases of faith and to civil and criminal actions between its officials. In certain mixed cases, such as bigamy, unnatural crime, sorcery, solicitation and censorship it should have jurisdiction cumulative with the appropriate secular and spiritual courts. A number of minor points were added, including a demand that all inquisitors and officials should be natives and it was significantly stated that the petition was presented thus early in order that it might be granted, so that the Córtes could proceed more heartily with the servicio that was asked for. This paper was submitted to the Suprema which replied in a long consulta, March 31, 1646, arguing that the Inquisition had been introduced into Aragon without law and was independent of all law. It proceeded to demonstrate, as we have seen (p. 345), that its temporal jurisdiction was inalienable and that the Concordias were compacts which could not be modified without its consent. The officials were so abhorred that it would be impossible for them to perform their duties if they were not thus protected. If the Córtes should stubbornly insist, the king was urged, like Charles V in 1518, to remember his soul and his conscience, and to prefer the loss of part of his dominions rather than consent to anything contrary to the honor of God and the authority of the Inquisition.[1]

The policy of the Suprema was to carry the war into Africa, and it followed this manifesto with another demanding that the court of the Justicia should be prohibited from issuing firmas and manifestaciones in cases concerning the Inquisition. Both sides asked for more than they expected to get and, when the Córtes answered these papers, June 20th, after numerous citations to disprove the arguments of the Suprema and an exposition of the hardships caused by the existing system, they opened the way to a compromise by pointing out that Castile for nearly a hundred years had enjoyed what Aragon had vainly prayed for, and concluded by suggesting that the best settlement would be to confer on Aragon the Concordia of Castile which had been thoroughly

[1] Archivo gén. de la C. de Aragon, Leg. 528.

discussed by lawyers and its practical working determined and understood.[1]

Finally the demands of the Córtes were formulated in a series of twenty-seven articles, which were prudently declared to be law, whether confirmed or not by the inquisitor-general. Of these the essential ones deprived familiars of the active and passive fuero in civil suits, of the active in criminal cases, and excepted certain specified crimes in the passive. Servants of salaried officials were put on the same footing in criminal matters. The number of both familiars and salaried officials was limited to four hundred and fifty in the whole kingdom and those who held office were deprived of the fuero for official malfeasance; in cases not of faith the use of torture was prohibited as well as confinement in the secret prison; all cases, whether civil or criminal, were to be concluded within two years; fraudulent alienation of property to officials, so as to place it under the fuero, was declared invalid; all persons or bodies, in case of violation of these provisions, had the right to avail themselves of all remedies known to the laws of the land, while to the tribunal was reserved the power to employ censures and other legal processes. A concession was made by granting to both officials and familiars the right of asylum in their houses, relief from billeting, exemption from arrest for debt, capacity to hold office and freedom from tolls, ferriages, etc. In return for this the Córtes were liberal with the servicio, agreeing to keep in the field two thousand foot and five hundred horse for four years, paying them two reales a day, while the king should find them in food, arms and horses.[2]

In these conditions there was nothing affecting the faith or restricting the persecution of heresy; nothing save a prudent regard for the peace and protection of society from the intolerable burden of gangs of virtual bandits clothed in inviolability. Yet Philip resisted to the last extremity these reasonable concessions, which merely placed Aragon on the same footing as Castile. We are told that he declared that he cherished the Inquisition as the apple of his eye and that he exhausted every means to preserve its privileges. He offered to concede everything else that was asked; he endeavored to win the Aragonese by bribing them with royal grants and graces, of which three hundred and sixty were published in a single day, with the names of the recipients,

[1] Bibl. nacional, MSS., Mm, 122.

[2] Fueros y Actos de Corte en 1645 y 1646, pp. 1–2, 11–12 (Zaragoza, 1647).

but nothing could overcome the hatred felt for the Holy Office and the *brazos* were immovable. In his perplexity he appealed to his usual counsellor, the mystic Sor María de Agreda, affirming his determination to uphold the Inquisition, and he must have been surprised when that clear-sighted woman advised him to compromise, for a quarrel with Aragon might turn it to the side of Catalonia and lead to the permanent disruption of the monarchy. Even this failed to move him. He endeavored to depart for Madrid, but deputation after deputation was sent to the convent of Santa Engracia where he was lodged, insisting on his confirmation of the articles and detaining him for two or three days while his coach stood ready at the gate, until at last he yielded, seeing that there was no alternative. The writer who records this adds that the people rejoiced and since then in Aragon, where the Inquisition had stood higher than elsewhere, for an inquisitor was regarded with more reverence than an archbishop or a viceroy, it has so fallen in estimation that some say that all is over with it. The officials and familiars feel this every day in the withdrawal of their privileges and exemptions, and it is palpable that in all that does not concern the faith, the ancient powers of the tribunal of Aragon are prostrated.[1]

It was not long before the sullen yielding of the Inquisition to the changed situation was manifested in a case which did not tend to restore it to reverence. Inquisitor Lazaeta was involved in an intrigue with a married woman of San Anton, whose husband, a Catalan named Miguel Choved, grew suspicious and pretended to take a journey. Lazaeta fell into the trap. October 27, 1647, he went to the house at nightfall, leaving his coach in hiding behind the shambles; the coachman waited for him in vain, for the injured husband had entered by a side-door and given him a sword-thrust of which he died in the street, while stumbling forward in search of his coach. The woman escaped and Choved disappeared, but some demonstration was necessary and the tribunal arrested one Francisco Arnal as an accessory. The court of the Justicia issued a manifestacion in his favor, when the inquisitors complained of the interference with their functions of such orders and that the tribunal could not be maintained if they were to be banished and their temporalities be seized whenever they judged that a case was not comprehended

[1] Bibl. nacional, MSS., D, 118, fol. 122 (see Appendix).—Joaquin Sánchez de Toca, Felipe IV y Sor María de Agreda, p. 282 (Madrid, 1887).

within the fueros. To this the Council of Aragon replied that the court of the Justicia always acted with great caution and that, in the present case, Arnal had renounced the manifestacion and had been returned to the tribunal, which had found him innocent and had discharged him. The Suprema insisted that it would be better to remove the tribunal from Aragon than to have it subjected to such insults, to which the Council rejoined that there was no admission of firmas and manifestaciones except in matters not of faith; if the inquisitors would keep within their just limits, such troubles would be avoided, while, if they exceeded them, the kingdom must avail itself of the remedies provided by the laws.[1] Now in this case the tribunal was strictly within its rights under the Concordia and its abstention from excommunication and interdict indicates how thoroughly it was humbled.

Another grievance of the Inquisition shows how completely the tables were turned. September 23, 1648, the Suprema represented in a consulta that the tribunal had been notified to reduce the number of its officials and familiars to the prescribed four hundred and fifty, which had not been done under the plea that the number was insufficient, that the Concordia did not order the dismissal of the overplus and that the incumbents could not be deprived of their rights. Still there was little doubt that persistent refusal would lead the Diputados to obtain a firma compelling a selection and until this was done no familiar would be allowed to enjoy their privileges—in fact a number of towns had already assumed this position and others were taking steps to obtain firmas. The Suprema endeavored to show the illegality of this on the ground that the Concordia of 1646 was not valid in the absence of confirmation by the inquisitor-general. Philip submitted this to the Council of Aragon and merely transmitted its answer, in non-committal fashion, to the Suprema for its information. This took the ground that only the secular and royal jurisdiction was concerned; the king had confirmed the laws which provided that the acquiescence of the inquisitor-general was unnecessary; if parties were aggrieved they could apply to the court of the Justicia.[2]

Under these conditions, the laws of 1646, by restricting the

[1] Archivo gén. de la C. de Aragon, Leg. 528.—Llorente tells us (Hist. crít., Cap. xxxviii, Art. 1, n. 27) that Choved (or Gobea) was caught and tried but escaped the gallows by steadfast denial under repeated torture.

[2] Archivo de Simancas, Inquisicion, Libro 37, fol. 379.

tribunal to its proper functions, were a severe blow to its predominance, diminishing the terror which it inspired and affecting in some degree its finances. The continual suits brought before it had afforded a rich harvest of fees for its officials and the fines imposed had been a resource to its treasury. All this fell off greatly and, in 1649, the Suprema reminded Philip that, in 1646, it had predicted this result and he had promised indemnification by a fixed income to be paid by Aragon or by the royal treasury; although it did not regard the laws as binding in the absence of confirmation by the inquisitor-general, and had resisted their execution in every way, still they were executed and the officials were suffering keenly from their diminished fees, wherefore it asked the king to grant to the four notaries and messengers eight hundred ducats a year out of the fund for the Catalan refugees. This demand, and the impudent assertion of the nullity of the laws which he had approved, provoked Philip into one of his rare assertions of kingship. The Catalan fund, he replied, could not be touched; he would listen to other suggestions for the relief of the incumbents but not of their successors; he was master of the secular jurisdiction granted to the Inquisition for his service and could make laws and abrogate them at his pleasure.[1]

Philip had learned a lesson and the laws of 1646 were duly executed. When, in 1677, there was another convocation of the Córtes of Aragon, the Suprema, in a suppliant tone contrasting strongly with its former arrogance, begged Carlos II to influence them to condescend to a modification. It gave a most dolorous account of the condition of the Saragossa tribunal resulting from that legislation. It forebore to discuss whether the officials had given just cause of complaint, but the total destruction of the Inquisition was curing one malady by introducing a worse one, and the Inquisition of Aragon had been destroyed. The number of officials was reduced below that at the time of its foundation, and its poverty was so great that wages were unpaid and the tribunal would probably have to be abandoned. The treasurer was compelled to collect its income and debts through the court of the Justicia, where it was impossible for him to carry on so many suits, so that only those paid whose consciences compelled them. The reduction of the officials impeded its usefulness; possibly there were fewer culprits but certainly there were fewer convictions—less in Aragon than in the other provinces—and a

[1] Archivo de Simancas, Inquisicion, Lib. 38, fol. 22.

single one who escaped correction was a matter of greater consequence to God than the enjoyment of the fuero by five hundred persons. It was impossible to fill the allotted number of familiars, for the fuero in criminal matters left to them was rather a disadvantage, for they died in prison owing to the interminable delays in settling the numerous competencias, while other defendants were released on bail. At the same time the deprivation of the active fuero exposed them to the effects of the general hatred felt for them. It was inconceivable that, in so pious a nation, this hatred could be caused by their functions, but its existence was a matter of experience and, in the absence of protection, the risks to which it exposed them prevented men from seeking the position. The Inquisition did not desire jurisdiction, but it could not exist without revenue and officials, and it therefore prayed the king that proper measures of relief be discussed in the Córtes, or a junta could be formed from both parties and a new Concordia be framed. Even allowing for customary exaggeration, this paper shows how greatly the Inquisition had outgrown the functions for which it had been imposed upon the people.

The concessions asked for were singularly moderate—that the treasurer should not be required to make collections through the court of the Justicia, that more familiars be allowed—though it had just been said that they could not be had—that they be admitted to bail during competencias, and a timid suggestion respecting the firma and manifestacion. The time, however, was not propitious even for demands so modest. The youthful Carlos II had just relegated his mother to a convent and her favorite Valenzuela to the Philippines; all power was in the hands of Don Juan of Austria, who held the inquisitor-general Valladares to be his personal enemy. The appeal of the Suprema was received unsympathetically and it seems to have gained nothing. That the Aragonese were content with the situation appears from the fact that the only complaint made by the Córtes regarded the non-observance of a law of 1646 prescribing the number of natives to be employed by the tribunal, and this arose merely from greed of office, for they suggested that, for each foreigner appointed in Aragon, an Aragonese should have a corresponding berth in a tribunal elsewhere.[1]

The legislation of 1646 remained a finality. As late as 1741 the Suprema remonstrated against the Audiencia of Saragossa

[1] Archivo gén. de la C. de Aragon, Legajo 528.

for impeding the jurisdiction of the tribunal by employing the firma, which, with customary disingenuousness, it characterized as an innovation.[1]

Catalonia was as intractable as Aragon, while its more pronounced spirit of independence rendered it particularly troublesome. Although it lacked the institution of the Justicia, it had a somewhat imperfect substitute in the Banch Reyal, or King's Bench, which was used in the appeals *por via de fuerza* from the spiritual courts. The Audiencia summoned the ecclesiastical judge before it and his disregard of the summons was followed by a decree of banishment and seizure of temporalities. The inquisitors denied their liability to this, the Catalans asserted it, and the endeavor to enforce it was a serious cause of quarrel. It was not without influence, for a memorial, in 1632, from the inquisitors complains that the Duke of Maqueda, when viceroy in 1592, had employed it against the tribunal, since when the veneration felt for the latter had greatly declined, and a complaint of the Catalan authorities to Carlos II, in 1695, describes it as the sole refuge and protection of the people from the oppression of the inquisitors and ecclesiastical judges.[2]

We have already seen the Concordia reached in 1512, abolishing most of the then existing abuses; how it was sworn to by king, inquisitor-general and inquisitors, and how a similar oath was to be taken by all future inquisitors; how Leo X obligingly released them all from their oaths; how Ferdinand, just before his death, accepted the conditions, in December, 1515, and the complaisant pontiff, in the bull *Pastoralis officii*, confirmed them, and how Barcelona, in return, bound itself to a yearly subvention of six hundred ducats. It is well to recall these facts in view of the bare-faced denials with which subsequently the Catalan complaints of non-observance were persistently met. Even while the papal dispensation from the oaths was still in force, the Instructions issued by Inquisitor-general Mercader, in 1514, prescribed rules which, if observed, would have removed the leading causes of complaint. Any official or familiar committing a crime deserving of corporal punishment was to be denounced to him, when he would dismiss the culprit and punish the inquis-

[1] Archivo de Simancas, Inquisicion, Lib. 27, fol. 242.

[2] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 15.—Archivo gén. de la C. de Aragon, Leg. 708.

itor who tolerated it. The civil suits of officials were to be brought in the court of the defendant; if the official was plaintiff, all proceedings before an inquisitor were pronounced invalid and both official and inquisitor were to be punished; even when both parties to a contract agreed to accept the forum of the tribunal, inquisitors were forbidden, under pain of punishment, to entertain the case. Secular officials could arrest familiars caught in the act. Officials were forbidden to engage in trade, even through third parties, and were deprived of the fuero for all matters thence arising, and similarly if they purchased claims subject to suits, nor could they employ other officials to collect debts connected with their private estates.[1] Although these Instructions were in force for only a year or two, they have interest as manifesting Ferdinand's purpose that the Holy Office should not be distracted from its legitimate functions or be used to oppress his subjects or to minister to private greed. He could, at the same time, believe that it required special privileges, for it did not as yet inspire awe in so turbulent a population. In that same year, 1514, at Lérida, the inquisitor Canon Antist was besieged in his house and the assailants were with difficulty beaten off, after which they defiantly walked the streets, uttering challenges to his defenders.[2]

A further victory was gained by the Catalans at the Córtes of Monzon in 1520, when, on December 28th, Cardinal Adrian, in the most solemn manner, not only swore to observe the articles of 1512 but presented for attestation a document from Queen Juana and Charles V, promising investigation and redress of charges brought against certain officials, and enacting that, to prevent such abuses for the future, all offences disconnected with the faith, committed by officials, should be tried by the ordinary courts, thus depriving them of the much-prized criminal passive fuero. This, too, Adrian swore to observe when the necessary papal confirmation should be obtained—a confirmation which the Inquisition probably had sufficient influence to prevent, as there appears to be no further trace of it.[3]

The articles of 1512 thus were a compact in which the Catalans, the king, the Inquisition and the pope all joined in the most

[1] Archivo de Simancas, Inquisicion, Libro 933.

[2] Ibidem, Lib. 3, fol. 308, 309; Lib. 72, fol. 2.

[3] Pragmáticas y altres Drets de Cathalunya, Lib. II, Tit. viii, § 3.—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 39, 41.

solemn manner, pledging all future inquisitors to swear to them. For a while this latter clause was observed. Fernando Loazes, who was inquisitor of Barcelona for twenty years from about 1533, took the oath, but he was promptly involved in a quarrel with the magistrates in which Juan de Cardona, Bishop-elect of Barcelona, was induced, as papal commissioner, to prosecute him for perjury, and after that no inquisitor took the oath.[1] In this they were wise for they emancipated themselves completely from the Concordia. The Córtes of 1547 complained of the inordinate multiplication of familiars, over the thirty allowed by it, and of the neglect to furnish lists or other means for their identification, together with other infractions, but Prince Philip replied that he would consult the Suprema and would reach appropriate conclusions, which of course ended the matter.[2] How completely the provisions of the Concordia were ignored is manifest in 1551, when Catalina Murciana asked relief in the veguer's court from suits brought against her in the Inquisition by the fiscal, the Abbot of Besalú, when she was entitled to her own court. On refusal of redress by the inquisitor, Juan Arias, a monitorio was obtained from the Banch Reyal, whereupon Arias threw the officials of the veguer's court into prison and kept them there. The matter was carried up to the Royal Councils with the result that the judges of the Audiencia were ordered to erase all record of the affair from their dockets and appear in person before the inquisitor to report to him that it was duly expunged.[3]

Thus supported by the monarch, the tribunal exercised its powers at discretion without regard to compacts. The report, in 1561, by Inquisitor Gaspar Cervantes of the visitation which he had just completed, describes the disorders which had long reigned in all departments. The last visitation had been made in 1550 and its recommendations had been wholly ignored. It had ordered a reduction in the number of familiars and that lists of them be sent to the Suprema, which had not been done; in fact the tribunal itself had kept no correct register; it had a hundred and eight names recorded for Barcelona, but when they were ordered to present their papers under penalty of being dropped, only sixty-eight of these came forward, while there were thirty-one who were not registered. The number, he said, should

[1] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 5.
[2] Constitutions de Cathalunya superfluas, Lib. I, Tit. iv (Barcelona, 1589)
[3] Archivo de Simancas, Inquisicion, Lib. 930, fol. 49.—Portocarrero, § 78.

be reduced and more care be exercised in the selection; many of the laymen were bandits and the clerics were men of bad character, who sought the office to obtain exemption from their prelates. All this resulted in so much secular business that it seemed to be the real duty of the tribunal and that nothing else was attended to—in fact there was so little to do in matters of faith that the inquisitors could well be spared from Barcelona and employ themselves in visiting their district. All this is explicable by the exorbitance of the fees charged, about which there was much complaint. There was no authorized fee-bill. In civil cases the inquisitors charged from two and a half to ten per cent. on the amount at issue, depending on its magnitude, with a maximum of seventy-five libras; in criminal cases they received nothing but had the opportunity of inflicting fines. The officials had fees for every act, drawing and copying papers, serving notices, summoning witnesses, levying executions, etc., etc., and there was a standing quarrel between the notaries of the three departments—of the *secreto*, or tribunal of faith, of sequestrations and of the juzgado, or court of confiscations—as to which should have the business.[1]

That the Córtes of Monzon, in 1563-4, should protest energetically against these abuses was natural. Indeed, a Catalan named Gaspar Mercader carried the protest so far as to say, among other odious things, that the Inquisition had been introduced only for a limited time which had expired and that it should be abolished, for which the tribunal arrested, tried and punished him.[2] In spite of this interference with the freedom of debate, the general disaffection, as we have seen, led to the visitation of de Soto Salazar. In Barcelona he found that not the slightest attention had been paid to the orders of the Suprema based on the report of Cervantes. Advocates, familiars and commissioners continued to be appointed in profusion, without investigation as to fitness. When an inquisitor visited his district he carried with him blank commissions which he distributed at will. All these, with their families, were protected and defended by the tribunal in civil and criminal cases, nor was this all, for it would seem that any one who claimed the fuero, whether he was entitled to it or not, was admitted and, in the absence of lists filed with the magistrates, the latter had

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 2.
[2] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 9.

no means of resisting the arrogant and peremptory demand of the tribunal to surrender cases. Instances were given which showed that the tribunal was a court where justice—or rather injustice—was bought and sold and there had been no reform in the excessive fees which had scandalized Cervantes.[1]

That it should be hated was inevitable. In 1566, Govilla, Bishop of Elna, defending himself for acts committed when he was inquisitor of Barcelona, declared that the Inquisition was even more odious in Catalonia than elsewhere.[2] This hatred sometimes expressed itself more forcibly than by complaints. In 1567, the evocation of a case, which the local authorities claimed as their own, led to the fiercest excitement which the viceroy fruitlessly sought to allay and appealed to Philip II for his immediate interposition. Disregarding the inviolable secrecy of the Inquisition, the Diputados, with the veguer, forced their way into the palace, penetrated to the audience-chamber where the inquisitors were trying a case, and inventoried and sequestrated everything, even to the private property of the Inquisitor Padilla in his apartments—apparently a seizure of temporalities under an order of the Banch Reyal. Even more flagrant was the insult committed when the messenger and the secretary were conveying from Perpignan to Barcelona two government officials accused of impeding the Inquisition and also a prisoner under a charge of heresy. Near Gerona, one of the Diputados, at the head of an armed band, seized the whole party and carried them back to Perpignan, where they were paraded through the streets with blare of trumpets, as though criminals on the way to execution, and were then cast into prison, where they lay until discharged without accusation. This was a most serious assault on the dignity of the Holy Office and even worse was permitting the escape of the heretic, but it was obliged to submit without vindicating its authority.[3]

Such being the temper of the Catalans and such the provocation to meet lawlessness with lawlessness, it is not surprising that, when the Concordia of 1568 was prepared for the three kingdoms, Catalonia would have none of it. When, in September, it was submitted to the Diputados, they were incensed and proposed to send envoys to the king to remonstrate against it.

[1] Archivo de Simancas, Visitas de Barcelona, Leg. 15, fol. 20.
[2] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 74.
[3] Ibidem, fol. 20, 81.

There was a universal outcry that it was contrary to the constitution and privileges of the land; they would observe it in so far as it was in their favor, but as to the rest they were ready to lose life, property and children rather than to submit to it. In February, 1569, the inquisitors wrote that the people would not be content until they had driven the Inquisition from the land; as for themselves they proposed to go on as they had previously done until the Concordia should be accepted, to which the Suprema cordially assented.[1]

This attitude of mutual defiance was not conducive to peace. In 1570, there arose a quarrel so bitter that the Diputados invoked the protection and interposition of Pius V, and he urged Philip II to come to some understanding with them, in view of possible serious consequences. Philip took the position that they were so excited and so obstinate that any concessions would lead only to further demands, but he asked the pope to dismiss the envoys, referring them to him with recommendation for favorable consideration, so that anything that he might yield would be to the Holy See and not to recalcitrant subjects. The situation was critical; the rebellion of Granada was exhausting his resources, there was acute apprehension of attack by a Turkish fleet and the Catalans were soon afterwards called upon to contribute to the defence of the coasts, but if any concessions were enforced on the Inquisition they have left no traces. In fact, the Venetian envoy, Leonardo Donato, in his relation of 1573, states that, after the Catalans had spent a hundred thousand ducats in these efforts, the Inquisition imprisoned those who had been most active in the matter and that they subsequently refused to leave the prison without a formal declaration that they had not been arrested for heresy.[2] Dissension naturally continued. In 1572 we hear of a demand from the Diputados that the inquisitors should show them their commissions and take an oath to obey the constitution of Catalonia, because they held rents on the Diputacion; the inquisitors acceded to the first of these and were rebuked by the Suprema because it was a demand that had been persistently refused before and they must not do it again. Then, in 1574, there came a complaint from all the cities that familiars

[1] Archivo de Simancas, Inquisicion, Lib. 65, fol. 184.

[2] Valladares, Semanario erúdito, XXVIII, 219.—Salgado de Somoza, de Retentione Bullarum, P. II, cap. xxxiii, n. 137–8.—Relazioni Venete, Serie I, T. VI, p. 367.

refused obedience to the local laws respecting prices, pasturage and other matters as required under the Concordia, to which the Suprema superciliously replied by instructing the inquisitors that, as the people had rejected the Concordia, they need not observe it.[1] Then, in 1585, as we have seen (p. 416) the Córtes obtained an advantage in excluding familiars and officials from public offices.

In this spirit of undisguised hostility both sides were aligned for a decisive struggle in the Córtes of 1599, under the new royalty of the youthful Philip III. As the Catalan efforts failed and the Inquisition was left in possession of its usurped powers, the details of the contest have no interest except as an exhibition of shameless duplicity, by which the king tricked his vassals. They hoped to win favor by a subsidio of a million libras to the king and a hundred thousand to his bride, besides shrewdly granting ten thousand to the Marquis of Denia (soon to become Duke of Lerma) and six thousand to the Vice-chancellor of Aragon,[2] but they reaped nothing but deceit. Long discussions resulted in a series of articles, divided into two categories, to one of which Philip gave unqualified assent and to the other his assent as far as concerned himself, with a promise to procure that of the inquisitor-general and pope. It was proposed to withhold the pension of six hundred libras granted in 1520, if the papal confirmation were not procured within a year, but Philip declared that no such guarantee was necessary, for the letters which he had ordered to be written to the pope were so strong that no influence could counteract them. His despatches to his ambassador were sent through the Diputados in order to satisfy them, but they assuredly were not allowed to see others which instructed the ambassador to be circumspect in urging the matter. He also sent word to the inquisitor-general that the delivery of these despatches had been delayed in order to give him time to express his views. The Suprema, in appealing to Clement VIII to withhold confirmation, did not hesitate to say that Philip had endeavored to escape under cover of the inquisitor-general and pope and had finally signed only in so far as concerned himself. Indeed, in a subsequent official paper, it was unblushingly asserted that he had done so only to get rid of the Catalans. Under these influences it is needless to say that the

[1] Archivo de Simancas, Inquisicion, Lib. 82, fol. 52; Lib. 65, fol. 184.

[2] Cabrera, Relaciones, p. 31.

confirmation never came and the subsidio was the only practical result of the labors of the Córtes.[1]

One of the articles required the execution of the Concordia of 1520, which embraced that of 1512, the fulfilment of which the Catalans had never ceased to demand, and the manner in which these solemn compacts were argued away is instructive. In 1566, Govilla, Bishop of Elna, who had been inquisitor of Barcelona, calmly asserted that the articles of 1512 had been revoked as prejudicial to the free exercise of the Inquisition. The Suprema, in urging Clement VIII to refuse confirmation of the new Concordia of 1599, argued that the transactions of 1512 and 1520 were invalid through simony, as the Córtes had obtained the assent of Ferdinand in 1516 (*sic*) and of Charles in 1520 by conditioning subsidios on it. Leo's bull of condemnation in 1513 was relied upon and that of confirmation in 1516 was dismissed as obreptitious and surreptitious. So Cardinal Adrian's action in 1520 was represented as conditional on confirmation by the Holy See, and as in no way binding on the Inquisition. So, in 1632, the Barcelona tribunal drew up a statement to be laid before Philip IV by the Suprema, adroitly mixing up the affairs of Aragon and Catalonia and telling him that the Córtes of 1518 demanded the revival of the articles of 1512, that Charles refused to swear to them, that Juan Prat interpolated others, for which he was imprisoned and that the effort failed. In transmitting this the Suprema added that the fact that the Córtes never ceased to demand the enforcement of the articles showed that they had never been observed.[2] From first to last it was a history of deception, in which kings conspired with inquisitors to betray their subjects, without even the excuse that the faith was concerned in these details of secular jurisdiction.

The Catalan temper was not soothed by the disappointment of 1599, and the refusal of redress prompted resort to forcible measures. There was a contest in 1608 in which the Banch Reyal uttered a sentence of banishment against the inquisitors; a vessel was made ready for their deportation but, when the day came, they barred their door and hung over it a portière of black velvet to which was attached a crucifix. The city showed its piety by

[1] Constitutions fets en la primera Cort celebra als Cathalans en lo any de 1599 (Barcelona, 1603).—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 2, 5, 28.

[2] Archivo de Simancas, *loc. cit.*, pp. 2, 5, 44.

placing candles in front of the sacred emblem and the chapter sent priests to pray before it. No one ventured to disturb it; the Diputados, the chapter and the city authorities interposed, and an accommodation was reached.[1] A more savage quarrel arose, in 1611, in consequence of the veguer disarming the coachman of an inquisitor. The city authorities seized the temporalities, laid siege to the palace of the Inquisition, sentenced the inquisitors to banishment and proclaimed it with trumpets through the streets. This they justified to the king by telling him that the Holy Office had been instituted for a limited term which had expired, so that it should be abolished in Catalonia and the cognizance of matters of faith be restored to the episcopal courts, all of which, we are told, gave his majesty much concern.[2]

Mutual detestation did not diminish and, when the Córtes of 1626 were approaching, the inquisitors anxiously urged the Suprema to impress upon the king that the peace and preservation of Catalonia depended upon the maintenance of their temporal jurisdiction. The deputies, they said, were holding daily juntas and accumulating stores of documents from the archives, asserting that the time had expired for which the Inquisition was instituted, and if they accomplish their intention they will destroy it wholly. That they were really alarmed is visible in their asking the Suprema to secure some compromise. The Suprema duly represented the danger to Philip IV, who in reply gave assurance that no prejudicial change would be approved, for his unceasing desire was to promote the exaltation of the Inquisition. After the Córtes had assembled, the tribunal reported, June 27th, that they had drawn up a series of articles effectually disabling the jurisdiction of the Inquisition and that they declare that they will not vote a subsidio until the king shall have confirmed them. The articles deemed so obnoxious scarce amounted to more than the Concordia of Castile so long in force, save provisions that the inquisitors should be Catalans and should take an oath to obey the laws, and that disputes of jurisdiction should be settled by a junta consisting of an inquisitor, a judge of the Audiencia and the Bishop of Barcelona. Moderate as they were, Philip kept his promise and referred them, September 23d, to Diego de Guzman, Archbishop of Seville, acting head of the Suprema in the

[1] Bofarull y Broca, Historia de Cataluña, VII, 282–3.

[2] Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 9, 67.

vacancy of the inquisitor-generalship, so that, on the adjournment of the Córtes, the whole matter remained suspended.[1]

An attempt at compromise was made in what was known as the Concordia of Cardinal Zapata, arranged, December 24, 1630, between him as inquisitor-general and the Council of Aragon. This made no substantial change in the jurisdiction of the Inquisition but was directed chiefly to restraining the misuse of excommunication on the one side and the recourse to the Banch Reyal on the other, by providing that all disputed cases should be settled by competencias conducted according to the received form of procedure, under penalty for a first offence of five hundred ducats on the tribunal refusing, and suspension from office for a second. This left untouched the roots of trouble and accomplished little, in consequence, it is said, of the delays and evasions of the inquisitors, and frequent recourse continued to the Banch Reyal, especially by creditors.[2]

The Córtes of 1626 had not been dissolved and they met again in 1632 to conclude their unfinished business. As usual, the tribunal and the Suprema prepared for the struggle by earnest appeals to Philip, who responded with assurances of special care in all that concerned the Inquisition. The Suprema had the hardihood to tell him that the Concordia of 1512, on which the Catalans based their claims, had never been confirmed, but it was within the truth when it said that it had never been observed. It declared moreover that the articles framed by the Córtes would so prostrate the tribunal that it would have to cease its functions. A memorial by the secretary of the tribunal, Miguel Rodríguez, gives a deplorable account of the social condition of Catalonia, where the barons and gentlemen, the cities and church foundations, he says, possessed excessive powers and where the bishops were also barons. The hostility of the nobles and cities to the familiars was manifested by the daily murders committed on them and their children and the burning of their houses. But for the protection of the Inquisition they would be exterminated, for its jurisdiction was the only one respected. Fathers endured the murder of their sons, sons that of their fathers and wives that

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[1] Archivo de Simancas, Inquisicion, Libro 30, fol. 474; Inquisicion de Barcelona, Córtes, Leg. 17, fol. 18, 67, 87.

[2] Archivo de la Corona de Aragon, Fondos del Consejo de Aragon, Leg. 708. —Archivo de Simancas, Inquisicion, Lib. 21, fol. 84.—MSS. of Library of Univ. of Halle, Yc, 17.

of their husbands, for fear of greater evils and, in addition to this, was the turbulent temper of the population. The viceroys had nominal power, but it was exercised only on the common folk and not on the powerful, whom no one dared to accuse or to bear witness against. All this busy preparation was superfluous; the Córtes were dissolved without gaining their object.[1]

The Inquisiton, as usual, had triumphed, but peace was impossible between the incompatible claims of rival jurisdictions. In 1637 the Suprema complained of the continuous series of troubles and of the disregard of the Concordia of Zapata. This time the offender was the viceroy, the powerful Duke of Cardona, who had imprisoned a familiar for carrying a pistol and refusing to surrender it, and had arrested two servants of the receiver, fining one and discharging the other. When the tribunal sent to him a priest bearing a monitorio with excommunication, he shut the priest up, *incomunicado*, in a room of the palace. Then he invited to dinner the fiscal of the tribunal and shut him up likewise. He ordered the inquisitor to withdraw the excommunication and, on his refusal, he pronounced sentence of banishment, posted four hundred men around the Inquisition and made ready a vessel to carry him to Majorca. The inquisitor assembled five bishops who declared that Cardona had incurred the excommunication of the bull *Si de protegendis* and the inquisitor so declared him, though for the avoidance of scandal he forbore to publish it. Under the intervention of the bishops the sentences of banishment and excommunication were mutually withdrawn, and the viceroy released the priest and fiscal, boasting that he had carried his point. Thereupon the Suprema asked the king to execute on Cardona the penalties of the Concordia of Zapata and greater ones in view of his unprecedented acts and also that the *ipso facto* censures of the canon *Si quis suadente* and the bull *Si de protegendis* be published in order that he might seek the salvation of his soul. To this the weary king could only reply by deprecating these unseemly quarrels and ordering that viceroys should not try the cases of familiars—Cardona apparently having undertaken to do this only because there was no other authority that ventured to do so, although the offence was one which forfeited the fuero.[2] Soon after this, in 1639, a still more serious trouble

[1] Parets, Sucesos de Cataluña (Mem. hist. español, XX, 91).—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 15, 18, 19.

[2] Archivo de Simancas, Inquisicion, Lib. 21, fol. 83.

broke out in Tortosa, in which the magistrates were involved and the people rose against the Inquisition, but while this was in progress the Catalan rebellion broke out and prudence counselled abstention from severe measures of repression.[1]

Whatever share the Inquisition may have had in stimulating the disaffection that led to the rebellion, the unredressed grievances which so excited the Córtes nowhere appear on the surface. The proximate cause, as has been stated above, was the burning of the churches of Montiró and Rio de Arenas by the Neapolitan troops quartered on the people; some consecrated hosts were found reduced to coals and the peasants, who had suffered from the outrages of the unpaid soldiery, rose in arms, cut them off in detail, styled themselves the Exercit Christiá and bore on their banners the Venerable Sacrament, with the legend "Senor judicau vostra causa" and claimed that their object was to protect the people and defend the Catholic faith. In fact, the Inquisition was invited to prosecute the guilty authors of the sacrilege and undertook to do so, but of course the culprits could not be identified and it was reduced to excommunicating them in bulk. It was against the representatives of the king that the initial riots of June 7 and 8, 1640, were directed, when the judges of the royal Audiencia and the Viceroy, the Count of Santa Coloma, were murdered. The inquisitors at once proffered their services to the Diputados and, at the request of the latter, they wrote to the king and inquisitor-general praising the efforts of the Diputados to preserve peace, not knowing that for months they had been organizing the rebellion in correspondence with France. When too, in September, a tax was laid to put the land in a state of defence, the assent of the tribunal was asked as to levying it on familiars.[2]

There was thus no open hostility towards the Inquisition, but, at the same time, there was no respect for its inviolability. When the mob rose again on Christmas day, to put to death all Castilians, there was a report that two thousand of them were concealed in the Inquisition. Led by a coachman of one of the inquisitors, the people broke into the Inquisition, maltreated the officials, hanged some of them, emptied the money chests and

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 561, 572, 573, 575.

[2] Parets, Sucesos de Cataluña (Mem. hist. español, Tom. XX, 164–82; Append. 299, 301, 318, 426; Tom. XXI, Append. 158, 193, 409; Tom. XXII, 10, 27; Tom. XXV, Append. 290.

found in the secret prison a solitary Castilian on trial for heresy. Him they carried to the town-council who returned him to the tribunal and garroted the coachman.[1]

When, on January 23, 1641, terms of submission to France were concluded, the Inquisition was provided for. Having cut loose from Spain, it was impossible to permit the tribunal to remain subject to the Suprema in Madrid, and the clause respecting it was that all inquisitors and officials should be Catalans, jurisdiction should be restricted to matters of faith, and it should be directly under the Roman Congregation of the Holy Office.[2] Still the inquisitors remained at their posts; for five months they had had no word from the Suprema; they expected to be called upon to take the oath of allegiance to King Louis and they sent their secretary, Juan de Eraso, to Madrid for instructions, suggesting that they had better move to Tarragona or Tortosa. Philip ordered them to remain and they resolutely obeyed, but the situation grew constantly worse and, on November 7th, they made another appeal, representing their danger, their destitution, their inability to perform their functions, and their expectation that they would be forced to kiss the hands of the Marshal de Brézé, the approaching French governor. This was confirmed by Don Antonio de Aragon, who had just returned from Barcelona; on two occasions the mob had set fire to the Inquisition and heresy was rampant, for many of the French troops were Calvinists and Calvinism was openly preached. The Suprema characteristically debated the question under four heads—Shall the Inquisition be removed to Tarragona or Tortosa? Shall the inquisitors kiss the hands of the French governor? Does their lack of means to prosecute relieve them from prosecuting native or French heretics? Shall testimony against such heretics be taken in Madrid and action be based on it? After elaborate discussion the fourth question was decided in the affirmative and the other three in the negative. Juan de Mañozca was appointed to gather testimony in Madrid, and the inquisitors were told to stand their ground and do their duty, using censures and interdict if necessary. If driven from the town, they were to carry with them the records so as to be able to work elsewhere.[3]

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[1] Parets, Tom. XXII, p. 30; Append. p. 243.—Archivo de Simancas, Inquisicion, Lib. 33, fol. 675.

[2] Parets, T. XXII, Append. pp. 308, 330; XXV, Append. pp. 391, 403.

[3] Archivo de Simancas, Inquisicion, Lib. 33, fol. 175, 830; Lib. 21, fol. 309.

One of the inquisitors, Dr. Cotoner, had left Barcelona for his home in Majorca. The other two, with most of the officials, stood to their post and, in August, 1643, they were called upon to utter fearful curses on unknown parties supposed to have committed a sacrilegious theft of consecrated hosts.[1] Towards the end of September, however, they were expelled, to give place to a native tribunal, and it was done with a refinement of cruelty. There were ten in all—seven subordinates and the son of one of them, besides the two inquisitors—who had stood faithful to their duty. They were put on board a vessel, with orders to land them in Portugal, which, like Catalonia, was in revolt against Spain. Although the crew consisted of Catalans and Frenchmen, they were persuaded to put into Cartagena, with a promise of being allowed to sell their cargo there. The reception of the refugees was most inhospitable; the vessel was seized and the cargo and effects of passengers and crew were embargoed: much red tape had to be cut and it was not until December that the conclusion was reached that the crew had rendered an essential service exposing them to punishment by the rebels, wherefore the vessel was released and they were allowed to dispose of the cargo.[2]

The refugees were without salaries or resources and it was not without difficulty and delay that the Suprema, professing its own inability to help them, secured from Philip some moderate *ayudas de costa* to keep them alive. Then, in March, 1644, it ordered them to open a tribunal at Tarragona, at the same time representing to the king that this would cost forty-five hundred ducats in silver for the first year, and four thousand annually thereafter, which might be supplied from the two millions of maravedís coming from the tribunal of Cartagena—apparently some recent large confiscation—as otherwise they would die of starvation. They were doubtless thus provided for and did what they could to restore the old-time dread of the Holy Office. It had sadly diminished in these evil days for, in this same year, 1644, in the neighboring town of Tortosa, Inquisitor Roig of Valencia complained that, on reaching there during his visitation, the magistrates did not come to receive him, they assigned him no lodgings and they refused to publish his proclamation.[3]

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[1] Parets, Tom. XXIV, p. 316.—Archivo de Simancas, Lib. 65, fol. 41.

[2] Archivo de Simancas, Inquisicion, Lib. 65, fol. 41, 48; Lib. 22, fol. 83.

[3] Ibidem, Lib. 65, fol. 31, 50; Lib. 36, fol. 74.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 323.

Meanwhile, in accordance with the terms arranged with France, the Catalans had organized a national Inquisition. Doctor Paulo Ferran and Doctor Joseph Pla were appointed and application was made for the usual papal faculties. These were granted and, when the briefs were received, September 26, 1643, they were installed and the Castilians were expelled. The new tribunal had not much to do. It did not meddle with the Calvinists in the French armies, but it vindicated its authority by an auto de fe, celebrated February 23, 1644, in which one victim was garroted and burnt and there were two penitents. There was another, November 7, 1647, in which there was an execution for unnatural crime and six men and five women penitents, mostly for bigamy and sorcery. The only other evidence of activity that I have met is an investigation ordered by Pla, at the request of the parish priest of Pineda, resulting in the trial of Anthoni Morell.[1]

When the troubles of the Fronde compelled Mazarin to withdraw the French armies, the rebellion collapsed, in spite of the obstinate determination of the Catalans to sever relations with Castile. When Barcelona surrendered, October 11, 1652, Catalonia was left at the mercy of the conqueror, but Philip, with true statesmanship, restored it to its ancient privileges and liberties, save a few exceptions which have no bearing on our subject.[2] Inquisitor Pla had lingered at Gerona, continuing his functions in virtue of his papal brief. He was found there by the Marquis of Olias y Mortara, who only ventured to suspend him and wrote to the king, October 12, 1652, for instructions, adding that the prompt re-establishment of the Inquisition would conduce greatly to the pacification of the land. The Council of Aragon, November 16th, approved of this and the next day Philip instructed the inquisitor-general to make the appointments and despatch the inquisitors at once.[3] There were financial difficulties, however. January 18, 1653, the Suprema reported the appointments; the infection of heresy by the French promised much work, but there was an utter lack of money; the tribunal would cost six thousand ducats a year, while its resources were but two thousand, for the separation of Roussillon lost it a

[1] Parets, T. XXIV, pp. 137, 147, 296.—Proceso contra Anthoni Morell (MSS. of Am. Philos. Society).

[2] Parets, T. XXV, p. 142.

[3] Archivo de Simancas, Inquisicion, Lib. 38, fol. 390.

thousand and it had two thousand more in Barcelona loans which were incollectable; there was prospect however of large confiscations, for many Catalans had fled to France who would be prosecuted and, on the strength of this, the king was asked for four thousand a year.[1] The adjustment of these questions probably required time, for it was not until August 2d that the new inquisitors took possession of their office, riding in state through the city, with drums and trumpets and the standard of the Holy Office, followed by all the familiars and officials of Barcelona, and making public proclamation in the customary places. The next day, Sunday, the Edict of Faith was read and on Monday they commenced their functions. Of the Catalan inquisitors, Pla died within a few days and Ferran was arrested at night as were many others, some of whom were sent to France and others were deported to Majorca. Apparently their official acts were not recognized, for familiars of their appointment continued for some years to apply for reinstatement.[2]

No sooner was the tribunal re-established than the old troubles recommenced. Abuses must have been flagrant to call forth from Philip, June 2, 1661, a cédula ordering the exact observance of the Concordias and restraining the excessive use of excommunication.[3] The quarrels which arose were prolonged and complicated by every possible device. On February 15, 1664, Juan Matheu, actual receiver and acting alguazil mayor of the tribunal, was murdered. On most slender suspicion, the next day, it arrested Joseph Guimart and Joseph Massart; the Audiencia claimed the case and the tribunal refused to enter into a competencia until the Banch Reyal threatened the inquisitors with banishment. Then they averted the preliminary conference by questions of etiquette, repeatedly disregarding the orders of the Suprema, until the intervention of the queen-regent enforced obedience. The conference was at last held and the papers were transmitted to the Suprema and Council of Aragon to decide as to the jurisdiction. While this was pending, the inquisitors started another trouble. They had confined the prisoners in the secret prison as though guilty of heresy. This was a grievous hardship and the queen ordered them transferred to the common prison; the inquisitors reported that this had been done and then, on

[1] Archivo de Simancas, Inquisicion, Lib. 65, fol. 81.
[2] Parets, T. XXV, p. 171.—MSS. of Am. Philos. Society.
[3] MSS. of Library of Univ. of Halle, Yc, 17.

pretext of information as to a plot to escape, brought them back to the secret prison. When the Suprema heard of this it wrote in a tone of mingled anger and fear, lest it should be discovered by the Council of Aragon; the prisoners must be moved back again; the affair had become too important, the Council of Aragon had made too many efforts and the queen imputed it all to the Suprema as they would see by her enclosed order. Then the competencia was suspended by the escape of the prisoners, March 9, 1666, and the last we hear of the matter is their negotiation for a pardon, in 1668, on terms of which the viceroy advised the acceptance, in order to avoid decision of the competencia. It was doubtless so settled, for competing jurisdictions had brought the administration of justice into such shape that it was better to let criminal accusations remain untried than to decide between the rival claims.[1]

These quarrels were not merely occasional but were continuous and perpetual. A letter of June 18, 1667, happens to mention that there were then four or five competencias delayed by the question whether in the conferences the royal judge should bring his own notary.[2] Perverted ingenuity was constantly devising new points over which strife could be created. Prisoners on trial in the royal gaols were sometimes borrowed by the tribunal to be prosecuted for blasphemy or other trivial offence against the faith. In 1666 a case of this kind gave rise to a question as to the exact form of receipt to be given for the body of the culprit, when it was pushed to such a point that the Suprema ordered the excommunication of all the judges of the Audiencia, and the Council of Aragon complained to the queen-regent about the oppressive abuse of censures and asked her to provide that for the future the mutual obligations of the two tribunals should be equal and reciprocal.[3]

When the Inquisition took such pains to make itself detested, one is scarce surprised to learn, from a complaint of the Suprema in 1677, that in Barcelona it had so fallen in public esteem that it was able to procure but one familiar and that the alguazil mayor had asked to be relieved from carrying his wand of office, for no

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[1] Archivo gén. de la C. de Aragon, Fondos del Consejo, Leg. 708.—Libro XIII de Cartas (MSS. of Am. Philos. Society).

[2] Libro XIII de Cartas, p. 240.

[3] Bibl. nacional, MSS., PV, 3, n. 69.—Libro XIII de Cartas (*ubi sup.*).

noble was willing to be seen walking with him when he bore it.[1] This hostility it continued carefully to cultivate. In December, 1695, the Diputados and judges addressed to Carlos II a complaint of the multiplied excesses of the tribunal, which trampled on the laws and liberties of the land, causing such scandals that they could no longer be endured in silence. This had been especially the case since Bartolomé Antonio Sans y Muñoz had been inquisitor, whose methods can be appreciated by a single example. Captain-general Marquis of Gastañara, had imprisoned a Frenchman named Jaime Balle, on a matter of state, Spain being at the time at war with France, with strict orders to keep him *incomunicado*. Muñoz suddenly demanded an opportunity of taking testimony of him. Gastañara was absent and no one had authority to violate his instructions, but the regent of the royal chancery and the gaoler offered, if Muñoz would declare it to be a matter of faith, to endeavor to find some means of compliance. This assurance he refused to give, even verbally, and he threatened the regent with excommunication. The Audiencia invited him to a conference, which he refused and it then cited him before the Banch Reyal, with the customary warning of banishment and seizure of temporalities. Muñoz responded, December 29th, with a mandate to the regent ordering him, under pain of excommunication, to allow the deposition of the prisoner to be taken and he followed this, within an hour, with an excommunication published in all the pulpits and affixed to all the church-doors. The next day this was re-aggravated and the regent was publicly cursed with the awful anathema formulated for hardened and impenitent sinners. The Audiencia rejoined with the decree of banishment and seizure of temporalities, under the customary term of fifteen days. The tribunal answered this with a threat of interdict on the city; it convoked all the superiors of the religious Orders and arranged with the clergy for a great procession when it should take its departure. It kept its doors closed and even refused to receive the messengers of Gastañara, who had hastened back to Barcelona, but he delayed further action until he should communicate with Madrid and receive the royal orders. When they came, on January 11, 1696, he was at Montealegre, a couple of leagues from the city; they were sent to him by a special courier and he returned the next morning and

[1] Archivo gén. de la C. de Aragon, Leg. 528. (The alguazil mayor was usually a man of rank.)

made secret arrangements for their execution. At 2 P.M. he sent word to Muñoz that he wished to see him on the king's service. At 4.30 P.M. Muñoz came, bringing the fiscal with him. A scrivener was introduced who read to him the king's order, which he said he was ready to obey. Gastañara told him that he must start at once; a coach was at the door to which he was escorted with all honor; lackeys with flambeaux were ready and a guard of twenty-five musketeers. Gastañara gave him money and he was provided with all comforts, even to a courteous gentleman as a companion to enforce all proper respect for him. As he was leaving the palace, his violent temper burst forth in regrets that he had not been allowed time to cast the interdict on the city. He was driven to the embarcadero, placed on board a vessel that had been made ready and was conveyed to the nearest Valencian port. It is symptomatic of Spanish conditions that in war-time the captain-general was obliged to abandon all other duties and devote a day to kidnapping a troublesome priest, and this is emphasized by the fact that the inquisitor-general rewarded the conduct of Muñoz by appointing him to one of the most desirable tribunals of Spain.[1] Possibly this affair may have influenced Carlos II in reissuing, in 1696, his father's injunction of 1661 to observe the Concordias exactly and to be more sparing of excommunications.[2]

Philip V was scarce seated on the throne when he found himself confronted with the eternal question of Catalan hostility towards the tribunal. A consulta of the Suprema, October 16, 1701, warns him that the inquisitors of Barcelona report that, in the Córtes about to assemble, efforts will be made to limit its usefulness and he is exhorted to follow the example of his predecessors.[3] Whatever was done was of little consequence for, in the war which broke out soon afterwards, Catalonia enthusiastically acknowledged the Archduke Charles as Carlos III and became the stronghold of the Austrian party. The situation of the rebellion of 1640–52 was duplicated. The tribunal was withdrawn, but seems to have been replaced by a local organization, for an article of the Córtes of 1706, duly approved by the Aus-

[1] Archivo gén. de la C. de Aragon, Leg. 708.—Archivo de Simancas, Inquisicion, Libro 66, fol. 179, 189, 228, 252, 283.—Bofarull y Broca, Hist. de Cataluña, VIII, 385.

[2] MSS. of Library of Univ. of Halle, Yc, 17.

[3] Archivo de Simancas, Inquisicion, Lib. 66, fol. 460

trian Carlos, regulating the insaculacion for public office, recognizes its certificates respecting its officials.[1] Of course it could exercise no jurisdiction over the heretic English allies; it has left no traces of its activity and was replaced by a revival of the episcopal cognizance of heresy. As to places beyond the control of the Austrian party, a provision of the Suprema, March 16, 1706, extended the jurisdiction of the Saragossa tribunal over all that should be recovered from the enemy until such time as the Inquisition of Barcelona should be re-established.[2] The desperate resistance of the Catalans postponed this until 1715, and when the tribunal was reinstated it found in the secret prison two captives, Juan Castillo a bigamist and Mariana Costa accused of sorcery, both of them confined by order of the vicar-general of the diocese.[3] As all the liberties and privileges of Catalonia were abolished by the conquerors, its subsequent relations with the Inquisition offer no special characteristics.

Majorca had no Concordia and its tribunal was free to claim what extent of jurisdiction it saw fit, limited only by the resistance of the civil authorities, which, as we have seen, was energetically expressed at an early period. As defined by Portocarrero, in 1623, in practice it asserted complete jurisdiction, active and passive, in civil and criminal cases, over its salaried and commissioned officials and their families; over familiars, in criminal matters, active and passive; in civil, passive only, with exclusion of their families.[4] The occasion of his book was a violent struggle between the viceroy and the tribunal, which presents the ordinary features of these contests for supremacy between rival departments of the government. In a search for arms in the house of Juan Zuñez, receiver of confiscations, some were found. The viceroy at once arrested him, sentenced him to leave the island within twenty-four hours and shipped him away. The inquisitor promptly excommunicated the viceroy; the royal fiscal appealed; the viceroy and royal judges summoned the inquisitor to a conference preparatory to a competencia or to appear in the Banch Reyal and defend his proceedings. On his refusal the Banch Reyal pronounced sentence of banishment and seizure

[1] Capitols de Cort en lo any 1706, cap. 34 (Barcelona, 1706, p. 70).
[2] Archivo hist. nacional, Inquisicion de Valencia, Seccion Varios, Leg. 390.
[3] Ibid., Legajo 13.—Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 23.
[4] Portocarrero, §§ 21, 22.

of temporalities, which was published with sound of drum and trumpet. They also issued an edict declaring the censures null and void and ordering the clergy to disregard them; they refused to consider themselves excommunicated, they attended mass and apparently had the support of the people and clergy, for no attention was paid to the interdict cast on the city by the inquisitor.[1] What was the final result does not appear, nor does it much matter; the significance in these affairs is the spectacle presented to the people of lawless collisions between the representatives and exponents of the law.

In Majorca the most impressive cases of this kind occurred between the Inquisition and the ecclesiastical courts and will be considered hereafter. It suffices here to say that broils with the secular authorities were constant and contributed their share to occupy and distract the attention of the central government. It would be superfluous to enumerate those of which the details have chanced to reach us; they would merely prove that, considering their small size and scanty population, the Balearic Isles were not behind their continental sisters of Aragon in adding to the perplexities of the monarchy.

This somewhat prolonged recital of the struggles of the kingdoms of the Crown of Aragon gives an opportunity of realizing the stubborn resistance, to the arrogant pretensions of the Inquisition, of provinces which still retained institutions through which public opinion could assert itself. The people of the kingdoms of Castile had been reduced to submission under the absolutism of the House of Austria and, though they might at times complain, they could make no effective efforts to ameliorate their position. When, in 1579 and again in 1583, the Córtes of Castile complained of the arrest and immurement in the secret prisons of individuals in every quarrel with an official of the Inquisition, to the permanent disgrace of families, Philip II merely replied that he would make inquiry and take such action as was fitting.[2] The only resource was to raise contests in individual cases and these were frequent enough and violent enough to prove that there was the same spirit of opposition to inquisitorial encroachment and the same pervading discontent with the abuses flourishing so rankly under inquisitorial protection. Instances of this

[1] Portocarrero §§ 51, 54, 58, 60, 61, 65, 96, 97.

[2] Lafuente, Hist. gén. de España, XIV, 417, 432.

could be cited almost without limit, but one or two will suffice as examples of the multiform aspect of these quarrels and the temper in which they were fought over. It should be borne in mind that, in these struggles as in those of Aragon, there was no question of freedom of conscience and no desire to limit the effectiveness of the Holy Office as the guardian of purity of faith. The Castilian, like the Catalan, looked with exultation on the triumph over heresy in the autos de fe, and he desired only to set bounds to the intrusion of the Inquisition on the field of secular justice.

The chancellery of Granada was the supreme tribunal of New Castile as that of Valladolid was of Old Castile. The alcaldes of its Sala del Crimen constituted the highest criminal court, from which there was no appeal save to God. April 15, 1623, the alcalde mayor, after five days' trial, condemned Gerónimo Palomino, an habitual criminal and *rufian*, to two hundred lashes and six years of galleys for various offences, including sundry blasphemies; on the 24th, the Sala confirmed the sentence and ordered its execution. On the same day the Inquisition served two notices on the alcalde mayor prohibiting his cognizance of the case, as some of the alleged crimes concerned the faith, over which it had exclusive jurisdiction, and it demanded the surrender of the accused and of all the papers under the customary comminations. The alcalde mayor responded by calling for a competencia and offering to deliver Palomino for trial on any charges of heresy, if record were made that he was already a galley-slave to be returned to the royal prison. The next day the tribunal sent to the prison and claimed him, on the pretext that the case had been transferred to it, whereupon the alcaide of the prison surrendered him without orders from the judges. When the latter heard of this they also learned that the transfer had been effected through the efforts of the prisoner's friends and liberal bribery of the officials of the tribunal, who had been active in getting him out of prison. After satisfying themselves of this by investigation, they ordered the arrest of four laymen —a notary, a messenger and two familiars—and they further imprisoned in their houses the alcalde mayor and alcaide of the prison for acting without informing the Sala. The tribunal concluded Palomino's trial within forty-eight hours, sentencing him to hear a mass in the audience chamber, and it appears that it returned him. It further commenced proceedings against the

alcaldes, summoning them to liberate the officials within three hours under pain of excommunication. The alcaldes protested against this and demanded a competencia, as provided under the Concordia, but the next day they were excommunicated in all the churches and this was followed by an interdict laid on the city. This forced a compromise by which the prisoners were liberated, subject to rearrest in case the competencia should result in justifying the alcaldes, and the latter were absolved from the censures. The matter seemed to be settled, but all parties had counted without the impetuous and aggressive Inquisitor-general Pacheco. Without awaiting further information, and in disregard of the laws prescribing peaceful settlement by competencias, he had evoked the case to himself and acted upon it off-hand. Two days after the absolution, the inquisitors reimposed the excommunication by his command, and notices were served on the alcaldes and their alguazil mayor to appear before him within fifteen days to stand trial. Against this they protested and, on their failure to appear, they were not only excommunicated afresh but anathematized in all the churches. The scandal had thus assumed national proportions.[1]

The alcaldes were the direct and highest judicial representatives of the king, but such was Philip's subservience to the Inquisition that he would not permit a competencia following the regular course but took the affair into his own hands. The President of the Council of Castile, in remitting to the royal favorite Olivares, July 4, 1623, a memorial from the Council, declared that the condition to which the chancellery of Granada was reduced, owing to the methods of the Inquisition, was the most ignominious that had ever been heard of in Spain, especially considering how slight was the cause of all this disquiet, for, when everything was settled it was again enkindled at the mandate of the inquisitor-general. As the matter was in the king's hands, the Council could do nothing but appeal to his majesty, with all the disadvantages under which it labored in combating the inquisitor-general; had its hands been free it might already have conquered, to the benefit of the royal jurisdiction and service of the king, for every day brought greater disturbance to the Republic.[2]

[1] This account it derived from the printed argument of the alcaldes, a very temperate and manly document, of which a copy is in the Bodleian Library, Arch. S, 130.

[2] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 5.

In spite of this appeal, Philip decided in favor of the Inquisition and the humiliation of the chancellery was complete. Yet Pacheco was not satisfied with victory and proceeded to trample on the vanquished. In the course of the quarrel, Gudiel de Peralta, one of the judges, and Matias González de Sepúlveda, the fiscal of the court, had drawn up legal arguments in its justification. These Pacheco submitted to his censors, who of course discovered latent heresies lurking in them, whereupon he ordered them to be suppressed as heretical and announced his intention of proceeding rigorously against the authors. The Council, on October 7th, again appealed to Philip. The accused, it said, had only defended the royal jurisdiction in a perfectly legitimate manner; the inquisitor-general should not have attacked royal officials and inflicted irreparable injury on them and their posterity by denouncing them as heretics, without consulting the king. He was begged to intervene and order Pacheco to suspend proceedings, while a junta of the two Councils should consider the papers and decide what course should be taken.[1] It is probable that in some such way this indefensible attempt was suppressed, for neither of the inculpated names appear in the Expurgatory Index of Zapata, in 1632.

It would seem difficult to set bounds to the power of an organization which could thus arbitrarily employ the censures of the Church on any department of the government, without being subject to control save to that of a king docile to its exigencies. Yet the Suprema, which always sustained the tribunals in their wanton excesses, adopted their quarrels and fought them unsparingly to the end, was thoroughly conscious of their wrong-doing. While this conflict was in progress, it issued a carta acordada, April 23d, earnestly exhorting the tribunals to maintain friendly relations with the royal officials and not to waste time in dissensions to the neglect of their duties in matters of faith; competencias were always to be admitted and no censures were to be employed without consulting the Suprema, unless delay was inadmissible.[2]

How nugatory were these counsels of moderation, under the dominance of such a man as Pacheco, was soon afterwards manifested in a still more scandalous outbreak in Seville, under his direction, in 1625. The assistente or governor, Fernando Ramírez

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 45, 47.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 349.

Fariñas, himself a member of the Council of Castile and a man of high consideration, was excommunicated and thus prevented from concluding a negotiation for a donation to the king of eighty thousand ducats; his alguazil, an honorable man, was wounded and was shut up in prison to keep him out of the hands of the tribunal, which declared that he was wanted on a matter of faith, thus covering him and his family with infamy. The king and Olivares were besieged by Pacheco on the one hand and the Council of Castile on the other. The king, as usual, sided with the Inquisition and the President of the Council tendered his resignation with the suggestion that his office had better be given to Pacheco who, by holding both positions, could cover up these scandals, while the royal jurisdiction could scarce be reduced to greater degradation. It is no wonder that Olivares, in a letter to the president, declared himself to be the most unfortunate of men, for he could satisfy nobody; his best course would be to ask the king to let him abandon the management of affairs; when the kingdom was in such straits that he could scarce take time to breathe in devising remedies, his efforts were wasted in competencias and he concluded with the despairing declaration that he lost his senses in thinking over it without knowing what to say.[1]

The statesmen who were guiding the destinies of Spain in those perilous times might well groan under the superfluous burden of deciding these contests over trifles so ferociously waged, but they were not to be spared. Arce y Reynoso was not so violent as Pacheco but he was equally obstinate and was determined to emancipate the Inquisition wholly by relieving it from royal supervision. There was an instructive case at Cuenca, in 1645, where the corregidor, Don Alonso Muñoz de Castilblanque sent a band of assassins to murder a woman with whom he had illicit relations, together with a priest named Jacinto. The crime created great excitement, but Muñoz was a contador, or accountant of the tribunal, and as such a titular official. He presented himself before the inquisitors who assumed his case and promptly excommunicated the judge who attempted to prosecute him. Philip had the matter investigated and was told that both the woman and the priest had been killed. He sent to the Suprema a decree ordering the removal of the excommunication and the delivery of the criminal to the Council of Castile, to be tried by

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 30–45.

the judge which it had appointed, for the inquisitors could not properly punish so atrocious a crime without incurring irregularity. This was clear and peremptory enough, but, in place of obeying it, Arce y Reynoso replied, May 4, 1645, that this would be a great and unheard of violation of the rights of the Holy Office. The woman was not dead but was in Valencia, where the tribunal was busily collecting evidence; to hand Muñoz over to the secular judges for trial and execution would incur the same irregularity as sentencing him; the case would be tried by the Suprema, which had a wide range of suitable penalties that did not infer irregularity; meanwhile Muñoz would be safely guarded and he trusted that the king would not set so pernicious an example.

When Philip rejected this appeal and repeated his order, a learned and elaborate argument was prepared to show that he had no power to interfere. It took the ground, to which we have already referred, that the temporal jurisdiction of the Inquisition over its officials was a grant from the papacy; it was exclusive and unlimited and no secular ruler could deprive the Holy Office of it; the pope had power to make this grant and the king had none to remove this or any other case from its cognizance, for he was not supreme over the ecclesiastical and papal jurisdiction —the truth being that the papal commissions to the inquisitor-general conferred power to remove and punish subordinates but said nothing as to its being exclusive, and equally fallacious was the citation of three authorities whose utterances had no bearing on the question at issue.[1] This audacious reliance on the ignorance of Philip and his secular advisers was successful. Philip made one or two efforts more, but Arce y Reynoso held good. A memorial, in 1648, on the general subject, from a member of the Council of Castile, tells the king that his repeated commands in the case of Muñoz had been disobeyed and that, although the criminal had so long been in the hands of the inquisitors, he had not yet been sentenced, which he held to be clear proof that their aim was to defend their officials from the royal justice and not to punish them.[2]

[1] The three passages cited were Simancas, de Cathol. Institt. Tit. xxxiv, n. 6: Sousa, Aphorismi Inquisit. Lib. I, cap. 1, n. 16, and Peña in Eymerici Directorium, P. III, Comment. 61. Of the three Sousa comes nearest to supplying what was wanted in saying that the officials of the Inquisition are punishable, for official delinquencies, by those who appoint them.

[2] Bibl. nacional, MSS., X, 157, fol. 244; D, 118, fol. 151, 188.

How liberal was the construction placed on this term of titular official was illustrated when, in 1622, at Toledo, the corregidor arrested the butcher of the tribunal for intolerable frauds on the public. The inquisitor demanded the prisoner and the papers, published the corregidor in all the churches as excommunicate, seized the alguazil and apparitor who had made the arrest, cast them into the secret prison, tried them as if for heresy, shaved their heads and beards and banished them and refused to their families any evidence that would preserve their posterity from infamy. There was danger of a rising in Toledo against the Inquisition, but it was averted; the Council of Castile protested and a junta was held which adopted measures to prevent a repetition of such outrages but, as usual, no attention was paid to them. [1]

It would be superfluous to multiply examples of the perennial struggle which was distracting the energies of the government and weakening the respect for law in every quarter of Spain. Each tribunal contributed its share, and there was an unending stream of cases pouring into Madrid for settlement. Each side blamed the other for this anomalous condition. In 1632, the Suprema, in defending the tribunal of Valencia for its protection of criminal familiars, bitterly complained that the object of the Concordias was the relief of the tribunals, the punishment of offenders, the quick despatch of cases, and the diminished oppression of pleaders, but that this had been converted into perpetual strife, regardless of forms and rules of procedure.[2] For this it was itself primarily to blame, for though there were doubtless faults on both sides, the cases recorded in the reports and the arguments of the Inquisition show that it was the chief offender. Its aggressive powers were too much greater than those of its adversaries, and its methods were too sharp, for the secular authorities often to risk the consequences of being in the wrong.

There was another direction in which the Holy Office sought to interfere with the administration of justice. So complete is the independence of secular authority claimed by the Church for those in holy orders, that a licence from a bishop is held to be necessary before a cleric can obey a summons to appear as a wit-

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[1] Consulta Magna (Bibl. nacional, MSS., Q, 4).
Archivo de Simancas, Inquisicion, Libro 20, fol. 138.

ness in a lay court, even in civil cases.[1] The Inquisition included this among the exemptions of all connected with it, whether lay or clerical, and even extended it to familiars. The privilege seems generally to have been conceded, as respects the salaried officials but, as applied to familiars, it was too grotesque not to excite opposition. The Concordia of 1568, as we have seen, provided that familiars should testify before secular judges without requiring licence from inquisitors and that the latter should not prohibit them from so doing, which infers that it was an abuse requiring correction and also that officials were conceded to enjoy the exemption. The power to summon a witness necessarily includes that of coercing him to testify, and this was exercised by imprisoning recalcitrants, which came to be regarded as an infraction of privilege. In 1649, in the case of Claudio Bolano, a familiar imprisoned for refusing to give evidence, the tribunal of Valencia formed a competencia, pending which he was released under bail to both jurisdictions. The question was of difficult solution and the competencia dragged on for ten years without settlement. Then, in 1659, the same thing occurred and another competencia was formed, in which the most that the Inquisition would concede was that, when the evidence was indispensable, a notary should be sent to the familiar's house to take it in secret, basing this upon the danger to which witnesses were exposed in the violent factions of the time.[2] The question, however, was settled, in 1699, in the case of Felipe Bru. At Játiva, on August 14, 1698, Don Luis Salzedo, Lord of Pamis, was shot and killed when standing at a window of his house. Don Vicente Monserrat, judge of the Audiencia of Valencia, found Bru, who was a familiar, a contumacious witness. He was first given the town as a prison, then his house, and finally was confined in chains. He appealed to the tribunal, which ordered his release within three days, under pain of excommunication and five hundred ducats. A competencia was formed which, in November, 1699, was decided in favor of the royal jurisdiction. It was probably in consequence of this discussion that, on July 15th, a royal decree was issued compelling familiars to give evidence in secular courts. Even this did not abate the pretensions of the Inquisition for when, in 1702, Joseph Pérez of Montesa, a familiar, was ordered, under penalty of a thousand ducats, not to leave that town because a

[1] Ricci, Synopsis Decretorum S. Congr. Immunitatis s. v. *Testis*, n. 1.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol. 157.

deposition was wanted from him, he appealed to the tribunal of Valencia which, with the usual threats, commanded the revocation of the order. On this being refused, Pérez went to Valencia and had himself incarcerated in the secret prison, where he was inaccessible. The Audiencia pursued the matter, there was considerable correspondence and preparations for a competencia, but finally the affair was settled by sending Pérez to the house of the regent of the Audiencia, where he made his deposition. To the end, however, the tribunal maintained the position that, if any constraint was used, it would resist and protect the familiar unless a competencia decided to the contrary.[1]

It was not the secular courts alone that had these perpetual conflicts with the Inquisition. Like Ishmael, its hand was against every man and every man's hand was against it—but, in fact, this was to a great extent the case between all the different jurisdictions among which the various classes of society were parcelled out by their several privileges and exemptions. Next to the royal courts ranked the spiritual courts in the number and complexity of debatable questions with the Inquisition. With these there were two sources of contention, for they not only claimed by prescriptive right exclusive jurisdiction in all temporal matters over all who wore the tonsure, but there was a broad field for discussion in the somewhat hazy delimitation of spiritual offences justiciable by one or the other. This latter subject will engage our attention hereafter; at present we are concerned only with the questions arising from the personnel of the Holy Office. Notoriously lax as were the episcopal courts with offenders of the cloth, the Inquisition had the reputation of still greater indulgence with those who were under its protection; clerics who were also officials therefore preferred its tribunals, giving rise to frequent quarrels in which the inquisitors treated their clerical opponents as remorselessly as they did the secular officials and judges. The episcopal Ordinaries, provisors and vicars-general contended that they had, except in cases of faith, exclusive jurisdiction over all clerics; that the temporal jurisdiction of the Inquisition was a royal grant which could not supersede the canon law and that the papal commissions only gave faculties for punishing official malfeasance. To this unanswerable argument the inquisitors

[1] Ibidem, Leg. 1, n. 3, fol. 3, 11, 25.

paid little heed and the prelates were worse off than the judges, for these at least had the Councils of Castile or Aragon to struggle for them, but the Councils admitted that they had no standing in ecclesiastical quarrels. The natural recourse of the prelates for protection was to Rome, but this was a subject of intense jealousy, traditional in the Spanish monarchy, and Philip III, in a cédula of January 21, 1611, addressed to all the prelates of his dominions, told them that they must appeal only to the Suprema and forbade them to carry any case to the Holy See.[1]

There could thus be no competencia; the conflicts between the two jurisdictions were one-sided and were conducted by the tribunals with the same overbearing arrogance as that displayed towards secular magistrates. The first summons on the provisor or vicar-general inhibited him, under pain of excommunication and a heavy fine, from further action, ordering him, within twenty-four hours, to remit the case to the Inquisition and to discharge the prisoner under bail to present himself before the tribunal, while the notary was required to surrender all the papers. If this was not obeyed, it was followed by another, commanding obedience within six hours, in default of which all beneficed priests were required, under similar penalties, to publish the provisor and notary as excommunicates and to place their names on the lists as such. A circular letter was also addressed to all priests, chaplains and sacristans of the district, to admonish all persons, within six hours and under pain of excommunication, to avoid the provisor and notary, to make no pleadings before them, to hold no communication with them and not to furnish them with bread or wine, fish or flesh, while a public edict to the same effect was issued to all the people. In case of continued obduracy, these measures were promptly followed by an edict to all the clergy, ordering them to anathematize the provisor and notary with tolling bells and extinguished candles, proclaiming them accursed of God and his saints—"accursed be the bread that they eat and the bed on which they sleep and the beasts on which they ride, and may their souls perish in hell like the candles in the water; let them be comprehended in the sentence of Sodom and Gomorrha and of Dathan and Abiram, whom the earth swallowed for disobedience, and may all the curses of Psalm *Deus laudem meam* (Ps. cviii, a

[1] Archivo de Simancas, Inquisicion, Lib. 13, fol. 145.

fearful commination) light on them!" If this did not suffice within twenty-four hours, an interdict followed, tolling bells and performing divine service in low tone with locked doors, until otherwise ordered. In case this failed, the last step was a *cessatio a divinis*, or cessation of church services in the city where the offenders lived, in order to coerce them with popular clamor.[1] It was difficult for either lay or clerical officials to contend with opponents who wielded such weapons as these.

The irresponsible exercise of such powers inevitably led to their abuse. In the Concordia of 1568 it is highly suggestive to find a clause forbidding inquisitors to issue, as they have been accustomed, to familiars and officials, general inhibitions protecting them from the ecclesiastical courts; such inhibitions are to be special and issued only in each case as it may occur. Equally significant is another which says that in no case belonging by law to the provisor shall the inquisitor intervene against his will.[2] The strained relations resulting between the ecclesiastical body and the Holy Office are alluded to in the project of reform, presented to the Suprema in 1623, which says that the clerical commissioners and their notaries bring about many conflicts with the ecclesiastical judges and, as there are no Concordias, the inquisitors are wont to arrogate to themselves greater jurisdiction than belongs to them, which causes much murmuring and resentment of the prelates and clergy. The writer piously wishes that this could be avoided, but he evidently has no remedy to propose.[3]

A conflict caused by one of these local notaries in 1609 amply justified the murmurs of the prelates. The priest of Cabra, who occupied the almost nominal position of local notary, was a notorious incestuous concubinarian, who had not for eight years celebrated mass or recited prayers. The provisor of Córdova commenced a prosecution and threw him into the episcopal gaol, when he claimed the fuero of the Inquisition. The provisor had been on friendly terms with the three inquisitors and sought an amicable settlement of the matter when, by a trick, they obtained possession of the papers and inhibited him from further proceedings. He appealed to the Suprema and was excommunicated.

[1] Modo de Proceder, fol. 27–9 (Bibl. nacional, MSS., D, 122). The date of this is 1645.

[2] Actos de Corte del Reyno de Aragon, fol. 96 (Zaragoza, 1664).

[3] Archivo de Simancas, Inquisicion, Lib. 926, fol. 27.

Four times the Suprema ordered the inquisitors to abandon the case and remove the censure, but they persistently disobeyed. All the officials of the episcopal court were ordered to hold no communication with him, which threw the whole business of the diocese into confusion, for the bishop was absent and the provisor was his representative. The culprit escaped from the episcopal gaol and was harbored by the tribunal. Passion was becoming acute; a band of familiars and officials broke into the episcopal palace and endeavored to carry off the provisor, but he was rescued by the canons in a dilapidated condition and took to his bed. Then the inquisitors pronounced the magic word—a matter of faith—which brought to their aid the corregidor and municipal authorities, who came with a troop of soldiers and carried him off on his bed, to the sound of drums and trumpets. He was taken to the Inquisition and confined for two months in a small cell, tried without opportunity for defence and sentenced to forfeit his office of provisor, to four years of banishment and other penalties, and copies of the sentence were circulated throughout the city. The bishop had sought to come to his rescue by excommunicating the inquisitors; they disregarded the censures, threatened to prosecute him if he did not remove them and did prosecute some of the canons as conspiring against the Inquisition, because they had been elected by the chapter to aid the bishop in defending the provisor.[1]

Such a sentence against a church dignitary of high rank required confirmation by the Suprema, which must have been given, for appeal was made to Philip III. He rendered some satisfaction by dismissing and banishing all secular officials who had been concerned in the arrest and wounding of the provisor, but the inquisitors, whose mere tools they had been, were left undisturbed.[2] Yet it was impossible that an affair which had aroused the attention of all Spain should pass without an attempt to prevent the recurrence of such scandals. There had been a threat, and possibly more than a threat, to appeal to Rome in defence of the bishop and clergy of Córdova, which led to the cédula of January 21, 1611, alluded to above, restricting their recourse to the Suprema. In urging this the Suprema, in a consulta of November 15, 1610, admitted that these troubles arose

[1] These details are furnished by a memorial to the king, a copy of which is in the Bodleian Library, Arch. S, 130.

[2] Bravo, Catálogo de los Obispos de Córdova, p. 580.

from the aggressions of the tribunals and their unnecessary multiplication of nominal officials; it had recently issued three *cartas acordadas* on the subject and had written to all the bishops asking reports of such excesses so as to remedy them. Philip in reply authorized the Suprema to draft such a cédula as it desired but ordered it to be so framed as not to encourage the inquisitors, who were every day intervening in matters beyond their competence for the purpose of extending their jurisdiction; it was this that gave rise to these troubles, nor would they cease till the cause was removed.[1]

Thus it was admitted on all hands that the fault lay with the tribunals, yet the wrong committed by that of Córdova remained unredressed and unpunished. Philip permitted himself, in spite of his better judgement, to be persuaded to cut off all recourse to the court of last resort in Rome, and some nominal relief must be offered to the oppressed churches and prelates. The memorial from Córdova had concluded with a prayer for some law to prevent these discords and to maintain the episcopal jurisdiction over the clergy, as the king had promised in a letter transmitted through the Council of Castile. The promise was kept after a fashion, though not until after a delay which shows how prolonged was the resistance encountered. In a carta acordada of November 28, 1612, the tribunals were informed that in order that the ministers of the Inquisition may not sin through confidence of impunity, and to prevent the conflicts which disturb the peace, the Suprema has resolved that in the cases of unsalaried clerical officials, the episcopal ordinaries shall have exclusive jurisdiction over offences relating to clerical duties and offices, to simony and spiritual matters, while inquisitors shall have cumulative jurisdiction with the ordinaries, depending on priority of action, in public and scandalous offences, such as incontinence, usury, gambling and the like.[2] This remained in force nominally at least, until the last, but the allusion to the perpetual troubles arising from this source, in the project presented to the Suprema in 1623, shows how futile it was in curbing the aggressions of the tribunals.

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[1] Archivo de Simancas, Inquisicion, Lib. 29, fol. 177; Lib. 30, fol. 1 (see Appendix).

[2] Ibidem, Lib. 30, fol. 108.—MSS. of Royal Library of Copenhagen, 218b, p. 348.

Throughout Peninsular Spain the episcopal jurisdiction was thus left defenceless to the encroachments of the Inquisition, but the Church of Majorca was fortunate in obtaining the protection of Rome, leading to a series of conflicts, waged on less unequal terms, which are worth consideration as revealing a peculiar phase in these affairs. There was a long-standing quarrel between the cathedral canons and the Inquisition. In 1600, one of the former, Pere Enseñat, assisted in the escape of a man who had wounded a familiar, whereupon the inquisitor, Francisco de Esquinel, threw him in prison and made him give bail in three hundred ducats. In 1605, another canon, Francisco Sanceloni, had a verbal altercation with Bernardo Luis Cotoner, advocate of prisoners, for which Esquinel imprisoned him, tried him and condemned him in the costs, with his past incarceration as a punishment. The indignant canons addressed a strong remonstrance to the Suprema. They had an old privilege, confirmed by the Council of Trent (Sess. xxv, De Reform. cap. 6) that they could be arrested only by the Ordinary sitting in judgement with two of their number; in matters of faith they admitted subjection to the Holy Office, but they claimed exemption in civil and criminal cases. The number of familiars and officials, and their petulance arising from the protection of the tribunal, rendered it impossible to be always incurring the expense and dangers of appeals to Rome for the preservation of their privileges. This was ineffective and, in the course of another outbreak in 1630, there was a correspondence between the Congregation of the Roman Inquisition and the nuncio at Madrid respecting an appeal from the canons. In this the nuncio reported that he had applied to Inquisitor-general Zapata, who promised to instruct the inquisitor not to molest the canons.[1]

If he did so, he was disobeyed as usual and, in 1636, a canon named Domenge was involved in a civil suit before the tribunal, resulting in a judgement against him of five thousand reales, the execution of which he resisted by force. This brought on him a prosecution, in spite of protests interjected by the bishop and chapter, which was carried on appeal to the Suprema, where he was condemned in seven hundred reales which he paid. Meanwhile, notwithstanding the cédula of 1611, the bishop and chapter had applied to Rome for a brief declaring that the canons were

[1] Archivo de Simancas, Inquisicion, Lib. 52, fol. 34.

subject to the Inquisition only in matters of faith. The question was exhaustively discussed, in the Congregation of the Holy Office, with Luis de los Infantes, the Roman agent of the Inquisition. The conclusion reached was that the Majorca tribunal had no jurisdiction over the canons save in matters of faith and this was duly embodied in the brief *Cum sicut dilecti*, March 31, 1642, which is preserved in the Bullarium. It names the bishop and dean or treasurer as executors, with power to inflict censures and to invoke if necessary the aid of the secular arm. It was received in Majorca with general rejoicing; it was printed and circulated and a syndicate was formed by the clergy to obtain, without regard to expense, a similar one for the whole ecclesiastical body, an effort which was successful in the following September.

The brief was duly served on the inquisitor, who refused to recognize it as not having been transmitted through the Suprema; besides he asserted that it was surreptitious and obreptitious as having been granted without a hearing of the other side and moreover it was in derogation of the bull *Si de protegendis*. In a consulta of December 11th, the Suprema represented energetically to Philip IV the manner in which his predecessors had compelled the surrender of papal letters adverse to the Inquisition; it asked him to have the present one suppressed and to instruct the prelates that all cases of difference must be referred to it, that no recourse be had to Rome, under the penalties decreed by Ferdinand, that the Viceroy of Majorca be required to compel the chapter to desist and that the ambassador to Rome be instructed to obtain the revocation of the obnoxious letters.

Unluckily for the Suprema the times were unpropitious. Majorca was too near to rebellious Catalonia for the imperious methods of the Holy Office to be judicious. Philip replied that the revival of Ferdinand's laws would cause trouble and the remedy sought must be practicable. The inquisitor of Majorca had been guilty of gross excesses and must be ordered to exercise moderation, and he suggested a junta of members of the Suprema and Council of Aragon to devise a Concordia. Whether such compromise was reached does not appear; if it was, subsequent events show that it was not observed by either side and no reference to it occurs. The papal briefs were maintained and ten years later, after the collapse of the Catalan rebellion, instructions of April 23, 1652, to an ambassador departing for Rome,

order him to labor for their revocation; their evil example was contagious; the Knights of St. John in Majorca were seeking to obtain a similar favor through the Maltese ambassador, which must be resisted in every way, for it would be followed by all the other Orders.[1]

The Suprema continued to treat the papal briefs as surreptitious and, in 1658, Arce y Reynoso enjoyed a momentary triumph in a contest by summoning the vicar-general to Madrid and forcing him to come.[2] Under the feebler government of the queen-regent, his successor Nithard was not so fortunate, in a fierce quarrel which involved the whole island in confusion and embroiled the rival departments of the government. May 9, 1667, on a feast-day, in the church of San Francisco, Don Jorje Dameto struck his son-in-law, Don Joseph Vallejo, with a crutch, causing effusion of blood and thus polluting the church. Both gentlemen were familiars. The inquisitor, before noon-day, ordered the arrest of both; in the afternoon Bishop Manjarre cited Dameto to appear for sacrilege and violation of the church. The rival jurisdictions locked horns and proceeded to extremities. The viceroy and Audiencia, with the bulk of the community, sided with the bishop, but disturbances were commencing and they repeatedly urged postponement of action until the government could be heard from, but the inquisitor refused. The bishop published him as excommunicate, anathematized him and caused the psalm of malediction to be repeatedly sung against him, but the inquisitor continued to celebrate mass, exhibited himself conspicuously in public, forbade the bishop entrance into his own church and threatened to suspend his sacerdotal functions. On August 29th the bishop assembled a synod where arrangements were made to send an envoy to Rome to prosecute the case, with a printed statement of all the proceedings, a copy of which was furnished to the Council of Aragon.

From Madrid, Nithard imperiously summoned the bishop to appear before him and plead his case. Under the canon law, the Inquisition had no jurisdiction over bishops, without a special delegation of papal faculties, and Manjarre was justified in declaring the summons null and void. Although, as an ecclesiastical question, the Council of Aragon had no direct competence, still

[1] Archivo de Simancas, Inquisicion, Lib. 21, fol. 346; Lib. 52, fol. 26, 37; Lib. 54, fol. 64.—Bullar. Roman., V, 367.

[2] Archivo de Simancas, Inquisicion, Lib. 52, fol. 86.

as the peace of Majorca was seriously threatened and the viceroy was involved, it took a hand in the matter and thus were presented the gravest questions with regard to the relations of the Inquisition with the episcopate, with the Holy See, and with the secular authorities.

Secure in the blind obedience of the queen, Nithard adopted the most aggressive attitude, and the queen submissively did whatever he required, for he assured her that the case was the most serious that had arisen since the foundation of the Inquisition and that, on its rightful decision, depended the preservation or extinction, not alone of the Majorca tribunal, but of all those under the crown of Aragon. To emphasize this he summoned the bishop to appear before him, personally or by procurator, within a term designated, in default of which he would be prosecuted *in contumacia*. To this the queen, in October, added her commands to the Council of Aragon; as the preservation of the Catholic faith required the maintenance of the authority of the Inquisition, the Council was ordered to write to the bishop to comply with the summons, and to the viceroy to assist the tribunal if necessary; the bishop must not appeal to Rome and if he had done so the letters must be intercepted and placed in her hands.

The Council of Aragon did not obey. It held the matter until January 21, 1668, when it presented a consulta warning the queen of the consequences of her action and pointing out that the pope was the sole judge of bishops in important cases, as were provincial synods in trivial matters. Nithard, however, was superior to the Council of Trent, and the Suprema commenced a criminal prosecution of Bishop Manjarre, while, on February 5th, an answer was prepared for the Council of Aragon, couched in a tone of bitterness and scarcely veiled contempt, which showed how fierce were the passions at work. The queen was assured that her action was in accordance with all previous royal provisions and she was asked to order the Council of Aragon to obey and not to interfere hereafter with ecclesiastical controversies. Before this missive was delivered, however, news came from Majorca that the culprit Dameto had withdrawn his appeal to the tribunal and had applied for absolution to the bishop, who considered the whole matter as settled. This was a staggering blow from which it took Nithard a month to recover, but finally he sent the consulta of February 5th with a postscript of March 12th, arguing that a subject cannot impair his judge's jurisdic-

tion by accepting another and consequently that the situation was unaltered.

The queen of course adopted this view and repeated her orders, but again the Council disobeyed her and presented, March 18th, a consulta adjuring her in solemn terms to reflect calmly, for she was making the inquisitor-general a judge of all the bishops in her dominions, not only as to conflicts of jurisdiction but also as to criminal accusations, without his holding faculties from the pope, while, at the same time, she was forbidding appeals to the Holy See which was the only proper judge. She was warned that it was impossible to exaggerate the importance of the questions at issue and she was implored, before making so momentous a decision, to consult the Councils of Castile, Italy and the Indies, for the interests of the whole monarchy were involved as well as the supreme power of the pope. To this her reply was merely a repetition of her former orders and a demand for a duplicate of the letters of the Council to the Viceroy. For the third time it disobeyed her and sent none and there are intimations that it was engaged in arousing the whole Spanish episcopate to a sense of the impending danger.

Then the affair suddenly assumed another phase. On March 7th the queen had written to her ambassador in Rome to procure the abstention of the pope from the matter, but, on that very day, the Congregation of the Inquisition, with the approval of the pope, had pronounced invalid the censures fulminated by the inquisitor. It was late in May before this was communicated to the queen by the nuncio, who said that the pope had recognized the gravity of the assault by an inquisitor on the episcopal dignity and the magnitude of the ensuing scandal, and had caused the whole subject to be carefully considered by the Congregation with the above result. The pope had felt deeply, not only the indignity offered to the episcopal office, but also that the fiscal of the Inquisition had applied to the queen to summon the bishop before it, solely on the ground of his having appealed to the Holy See. In the name of the pope the nuncio therefore asked the queen to order inquisitors not to proceed against bishops and to reject the application of the fiscal.

Even this did not shake the determination of Nithard to reduce the episcopate to subjection. A long and argumentative consulta was presented to the queen, proving that the papal decision was surreptitious and therefore invalid, and that anyhow the decrees

of the Roman Inquisition had no currency in Spain. The old prohibitions of appeals to Rome were invoked and the queen was told that one of the most precious jewels of the Spanish crown was at stake, for, unless the regalías were preserved, the Inquisition must disappear, delinquents would be unpunished, religion would suffer and, with the loss of its unity, there would no longer be obedience to the throne. The queen was therefore urged to stand firm; the prosecution of the bishop must not be suspended and the Council of Aragon must be forced to obey the royal commands.

Nithard was ready to risk an open breach with the Holy See in his audacious ambition to render the Inquisition supreme in the Spanish Church. How far the queen would have suffered herself to be carried in the execution of his plans cannot be told, as the documents fail us here. His career, however, was drawing to a close. In February, 1669, he was driven from Spain amid universal execration, yet the prosecution of Bishop Manjarre was not abandoned, for the Inquisition was not accustomed openly to admit defeat. It dragged until his death, December 26, 1670, when it was quietly dropped.[1]

Practically the intervention of Rome gave the victory to the Mallorquins, of which they took advantage. In 1671 there arose another quarrel over a fine incurred by a canon who was also a consultor of the tribunal. Both sides exchanged excommunications and Inquisitor-general Valladares, profiting by his predecessor's experience, showed moderation. On the plea that it was a matter of government rather than of jurisdiction, the Suprema ordered the tribunal to abandon the case and remove the censures imposed on the canons, but the latter were not content with this and procured from the Roman Holy Office a decree declaring invalid the censures of the inquisitors and valid those of the executors of the brief. The Council of Aragon communicated this to the queen who submissively signed a letter, January 25, 1672, to the chapter, expressing her confidence that in its use they would pay fitting attention to the peace and advantage of the Church.[2]

The Inquisition was not accustomed to defeat and it chafed under this, as was shown when, in 1690, a quarrel arose because

[1] Archivo de Simancas, Inquisicion, Lib. 25, fol. 23, 54, 86–105; Lib. 52, fol. 53, 86, 92, 100, 125, 335.

[2] Ibidem, Lib. 52, fol. 335.

a priest of Minorca, named Juan Bruells, used insulting words to the commissioner, Rafael Pons. For this he was prosecuted and the case threw all the islands into confusion. The viceroy, the Audiencia and the clergy all united against the Inquisition. The Ordinary of Minorca, as executor of the brief of 1642, forcibly released Bruells, forbade the inquisitor to proceed and, on his disobeying, excommunicated him. About this time the Mallorquin tribunal had claims to consideration arising from its vigorous proceedings against Judaizers and the large resultant confiscations. The Suprema espoused its cause with the usual energy and, in repeated consultas to Carlos III, denounced the papal briefs as surreptitious and invalid, full of defects and nullities. The feeble king issued repeated commands for the prosecution of Bruells and the surrender of the briefs, but no one paid attention to them. The Mallorquin clergy procured from the Congregation of the Inquisition a decree validating the censures pronounced by the Ordinary and annulling those of the inquisitor; the pope confirmed this but subsequently suspended it at the earnest solicitation of the Spanish ambassador, at the same time ordering his nuncio to make the king understand that the Congregation had supreme power to decide all questions of jurisdiction. The affair did not result to the satisfaction of the Inquisition for the last we hear of it is a bitter complaint by the Suprema, March 11, 1693, of the contumacious Mallorquins and the miserable condition to which they had reduced the Inquisition. In Minorca, the clergy and their dependents were so hostile that Pons could not find a church in which to celebrate mass, while the officials were shunned as excommunicated heretics.[1]

Another jurisdiction with which there were occasional quarrels was that of the army, for soldiers were exempt from the secular courts. In such competencias settlements were made by a junta of two members each of the Suprema and the Council of War, with final reference to the king in case of disagreement. I have happened to meet with but few cases of this and they seem never to have attained the importance of those with the secular and ecclesiastical courts. One occurred in 1629, arising from disputes with the garrison that had occupied the Aljafería since the troubles of 1591. A somewhat curious case was that of Don Fernando

[1] Archivo de Simancas, Inquisicion, Lib. 52, fol. 292, 312, 335.

Antonio Herrera Calderon, of Santander, who was alguazil and familiar and who resigned, in 1641, from his military company, although warned that, by so doing during hostilities, he would be tried by the Council of War. It naturally claimed him and the Suprema endeavored to protect him.[1] It would seem that, towards the end of the eighteenth century, the exemption of the military was causing special troubles, for a royal cédula of February 9, 1793, declares that, to put an end to them, in future the military judges shall have exclusive cognizance of all cases, civil and criminal, in which soldiers are defendants, except inheritances, and that no tribunal or judge of any kind shall form a competencia concerning them under any pretext.[2]

There was yet another independent jurisdiction with which the Inquisition occasionally came into collision. In Spain the Military Orders formed so important a body that, among the State Councils, there was one of Orders, which had exclusive jurisdiction over their members. It will be recalled that one of Ferdinand's most efficient measures to ensure the peace of the kingdom was to obtain the perpetual administration of those of Santiago, Calatrava and Alcántara, while the queen assumed that of Montesa. Yet he was not disposed to favor their claims of exemption in temporal matters from the jurisdiction of the Inquisition. A letter of September 15, 1515, to the tribunal of Jaen, says that certain confiscations involve property held by knights of the three Orders who may claim exemption and refuse to plead before the judge of confiscations; if so they are not to be listened to and, if necessary, are to be prosecuted with the full rigor of the law.[3]

In civil and criminal matters the members of the Orders asserted exemption from the jurisdiction of the Inquisition, leading to disputes more or less acrimonious. In 1609, at Córdova, Don Diego de Argoté, a Knight of Santiago, with levelled pistol, prevented the arrest of one of his servants by officials of the tribunal. A competencia resulted which, when carried up to Philip III, was decided by him in favor of the Council of Orders. To this the Suprema replied in a consulta, fortelling the entire destruction of the Inquisition in case the decision was allowed to stand and so worked on Philip that he reversed his decree and

[1] Archivo de Simancas, Inquisicion, Lib. 940, fol. 161; Lib. 21, fol. 300.
[2] Ibidem, Legajo 1473. [3] Ibidem, Lib. 3, fol. 425.

allowed the Suprema to prosecute the culprit.[1] The complication caused by these class privileges is illustrated in the case alluded to above, occurring in 1648, at Cuenca, of Muñoz de Castilblanque for the murder of the priest Jacinto. He was a Knight of Calatrava which led to an additional competencia, when the junta could not agree and the king had to decide.[2]

In their contests with the Orders, the tribunals were apt to exhibit the same unscrupulous spirit as in those with other contestants. In Majorca Doctor Ramon Sureda, canon, chancellor and judge of competencias, was likewise conservator of the Military Orders. In 1657 he complained that, in conflicts of jurisdiction, the inquisitor would not form competencias with him in order that the papers might take the regular course of transmission for settlement by the Suprema and Council of Orders. The king and queen therefore, as administrators of the Orders, instructed him in such case to send to the inquisitor three successive messages and report them and their replies to the Council; if, in spite of this, the tribunal continued to prosecute the case, he was to proceed against the inquisitor and the viceroy was to render him all proper support. The inquisitor ingeniously evaded this in the case of Gaspar Puygdorfilio, a Knight of Santiago, in 1661, by refusing to receive any messages, saying that he received them only from the viceroy. Sureda's report of this was left unnoticed and the inquisitor adopted the same device, in 1662, in the case of Francisco de Veri, a Knight of Montesa, prosecuted for wounding a familiar who had drawn a sword upon him. He refused to receive messages and proceeded to sequestrate Veri's property, including his crops and cattle. To save them from destruction the viceroy interposed and the Council of Orders appealed to the queen, as administrator of the Order, to take some action that should enable such questions to be settled peaceably, but apparently without result.[3]

As though the exempted classes were not numerous and troublesome enough, there was a project, in 1574, of adding another which, if carried into effect, would have altered the destiny of Spain by subjecting it eventually to the Inquisition and reducing the nominal monarch to the position of a *roi fainéant*

[1] Archivo de Simancas, Inquisicion, Lib. 927, fol. 323.
[2] Ibidem, Lib. 940, fol. 161.
[3] Ibidem, Lib. 52, fol. 222.

under a Mayor of the Palace. It is a most impressive illustration of the spirit of the age that such a project should have been formulated, that it received enthusiastic support and that a sovereign so jealous of his prerogative as Philip II should have even allowed it to be debated, much less have let it assume a menacing shape and have given it serious consideration. A Military Order was to be established under the name of *Santa María de la Espada Blanca,* with a white sword as a symbol, like the red sword of Santiago. At its head was to be the inquisitor-general, to whom all members were to swear allegiance and whose orders in peace and war all were to obey. To him likewise they were to assign their property, receiving back at his hands what was necessary for their support, and after death their widows were to be pensioned by him. They were to be exempt from all jurisdiction save his, which was to be delegated to priors appointed in all the provinces. The ostensible object was the defence of the faith and of Spain, for which they were at any time liable to be called to the field, or to serve in garrison, under the orders of the inquisitor-general. Thus the Inquisition was to be furnished with an organized force, sworn to blind obedience and released from all other obligations. The only requisite for membership was *limpieza,* or purity of blood, free from all taint of Judaic or Moorish contamination, or descent from those who had been sentenced for heresy. At this period limpieza was becoming a popular mania; the cost of proving it through four generations was considerable, and there was strong temptation in the promise that the expenses of all applicants would be defrayed from the common fund.

The project may seem to us too wild to merit a thought, but it responded so perfectly to the temper of the time that it was enthusiastically adopted by the provinces of Castile, Leon, Biscay, Navarre, Aragon, Valencia, Catalonia, Asturias and Galicia. Procurators from these provinces submitted it to Philip for his approval and were supported by representatives of forty-eight noble houses and of the archiepiscopal sees of Toledo, Santiago, Seville, Saragossa, Valencia, Tarragona and Granada. It was debated earnestly and at much length, but the argument of Pedro Vinegas de Córdova decided its fate. He pointed out the troubles which were already arising on the subject of limpieza, causing jealousies, hatreds and contentions, to be increased enormously if the population was thus to be divided into two classes; also the

fact that the royal courts would have left to their jurisdiction only the New Christians, while the Old Christians would have their special judges and, if the comparatively few existing familiars caused such all-pervading troubles, what the effect would be of increasing without limit the number of the exempt. On the one hand the ambitious and able men among the New Christians, being thus cast out, would foment disaffection and disturbance; on the other, if the old Military Orders had been a source of danger to the monarchy, what would be the effect of creating a new one, united and vastly more numerous and subject as vassals to an inquisitor-general, whose power was already so great, and who would control the property and have jurisdiction over all members, while in case of rebellion the frontiers and strongholds would be in his hands? This reasoning was unanswerable; Philip ordered all papers connected with the project to be surrendered; he imposed perpetual silence on its advocates and wrote to the ecclesiastical and secular bodies to abandon it, for justice and protection would never be lacking.[1]

We shall probably do no injustice to the Inquisition in attributing to the profits accruing from the exercise of its temporal jurisdiction the ruthless vigor with which the tribunals sought to vindicate and extend it. The remarks of the Visitor Cervantes with regard to Barcelona, in 1561 (p. 468), indicate how lucrative it could be made and how welcome was the addition of fees and fines to the somewhat meagre salaries of the officials. This explains the reckless violence which became habitual in the conduct of quarrels, because this not only was an assurance to the parties concerned as to the vigor with which they were defended, but it also served to discourage the secular authorities from resisting encroachments. It also explains the multiplication of the unsalaried officials such as familiars, commissioners and their notaries, assessors, deputies etc., which no laws or Concordias or regulations could restrain, for each one was a possible source of profit to the tribunal and a probable cause of disturbance in his vicinage, through the comfortable assurance of immunity from the law.

The natural result of this was that unprofitable business was neglected for profitable, and the suppression of heresy was postponed to the trial of civil and criminal cases which yielded fees.

[1] Cabrera, Felipe Segundo, Lib. X, cap. xviii.

We have seen how Cervantes reported that in Barcelona this seemed to be the real duty of the tribunal and that there was nothing else to be attended to; his animadversions produced no amendment and, in 1567, de Soto Salazar repeated the complaint.[1] This continued unchecked. The project of reform presented to the Suprema, in 1623, expresses the wish that other tribunals would follow the example of Saragossa, where one of the inquisitors was delegated every four months to conduct this business, so that prisoners on trial for heresy could have their cases despatched and not be kept languishing interminably in prison, which, as we shall see, was one of the sorest abuses inflicted on them.[2] This pious wish was fruitless and the records of the Inquisition for the following century show how large a portion of its activity was devoted to these cases and to the competencias incessantly springing from them.

One feature which aggravated the oppression in these matters, especially in civil suits, was not only the favoritism which inevitably inclined the tribunal to the side of its own people, but the fact that the inquisitors were usually strangers, unfamiliar with the local laws and customs peculiar to each province, which they presumed to interpret and enforce. This justified the frequent demands that inquisitors should be natives—demands which received no attention, for the appointing power thought only of their qualifications as judges of the faith while, to the mass of the population, their duties in this respect were of small account in comparison with their activity in their temporal jurisdiction. Another well-grounded source of complaint was that the inquisitorial habits of secrecy could not be wholly overcome; the parties and their counsel were not allowed to be present, as in the royal courts; witnesses were examined by the inquisitor on lists of interrogatories furnished to him, and there was no cross-examination; written arguments were presented to him which he handed to the other side for reply and the procedure, in both civil and criminal cases, was assimilated as nearly as might be to the secret trials for heresy which was the inquisitorial ideal of the dispensation of justice. The cases were decided by the inquisitors in session together, on a majority vote. In the sixteenth century there was no appeal to the Suprema, even when the vote was

[1] Archivo de Simancas, Visitas de Barcelona, Leg. 15, fol. 1, 20.

[2] Archivo de Simancas, Inquisicion, Lib. 926, fol. 19.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1.

not unanimous, but, in 1645, a writer assumes that either side could appeal.[1]

We have seen how tenaciously the kingdoms of Aragon struggled against the evils of the system. Castile felt them equally but it had not the same institutions and could only remonstrate. The Córtes of Madrid, in 1607–8, represented that those of 1579 and 1586 had petitioned for the reform of the abuses arising from the temporal jurisdiction of the Inquisition to the great injury of the kingdom; that Philip II had promised relief, but had died without granting it, and therefore the request was now repeated in view of the increasing evils. Especially was attention called to the cruelty of imprisoning ordinary offenders, for the people could not distinguish and imagined all prisoners to be heretics, thus entailing infamy upon them and disqualifying them for marriage, wherefore it was asked that they be confined in the public gaols. Philip III promised to do what was proper and of course did nothing. The Córtes of 1611 repeated the petition, with similar lack of result.[2]

The Council of Castile, the highest tribunal in the land, in a consulta of 1631, represented forcibly the existing evils, especially the prodigal use of censures under which corregidores and other magistrates lay under excommunication for months together, while individuals were impoverished by the long delays in settling competencias. It urged the remedy of permitting appeals to the Council *por via de fuerza*, in cases not of faith and this it repeated in 1634, 1669 and 1682.[3] More outspoken was a memorial presented, in 1648, to Philip by a member of the Council, on the abuses of the criminal jurisdiction, those in civil cases being treated in a separate paper. The writer alludes to having repeatedly made the same representations orally and in writing; he dwells upon the interminable delays and other obstacles which impede justice and discourage sufferers from seeking it. The resultant immunity creates audacious criminals; the number of familiars and of soldiers who never serve in the field has increased so greatly that nothing is seen but crimes and the offenders are unpunished. Everywhere men of the most dissolute type and

[1] Modo de Proceder, fol. 31–9, 86–97 (Bibl. nacional, MSS., D, 122).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 365, n. 45.—Archivo de Simancas, Inquisicion, Lib. 926, fol. 23.—Rojas de Hæret. P. I, n. 442.

[2] Llorente, Hist. crít. Cap. XXVII, Art. 1, n. 3, 4.

[3] Consulta Magna (Bibl. nacional, MSS., Q, 4).

the largest fortunes seek appointment so as to enjoy immunity; the royal revenues are defrauded and prohibited goods are imported, while no corregidor or alcalde dares to curb them, for they are at once excommunicated by the inquisitors, even to casting interdicts over whole communities. Those who suffer remain without redress, so that those who are able are led to take it into their own hands, for they can get it nowhere else. Justice is trampled under foot; there is no alguazil who dares to make an arrest, or scrivener to draw up papers, so many have been slain or wounded for so doing and the death of an alguazil is held at naught, as though the officers of justice were common enemies. If the king would re-establish the jurisdiction of the royal courts there would be an end to the excommunications with which the inquisitors defend their delinquents, as though they were vessels of the Temple; the time of the Councils and of the king would not be consumed by these perpetual competencias and the plagues would cease wherewith God afflicts these kingdoms for the injustice, the violence and the dissolute life of the people.[1]

These warnings and remonstrances fell on deaf ears. The Suprema was skilled to work upon the piety of the king, and to promise him relief from perils if he would placate God by increasing the privileges of the Inquisition, the very existence of which depended upon its ability to protect its familars from the law and from the universal hatred in which they were held.

After the fall of Inquisitor-general Nithard, there was a bustling attempt to check the enormous evils admitted to exist. In 1677 Carlos II deprecated the abuses common, both in excessive charges and in forcing his pious subjects to submit by censures which deprived them of the consolations of religion. He declared excommunication to be illegal in matters connected exclusively with laymen and temporal possessions, and forbade its employment, a command which he addresed to the Suprema in 1678 with directions to enforce it and which he repeated in 1691, but without effect.[2] Then a more comprehensive effort was made to effect a radical reform. In 1696, Carlos was induced to assemble what was known as the Junta Magna, consisting of two members each of the Councils of State, of Aragon, of Castile, of Italy, of Indies and of Orders. The decree creating it recites the disturb-

[1] Bibl. nacional, MSS., D, 118, fol. 188.

[2] Autos Acordados, Lib. IV, Tit. 1, Auto 4, cap. 13, 14, 18.—Novís Recop. Lib. II, Tit. vii, ley 5.—Archivo de Simancas, Inquisicion, Leg. 1465, fol. 99.

ance and interference with justice, the continual collisions and competencias between the Inquisition and the courts over question of jurisdiction and privileges, and the necessity of establishing some fixed principles and rules to avert these troubles for the future and to preserve the Holy Office in the love and reverence of the people, without its interfering in matters foreign to its venerable purpose. The Junta was to meet at least once a week and it was furnished with materials from the records of all the Councils, through which it obtained a thorough insight into the evils to be remedied. These labors resulted in a memorial known as the Consulta Magna, drawn up by Doctor Joseph de Ledesma of the Council of Castile.

It constituted a terrible indictment of the abuse, by the Inquisition, of the temporal jurisdiction bestowed on it by the sovereigns, with ample proof of flagrant cases and incidents. Then followed a consideration of possible remedies, of which the most indispensable was declared to be the prohibition of censures, which were so formidable that no one could resist them. Persons arrested for offences not of faith should be confined in the royal prisons to save them from the indelible disgrace of the secret prison. The *recurso de fuerza* should be admitted when excommunication was used in temporal cases. The *fuero* should be withdrawn from the servants and commensals of officials whose insolence gave occasion to arrests and censures causing dissensions that scandalized the whole kingdom. It was admitted that familiars now gave little trouble, save in Majorca, where there was no Concordia, but the salaried officials were the source of infinite contention and they should be put on the footing of familiars. A grievance of the greatest magnitude was the interminable delay in the settlement of competencias, during which prisoners languished in confinement and excommunicates could not obtain absolution; this could be averted if the Concordias and royal orders were enforced. As all attempts to curb the Inquisition had proved useless, and in spite of them it had continually increased its abuses, the ultimate remedy of depriving it wholly of the royal jurisdiction might be found necessary, but meanwhile these milder measures might be tried in hope of relief.[1] These proposed remedies, it will be seen, were moderate enough

[1] I am not aware that this interesting document has been printed. There are copies of it in the Bibl. nacional, MSS., Q, 4, and G, 344, and in the Library of the University of Halle, Yc, 17.

and in no way limited the Inquisition in its ostensible functions as the preserver of the faith.

This was the most formidable assault that the Inquisition had experienced, coming as it did from the combined forces of all the other organizations of the State, under the auspices of the king, but it was easily averted. Llorente tells us that Inquisitor-general Rocaberti, working through the royal confessor Froilan Diaz, who was ex-officio a member of the Suprema, and also Rocaberti's subject in the Dominican Order, succeeded in inducing Carlos to consign the consulta to the limbo in which reposed so many previous memorials.[1] The manner in which this was effected was simple enough. In 1726 Don Santiago Augustin Riol drew up for Philip V a report on the creation and organization of the state councils, in which he states that the consulta was submitted to the Council of Castile for its action; this was delayed by the illness of the governor of the Council; when he returned to duty the matter was forgotten and the consulta disappeared so completely that, when Philip V called for it, in 1701, no copy could be found in the archives, as appeared from a certificate furnished by the archivist.[2]

This narrow escape did not teach moderation. In 1702 the Valencia tribunal refused even to join in a competencia over a case in which it entertained a suit brought to collect the interest on a censo, by the widow of an alguazil mayor as guardian of her children. It was in vain that the regent of the Audiencia pointed out that, under the Concordia of 1568, the widow of an official only enjoyed the fuero as defendant and not as plaintiff and that the children had no claim whatever, and cited precedents that had been so decided; the tribunal was stubborn and would not even admit that the question could be carried up to the Suprema and Council of Aragon for decision.[3] It was not long after this, however, that the Suprema was obliged to admit that reforms in the methods of the Holy Office were essential. In its carta acordada of June 27, 1705, is embodied a rebuke of the recklessness with which the tribunals undertook the defence of their officials, resulting in the universal complaints of the abuse of its jurisdiction, so that it was popularly said that everything was

[1] Llorente, Hist. crít. Cap. XXVI, Art. ii, n. 35; Cap. XXXIX, Art. ii, n. 17.

[2] Riol, Informe (Semanario erúdito, III, 157).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 16.

made a *caso de Inquisicion*, to the disrepute of its officials and their families. Therefore, unless the jurisdiction was indisputable, the Suprema must be consulted before assuming the defence, amicable adjustments must always be sought and friendly relations be maintained with the royal officials, thus avoiding competencias which ordinarily arose from passionate conflicts over trifles.[1]

These were wise admonitions to which as usual scant attention was paid, but in time the tribunals were made to recognize the change which had come in with the Bourbons. There was a highly illustrative case in 1720, at Toledo, where Don Pedro Paniagua, contador or auditor of the tribunal, received in October twenty sacks of cocoa from Cadiz. In the intricate details of the Spanish system of internal imposts, it would be impossible now to say whether he had observed the formalities requisite in the transmission of merchandise, but the local authorities assumed that there was a violation of law and also an infraction of quarantine, imposed in August, owing to an epidemic in Marseilles. The corregidor was prompt; at 2 A.M. of the day following the arrival of the cocoa, he searched Paniagua's country house and at 9 A.M. his town house and sequestrated the cocoa. The inquisitors responded by imprisoning the civic guards who had been employed. A fortnight later, another visit paid to Paniagua's house showed that five sacks of the sequestrated article had been removed, whereupon he was confined in the royal prison. Then the inquisitors proceeded against the corregidor and alcalde mayor with censures, and aggravated them so energetically that in twenty-four hours they had an interdict and *cessatio a divinis* in four parishes of the city. These active demonstrations, however suited to the seventeenth century, were out of place in the eighteenth. As soon as news of them reached Madrid, hurried orders were despatched by the Suprema to remove the interdict, absolve the officials and release the guards, and when the formal report came from the tribunal the orders were repeated, with the addition that the senior inquisitor should start for Madrid within twenty-four hours. Prior to receiving this the inquisitors had written to Inquisitor-general Camargo lamenting his abandonment of them and the dishonor inflicted on the tribunal; they blushed to be accomplices in this ruin and they tendered their resignations. The answer to this was sending the senior Inquisitor of Madrid to take charge of the tribunal, with orders to the

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 178.

two remaining inquisitors to report in Madrid but, on learning that they had obeyed the first orders, they were allowed to remain in Toledo.

How strong had been the pressure exerted on the Suprema to produce this action may be inferred from a protest in which, a month later, it poured forth to Philip V its bitterness of soul. The corregidor had violated the privileges and immunities of the Inquisition; the inquisitors had been perfectly justified in their action, although too speedy in aggravating the censures; they had been humiliated, while the corregidor and his underlings were boasting of their triumph over the Inquisition and of depriving it of the rights granted by the popes and the kings of Spain. The Suprema therefore asked that the senior inquisitor be allowed to return to Toledo, that Paniagua be released by the hands of the inquisitors, that his cocoa be restored and that the corregidor and alcalde mayor be duly punished. This accomplished nothing and two months later it again appealed to the king for the release of Paniagua and the restoration of the senior inquisitor, but this time it professed its zeal to see that in future the tribunals should practise more moderation.[1] The lesson was a hard one, but it had a still harder one, in 1734, when Philip decided that a salaried official should be tried by the ordinary courts.[2]

Step by step the old-time privileges were being curtailed. Soon after the accession of Fernando VI, some trouble arose at Llerena over the taxation of familiars. It seems to have been aggravated in the usual manner and, when it reached the king, it was of a character that induced him to issue a decree, October 5, 1747, by which the Council of Castile was given jurisdiction over the officials of the Inquisition. This called forth a heated remonstrance, dated November 1st, which must have proceeded from the Inquisitor-general Prado y Cuesta, for no other subject would have dared thus to address his sovereign. The writer tells him that the decree is unworthy of his name and his faith, nor is it well that the world should see him, in the first year of his reign, discharge such a thunderbolt against the Holy Office, such as it had never received since its foundation, leaving it prostrated by the shock. He affirms before God, and would wish to write it with his blood, that the service of Jesus Christ and the prosperity of

[1] Bibl. nacional, MSS., R, 102, fol. 147–60.
[2] Autos Acordados, Lib. IV, Tit. i, Gloss 1.

the king and his kingdoms require that the decree be returned to the royal hands, without a copy being allowed to remain.[1]

Although this decree was not effective as to the salaried officials, the Inquisition was falling upon evil days. It no longer inspired the old-time awe; it was no longer striving to extend its prerogatives, but was fighting a losing battle to maintain them. A writer of about this period deplores its decadence; its commissioners and familiars serve without pay and the only reward for their labors and the cost of making their proofs of limpieza is the exemptions of pure honor granted by the kings, but now scarce one of these is observed and no fit persons seek the positions, although they are much needed, for there are not a tenth part of those allowed by the Concordias.[2] There is probably some truth in this, for Inquisitor-general Prado y Cuesta, in appointing, at the request of the tribunal of Valencia, Fray Vicente Latorre as *calificador* or censor, asks why, when there are so many learned canons and professors in Valencia, who formerly were eager in seeking the position, it had now fallen so greatly in estimation.[3]

It was difficult for the Inquisition to reconcile itself to the tendencies of the age and several cases, about this time, in which the tribunal of Valencia refused even to admit competencias, asserting that its combined ecclesiastical and royal jurisdictions rendered it the sole judge of all that concerned its officials, show that the old spirit still lingered and found expression whenever it dared.[4] Carlos III, however, was even more assertive of the royal prerogative than his brother Fernando. We have seen his orders of 1763 concerning municipal and police regulations which included the prohibitions of carrying concealed weapons and exporting money, in all of which familiars were wholly removed from the jurisdiction of the Inquisition, and in 1775 a competencia in Córdova caused him emphatically to order the inviolable observance of this decree.[5] All this led to the change in the commissions of familiars as regards carrying arms, which was brought about, in 1777, by the authorities of Alcalá la Real and Seville refusing to register commissions issued by the

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Libro 10).
[2] Ibidem, Estado, Leg. 2843.
[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 14, n. 3, fol. 132.
[4] Ibidem, Leg. 1, n. 3, fol. 3, 16
[5] Novís. Recop., Lib. II, Tit. vii, leyes 9, 10.

tribunals of Toledo and Seville, because they were not in accordance with the new regulations. In place, as of old, of blustering and coercing the magistrates, the Suprema collected from all the tribunals the formulas employed by them and framed a new one, phrased in a very different spirit and in accordance with the royal edicts.[1]

That the endless quarrels which we have been considering ought to be settled in an amicable manner was so self-evident that, from an early period, persistent efforts had been made to accomplish it, resulting in the "competencia" so frequently alluded to above. Originally it would seem that there was no established procedure and that the Inquisition settled for itself all questions arising with the magistrates. After the first opposition had been broken down these were not numerous, until the attribution of the fuero to the officials, and the enormous multiplication of familiars and other unsalaried officers, gave occasion for collisions with the courts. The earliest attempt that I have met to provide a method of settlement is a cédula, issued about 1535 by the empress-regent in the absence of Charles V, ordering that, when there was a dispute about jurisdiction, the president and judges of the royal court should meet the inquisitors and arrange matters harmoniously, so that it should not be known that there had been a difference between them. It was in conformity with this that, in 1542, when Joaquin de Tunes was tried in Barcelona for the murder of Juan Ballell, a familiar, the inquisitor, Miguel Puig, held a conference with the regent and judges of the royal chancellery, prior to the arrest, and the custody of the accused was settled without difficulty. It was impossible, however, to preserve peace between classes mutually jealous, and we have seen (p. 435) the troubles which Prince Philip endeavored to settle by the cédula of May 15, 1545. This favored the royal jurisdiction and produced complaints from the Suprema as when, in 1548, it represented to Charles V that in Granada the judges made the cédula a pretext to intervene in the business of the tribunal, whenever any one made a complaint, requiring the inquisitors to interrupt their work and come to the Audiencia, when they were ordered not to proceed and, if this was disobeyed, the judges raised a great disturbance. All this would cease if the old rule were restored that any one feeling aggrieved must

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 15, n. 11, fol. 45.

appeal to the Suprema where he would get justice.[1] Prince Philip's cédula of 1553 settled this as far as concerned matters of faith, but neither it nor the Castilian Concordia of the same year could prevent disputes over the immunities of the officials and familiars which the Inquisition was persistently endeavoring to extend. The Concordia, however, endeavored to provide for the settlement of these by the process described above (p. 436) which became technically known as competencia. It is remarkable that, in the Valencia Concordia of 1554, there is no such provision, but in that of 1568, for the Aragonese kingdoms, it appears in the slightly different form that the regent of the Audiencia and the senior inquisitor should consult and endeavor to come to some agreement. If they could not do so, the regent was to send his side of the case to the Council of Aragon and the inquisitor his to the Suprema, when the king would arrange how the matter should be decided.[2] The two formulas were combined in practice and remained the established method of settling conflicts of jurisdiction.

This should have produced peace but we have seen that it only gave occasion for fresh subjects of discord. The inquisitors were restive under any restraint on their arbitrary methods and already in 1560, a carta acordada of November 14th warns them that they are not to proceed with censures against the judges, when the latter offer competencias, but are to send the papers to the Suprema and await the result, under a penalty of twenty ducats for every infraction of the rule.[3] The inquisitors however avoided competencias as far as they could and, when obliged to concede them, the opportunity was taken of humiliating the royal judges and make them feel their inferiority in a manner most galling to men so tenacious of the respect due to position and so insistent on courtesy. When de Soto Salazar reports of the inquisitors of Barcelona that, when they had occasion to notify the lieutenant of the king or the regent of the Audiencia, they sent a messenger to summon him and then kept him waiting in the antechamber and that sometimes they called the judges before them and scolded them without cause, we can readily appreciate the intensity of the hatred thus excited.[4]

[1] Archivo de Simancas, Inquisicion, Lib. 13, fol. 16.—Proceso contra Joaquin de Tunes (MSS. of Am. Philos. Society).

[2] Actos de Corte del Reyno de Aragon, fol. 96 (Zaragoza, 1664).

[3] Archivo de Simancas, Inquisicion, Lib. 942, fol. 22.

[4] Ibidem, Visitas de Barcelona, Leg. 17, fol. 20.

So, when the Inquisition established its formula for competencias, they were sedulously framed to be as arrogantly insulting as possible. The first mandate inhibits peremptorily the judge from action and orders him to remit the case to the tribunal within twenty-four hours. If an arrest has been made the prisoner is to be discharged on bail to present himself before the inquisitors and any property seized or sequestrated is to be released. If the secular judge has any reason to allege to the contrary he is to present himself in person or by procurator to the tribunal, which will render justice, and all this is under holy obedience and the threat of major excommunication and a heavy fine. If there are any papers in the case the scrivener is ordered to surrender them, and the accuser or plaintiff is to appear within a time specified and receive justice, in default of which the case will be heard without him and without further notice. Then, if a reply is made to this alleging reasons for not obeying, a second mandate is issued pronouncing them insufficient and ordering the first one to be obeyed within a specified time under the above penalties. If the judge then proposes a competencia, a mandate is sent to him reciting the previous ones and saying that, to avoid troubling the higher powers, he is ordered to surrender all papers and suspend all action, or the excommunication and fine will be enforced on his person and property. The next mandate accepts the competencia, states that the tribunal is ready to forward its papers and orders the judges to send their side within twelve days, adding a threat of excommunication and fine if any additional testimony be taken in the case. All this is phrased in the most mandatory fashion as of a superior addressing a subordinate and all these missives are ordered to be returned to the tribunal. If, after a competencia was formed, the familiar or official accepted the jurisdiction of the secular court, he was deprived of his commission. As we have frequently seen, there was no hesitation, at any stage of the proceedings, to excommunicate the judges, to anathematize them and to lay an interdict on the city, followed by a *cessatio a divinis*.[1]

In addition to the gratification of thus humiliating the magistrates, there was also in this truculence the object of rendering the process so offensive as to make them shrink from resisting the encroachments of the Inquisition. When this failed the

[1] Modo de Proceder, fol. 21–29 (Bibl. nacional, MSS., D, 122).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

tribunal had abundant sources of annoyance in raising interminable questions of precedence and formalities, which were sometimes fought so bitterly and long as virtually to supersede the original case. The points that could be raised were endless. In 1602, the Count of Benavente, then Viceroy of Valencia, issued letters ordering a conference over the arrest of Gerónimo Falcon; the tribunal surrendered him, admitting that the case did not pertain to it, but demanded that the viceroy and chancellery should cancel the letters on their records and, on refusal, it excommunicated the regent. The matter was carried up to the Suprema and Council of Aragon, when the king decided that the letters must be expunged and it was done in presence of a secretary of the Inquisition. The same humiliation had been inflicted on the count's father, when he was viceroy, and also on the Duke of Segorbe.[1]

This arrogance continued until Carlos III, in his decree of 1775, informed the Inquisition that the royal jurisdiction which it exercised was on precisely the same level as that of his judges and magistrates; there must be entire equality between them; all threats of excommunication and fines must be abandoned; there must be free interchange of papers, mutual courtesy and no assumption of superiority. It was difficult for the tribunals to abandon the formulas which flattered their vanity and a second command was necessary, issued in 1783, on the occasion of a prolonged conflict of the Valencia tribunal with the alcalde of Consentaina. This finally produced obedience and the Suprema transmitted the royal order to Valencia with instructions for its observance.[2]

While this doubtless diminished the exasperation of these conflicts, it did not check their frequency. They continued to be a constant source of trouble and it was from a desire to diminish this, as well as to extend its authority, that the Suprema, in 1806, forbade the tribunals from instituting them without submitting the case to it and receiving its approval.[3] When, under the Restoration, the Inquisition was revived, in 1814, the officials naturally claimed the fuero, active and passive, civil and criminal,

[1] Portocarrero, *op. cit.*, fol. 47, 48.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 5, fol. 25, 27, 39, 52, 72.

[3] Ibidem, Leg. 17, n. 3, fol. 10.

and Fernando VII, in the decision of a case carried up to him from Seville, announced, February 15, 1815, in no uncertain tones, that they should be protected in its enjoyment, but the cases appear to be rare and the aggressive spirit had disappeared.[1] When, in Seville, the creditors of Francisco de Paula Esquivol complained of him to the tribunal, in place of defending him, it promptly dismissed him, June 27, 1815, an action which was confirmed by the Suprema.[2] Even more significant was a case, in 1816, when in Seville Lorenzo Ayllon abused a priest while celebrating mass and endeavored to seize the sacrament, and the secular authorities arrested and proceeded to try him. In such a case there could be no question as to the jurisdiction of the Inquisiton, but there was no disturbance, and when the tribunal claimed his transfer to the secret prison the Suprema interposed and ordered that he should be allowed to remain in the public gaol, a detainer being lodged to prevent his discharge during his trial—a concession to the royal jurisdiction which would have petrified Pacheco or Arce y Reynoso.[3]

There was the same disposition to avoid coming to extremes with the spiritual courts. In 1816 the provisor of the see of Tuy prosecuted Joseph Metzcler for impious, execrable and sacrilegious blasphemies. The tribunal of Santiago applied, in a courteous note, to the provisor for the papers and received a reply without signature. This the Suprema directed it to return and explain that there was no desire to invade the episcopal jurisdiction, but as the blasphemous propositions and acts of Metzcler might be heretical, of which the Inquisition had exclusive cognizance, it must insist on seeing the evidence to extract what appertained to it, after which the papers would be returned. It seems to have obtained the evidence for, on October 15, 1817, it voted to imprison Metzcler, as soon as his trial by the provisor should be ended, but the Suprema instructed it not to wait for this, as the jurisdiction of the Inquisition was privileged.[4]

There was one peculiarly irritating feature in the position of the Inquisition in these quarrels, which exacerbated them greatly

[1] Archivo de Simancas, Inquisicion, Lib. 559.
[2] Ibidem, Lib. 890.
[3] Ibidem, Lib. 890; Lib. 435[2].
[4] Ibidem, Lib. 890.

and often neutralized all efforts to maintain harmony—the power which it arrogated to itself of refusing to form competencias on the ground that its rights were too clear to admit of debate. Thus it held that the salaried and titular officials, with their families and servants, were so wholly beyond all secular jurisdiction that it refused to entertain any proceedings in contest of their claims. It was in vain that Philip III, by a royal letter of 1615, declared that if inquisitors refused a conference, on the ground that the matter was too clear to justify it, the regent of the chancellery should form a competencia and forward the papers as usual.[1] It was equally useless for Philip IV to decree, in 1630, that when a contention was started by either party, the other must entertain it, no matter how clear it might be, under pain, for a first offence, of five hundred ducats and, for a second, of suspension during the royal pleasure. To ensure the imposition of the fine, each Council was to give the other faculties for its collection from offenders, but, when the Suprema forwarded this decree to the tribunals, with orders for its strict observance, it added significantly that it did not apply to cases of salaried and titular officials, though no such exception was made in the decree. It knew that Philip would never summon courage to enforce his law and it was right. When, in 1633, the Council of Aragon endeavored to collect such a fine, the Suprema interposed, asserting that it could only be done by consent of both Councils, which was, in effect, to invalidate the law, and Philip himself violated it, in 1634, when Augustin Vidal, messenger of the tribunal of Valencia, was arrested by the royal court for the murder of Juan Alonso Martínez, a Knight of Santiago and Bayle of Alicante. The tribunal demanded him and refused a competencia, when Philip weakly ordered him to be surrendered "for this time and without prejudice to my royal jurisdiction."[2]

The Inquisition carried its point. Philip, by decisions of 1645 and 1658, admitted that there could be no competencias in the case of salaried officials and the Suprema enforced these decisions by a carta acordada of August 7, 1662, pointing out that they must not be entertained where such officials were concerned; at the same time tribunals were warned to exercise moderation and not to employ censures without consulting it, unless delay was

[1] Portocarrero, *op. cit.*, fol. 52.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3, fol. 49; Leg. 8, n. 1, fol. 422, 423; Libro 7 de Autos, Leg. 2, fol. 178.

inadmissible.[1] Even Philip however had to intervene against the consequences of his own acts, in 1664, when the portero of the tribunal of Logroño killed in his house a priest, apparently through jealousy. The alcalde mayor prosecuted the murderer and arrested his wife; the tribunal excommunicated the alcalde and cast an interdict on the town. The Council of Aragon formed a competencia and claimed that during it the censures should be raised according to custom, but the Suprema refused on the ground that there could be no competencia. Philip was appealed to and ordered the censures raised for the unanswerable reason that as judges under excommunication could not hold their courts, if it were allowed thus to paralyze all judicial business it would have arbitrary control over all cases and frustrate all legal remedies.[2] This decision was disregarded. It seems extraordinary that any community would endure for centuries the indefinite stoppage of the administration of justice, constantly occurring through the reckless abuse of the power of excommunication, as when, in 1672, we find the queen-regent applying to the inquisitor-general to know how she is to answer the complaints of the town of Logroño at the prolonged suspension of the powers of the corregidor who lay under excommunication, seeing that there is no conclusion of the competencia which has been so long pending.[3]

The Inquisition evidently aggravated as far as it could the public distress as a means of establishing its claims. In an effort to limit the abuse of refusing competencias, there was a junta formed, in 1679, from the Suprema and Council of State with the assistance of some theologians. This admitted that there could be no competencia in the cases of salaried officials, except when they held public office and were prosecuted for malfeasance, but it laid down the rule that, when the Suprema refused a competencia, the Council of State could appeal to the king who could appoint a junta to decide this secondary question. A limited time was allowed to the Suprema to state its reasons for refusal and during a competencia the accused was to be liberated

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[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 79.—MSS. of Royal Library of Copenhagen, 218b, p. 351.

[2] Autos Acordados, Lib. IV, Tit. 1, Auto 3 (Nueva Recop., Lib. II, Tit. vii, ley 3).

[3] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 42.

on bail and all censures were to be raised.[1] This removed some of the hardships, but the Suprema seems to have sought to evade it by sullenly refusing to form the juntas with the Royal Councils, for another decree of Carlos II ordered it to attend when summoned so that these affairs might be settled.[2] It was in vain that, in 1730, the Council of Castile urged that competencias be admitted in all cases, for Philip V decided that the agreement of 1679 should stand.[3] Probably not much was gained in the latest attempt to settle these perennial quarrels by Carlos IV in 1804, who ordered that when a conflict arose between a royal court and a tribunal, in a matter not of faith concerning an official, the court should refer the case to the governor of the Royal Council and the tribunal to the Suprema. These should then select an examiner who was to report to the Secretaría de Gracia y Justicia for the royal decision.[4]

The evils of the system were admitted on all hands, but it was so vicious in principle that remedies were impossible. The customary juntas of two members each from the Suprema and the Council of Castile or of Aragon was at best a clumsy device, onerous on the Councils and usually leading only to procrastination. To systematize it, in 1625, a permanent Junta Grande de Competencias was formed of two members from each Council, whose duty it should be to despatch all cases, and rules for it were framed in April, 1626, but it was short-lived. In 1634 Philip IV ordered the formation of a junta of two members each of the Suprema and Council of Castile to formulate a plan of relief, but, on June 9th of that year, the Suprema reported that it had never been able to accomplish a meeting of the Junta. Then, in 1657, the Junta Grande was resuscitated and we meet with an allusion to it in 1659, but it appears to have been abandoned soon afterwards.[5] Ingenuity was at fault to alleviate the evils inseparable from the permanent antagonism between the rival jurisdictions.

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[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 47; Lib. 918, fol. 830.—Bibl. nacional, MSS., R, 102, fol. 157–8.—Autos Acordados, Lib. iv, Tit. 1, Auto 5.

[2] Novís. Recop., Lib. ii, Tit. vii, ley 5.

[3] Autos Acordados, Lib. iv, Tit. 1, Gloss 1.

[4] Novís. Recop., Lib. iv, Tit. 1, ley 18.

[5] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 82; Inquisicion, Leg. 1465, fol. 50.—Llorente, Hist. crít., Cap. xxvi, Art. ii, n. 3.

Of these evils the one most keenly felt was the interminable delay in the settlement of cases. The councils from which the members were drawn were crowded with their more legitimate business; there was rarely accord in the junta; the matter would be argued without expectation of agreement; each side would be obstinate; perhaps the case would be referred to the king or years would pass before a settlement would be reached; perhaps, indeed, it would be silently dropped without a decision, especially when a decision might be undesirable because one or both sides feared a troublesome precedent. Meanwhile the case remained petrified in the condition existing at the time the competencia was formed. Until the so-called Concordia of 1679 permitted the release of prisoners on bail, if any one had been arrested, he remained in prison, perhaps to die there as sometimes occurred. In 1638 the Inquisition complained of this, when its officers happened to be the prisoners, for competencias were always slow of settlement and the work of the tribunals was crippled for lack of their ministers, while their poverty precluded their giving adequate salaries to substitutes.[1] It was not until 1721 that a remedy for this procrastination was sought by Philip V in a decree reciting the long delays and the frequency of cases remaining undecided by reason of a dead-lock in the junta, wherefore in future when a junta was formed, he was to be notified in order that he might appoint a fifth member, thus assuring a majority.[2] It does not seem however that this accomplished its purpose and, when Carlos III consolidated the cumbrous framework of government by instituting the *Junta de Estado*, composed of the ministers of the several departments, Floridablanca enumerates, among the benefits accruing, the expediting of cases of competencia and avoiding the interminable delays caused by the etiquette of the tribunals and the intrigues of the parties concerned.[3]

I have dwelt thus in detail on this subject, not only because it absorbed so large a portion of the activity of the Inquisition, but because of its importance in the relations between the Holy Office and the other institutions of Spain and in explaining the detestation which the Inquisition excited. If the people regarded it as

[1] Archivo de Simancas, Inquisicion, Lib. 21, fol. 127.

[2] Autos Acordados, Lib. IV, Tit. 1, Auto 10.—Archivo de Simancas, Inquisicion, Leg. 1465, fol. 41.

[3] Floridablanca, Memorial á Carlos III (MS. *penes me*).

a whole with awe and veneration, as the bulwark of the Catholic faith, their hatred was none the less for its members, and the perpetual struggle against the tremendous odds of its power, supported by the unflinching favor of the Hapsburgs, bears equal testimony to the tenacity of the Spanish character and to the magnitude of the evils with which the Inquisition afflicted the nation.

CHAPTER V.

POPULAR HOSTILITY

The preceding chapters illustrate some of the causes that provoked popular hatred of the Inquisition, but these were by no means all. It enjoyed, as we have said, enthusiastic support in the exercise of its appropriate functions in defending the faith, but apart from this, it had infinite ways of exciting hostility. This was the inevitable result of entrusting irresponsible power to men, for the most part overbearing and arrogant, who owed obedience only to the Suprema and who early learned that, while it might disapprove of their acts, it always supported them against complaints and, while it might administer rebuke in secret, it hesitated long before it would compromise the asserted infallibility of the Holy Office by dismissal or any other public demonstration. There was no other power to call them to account and they could rely upon its indulgence. This indulgence they extended to their subordinates, over whom, indeed, they had not the power of removal, and the consequence was that the whole body thoroughly earned the detestation of the people by the abuse of their privileges, creating irritation which was none the less exasperating because its causes might be trivial. The situation finds expression in a carta acordada of October 12, 1561, in which the Suprema begs the tribunals, for the love of God, to inflict no wrong or oppression for, since they are accused when they do right, what is to be expected when they give just grounds of complaint?[1]

Whether just or not, grounds of complaint were never lacking. The power of the inquisitor had practically scarce any bounds but his own discretion, and the temptation to its abuse was irresistible to the kind of men who mostly filled the position. In the memorial of Llerena to Philip and Juana, in 1506, complaint is made that the officials seized all the houses that they wanted and in one case, when some young orphan girls did not vacate as quickly as ordered, they fastened up the street-door and the

[1] Archivo de Simancas, Libro 939, fol. 64.

occupants were obliged to make an opening in order to leave it.[1] The same spirit was shown to parties not quite so defenceless in 1642, when its exhibition in Córdova nearly provoked a disastrous tumult. There was a vacant house which Juan de Ribera, one of the inquisitors, talked of renting, but he went to Murcia without taking it. On his return he found that it had been leased to a son of Don Pedro de Cardenas, one of the veinticuatros, or town-councillors. He sent for Cardenas and asked whether, he knew that he had engaged the house. Cardenas professed ignorance, adding that, if he had not moved his family into it, he would abandon it. Ribera ordered him to leave it and, on his refusal, the tribunal took up the quarrel by serving on him a notice to quit. As he did not obey, it cited him to appear and forced him to give security. His kinsmen and friends rallied around him and promised to sustain him by force; the matter became town-talk and the tribunal felt its honor engaged to sustain its commands by violence. It assembled the two companies of soldiers which it kept in the alcázar, while the caballeros armed themselves and guarded the house. The corregidor appealed to the tribunal not to drench the city in blood by exposing the poor civic militia to the swords of the gentlemen, and it consented to carry the matter to the king. The Council of Castile ordered that the tenant be maintained in possession, while the Suprema instructed the tribunal not to yield a jot, but to eject him by whatever means it could.[2] What was the outcome does not appear, but the case illustrates the extent to which the Inquisition magnified its powers and the determination with which it employed them.

It was impossible to prevent these lawless abuses. The Suprema might scold and threaten but, as it rarely punished and always protected the offenders, its restraining efforts amounted to little. The *visitadores*, or inspectors, duly reported disorders, and instructions would be issued to reform them, but to these the inquisitors paid little respect. There is no reason to suppose that the Barcelona tribunal was worse than any other and a series of reports of visitations there gives us an insight into the evils inflicted on the people. In 1544, Doctor Alonso Pérez sent in a report in consequence of which the Suprema roundly rebuked all the subordinates, except the judge of confiscations. All but

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 44.

[2] Cartas de Jesuitas (Mem. hist. español, XVI, 366).

two were defamed for improper relations with women; all accepted presents; all made extra and illegal charges; all neglected their duties and most of them quarrelled with each other. The fiscal was especially objectionable for his improper conduct of prosecutions and for appropriating articles belonging to the tribunal; he refused to pay his debts; he arrested a candle-maker for not furnishing candles as promptly as he demanded; when a certain party bought some sheep from a peasant and was dissatisfied with his bargain, the fiscal cited the peasant, asserted that the purchase money was his and forced the peasant to take back the sheep and return the money. Yet the Suprema was too tender of the honor of the Holy Office to dismiss a single one of the peccant officials. It ordered them to be severely reprimanded, a few debts to be paid and presents to be returned and uttered some vague threats of what it would do if they continued in their evil courses.[1]

The natural result of this indulgence appears in the next visitation by the Licenciado Vaca, in 1549. The same abuses were flourishing, with the addition that the inquisitor, Diego de Sarmiento, had accepted the position of commissioner of the Cruzada indulgence and had appointed as its preachers and collectors the commissioners and familiars of the tribunal, to the great oppression and vexation of the people, whose dread of the Holy Office prevented complaints. Sarmiento was dismissed in 1550, but in 1552 he was reappointed to Barcelona; the fiscal and notary, who were specially inculpated, were suspended for six months and the gaoler, for ill-treatment of prisoners, was mulcted in one month's wages.[2] In 1561 another visitation was made by Inquisitor Gaspar Cervantes, whose report was exceedingly severe on the disorders of the tribunal and drew from the Suprema an energetic demand for their reform.[3] This produced no amendment, the tribunal went on undisturbed until the complaints of the Córtes of 1564 led to another and more searching investigation by de Soto Salazar, in 1566. There were not only abuses of all kinds in the trials of heresy but numerous cases in which, as the Suprema told them, they had no jurisdiction. Apparently they were ready to put their unlimited powers at the disposal of all

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 141–7.
[2] Ibidem, fol. 179, 182, 196–6, 199 201, 205, 212, 217.
[3] Ibidem, fol. 255–61; Visitas de Barcelona, Leg. 15, fol. 2.

comers and imprisoned, fined and punished in the most arbitrary manner, gathering fees, commissions and doubtless bribes and selling injustice to all who wanted it, while the dread of their censures prevented opposition or remonstrance. In these cases, which were not of faith, the accused were often seized in the churches, where they had sought asylum, as though they were wanted for heresy and the repeated instances in which the Suprema orders their names stricken from the records points to one of the most cruel results of this reckless abuse of jurisdiction, for it inflicted on the sufferer, his kindred and posterity, an infamy unendurable to the Spaniard of the period. The long and detailed missive which the Suprema addressed to the tribunal, as the result of Salazar's report, gives a most vivid inside view of the abuses naturally springing from unrestrained autocracy, which, by the absolute and impenetrable secrecy of its operations, was relieved from all responsibility to its victims or to public opinion. The Suprema takes every official in turn, from inquisitors down to messengers, specifies their misdeeds and scores them mercilessly, showing that the whole organization was solely intent on making dishonest gains, on magnifying its privileges and on tyrannizing over the community, while the defence of the faith was the baldest pretext for the gratification of greed and evil passions. Yet all this was practically regarded as quite compatible with the duties of the Inquisition. The three inquisitors, Padilla, Zurita and Mexia, were suspended for three years and were then sent to repeat their misdeeds elsewhere and the two former were in addition fined ten ducats apiece.[1] That an institution possessing these powers and exercising them in such fashion, should be regarded with terror and detestation was inevitable. We shall see hereafter how it shrouded all its acts in inviolable secrecy and how it rightly regarded this as one of the most important factors of its influence, and we can understand the mysterious dread which this inspired, while, at the same time, it released the inquisitor and his subordinates from the wholesome restraint of publicity.

The smothered hostility thus excited was always ready for an explosion when opportunity offered to gratify it. In the desire to stimulate the breeding of horses, a royal pragmática, in 1628, prohibited the use of mules for coaches. The inquisitors of

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

Logroño, in the full confidence that no one would venture to interfere with them, persisted in driving with mules and when the corregidor, Don Francisco Bazan, remonstrated and threatened to seize a coach, they told him it would be his ruin. He did not venture, but, in 1633, he procured from the Council of Castile an order that no coaches should be used in Logroño, under pretext that they damaged certain shops projecting on the principal street. The fiscal of the tribunal undertook to meet this by asserting that it had a special privilege from the king concerning coaches, but when Bazan promised to obey, it was not forthcoming. The Suprema took up the quarrel and represented to Philip IV the hardship inflicted on the inquisitors, too old and feeble for the saddle; the compassionate king endorsed on the consulta the customary formula of approval—"I have so ordered"; the Suprema then applied to the Council of Castile for a corresponding order and several communications passed without result. Another consulta was presented to the king, who endorsed it "I have so ordered again," but the Council of Castile was still evasive. Then the Logroño authorities offered to the Bishop of Calahorra permission to use coaches and intimated to the inquisitors that, if they would apply for a licence, it would be given. The Suprema forbade them thus to recognize the local magistracy, as they had royal authority, whereupon they resumed the use of their coaches; the alguazil of the corregidor arrested one of their coachmen and they excommunicated the corregidor. The king, December 9, 1633, ordered him to be absolved, to which, on December 30th, the Suprema replied that he would be absolved if he made application. The Council of Castile presented to the king a consulta, arguing that ecclesiastics and inquisitors alike owed obedience to the laws and that the corregidor had acted with great moderation. February 5, 1634, the king enquired what had been done with the corregidor, but it was not until December 16th that the Suprema condescended to reply, complaining bitterly of the slight put upon the Inquisition, when the whole safety of the monarchy depended upon its labors. Finally, on February 15, 1635, the Council of Castile sent to the Suprema a licence for the use of coaches in Logroño, at the same time intimating that its tax of *media añata* had not been paid. In the course of the quarrel the Council presented a very forcible consulta to the king which exhibits the light in which the Inquisition was regarded by the highest authorities of the State. It

represented that everywhere the inquisitors and their officials, under color of privileges that they did not possess, were causing grave disorders. They were vexing and molesting the corregidors and other ministers of the king, oppressing them with violent methods and frightening them with threats of punishment in order to deter them from defending the royal jurisdiction. Thus crimes remained unpunished, justice became a mockery and the king's vassals were afflicted with what they were made to suffer in their honor, their lives, their fortunes and their consciences.[1]

Trivial quarrels such as this, developed until they distracted the attention of the king and his advisers, were constantly breaking out and bear testimony to the antagonistic spirit which was all-pervading. A long-standing cause of dissension in Logroño may be taken as a type of what was occurring in many other places. Local officials there, as elsewhere, had a perquisite in the public *carnicería*, or shambles, of dividing among themselves the *vientres* or *menudos*—the chitterlings—of the beasts slaughtered. It was not unnatural that the inquisitors and their subordinates should seek to share in this, but the claim was grudgingly admitted, as it diminished the portions of the town officers, and it led to bickerings. In 1572 Logroño complained to the Suprema that, while it was willing to give to each inquisitor the *menudo* of a sheep every week, the inferior officials, down to the messengers, claimed the same and, when there was not enough to go round, they caused the slaughter of additional sheep, in order to get their perquisite. As the population was poor, living mostly on cow-beef, and meat would not keep in hot weather, this caused much waste, wherefore the town begged that during the four hot months the inferior officials should be content with what the town officers received and during the other eight months it would endeavor to give them more. To this the Suprema graciously assented, but, in 1577, there was another outbreak, to quiet which the Suprema ordered the enforcement of the agreement. In 1584 trouble arose again and still more in 1593 and in 1601 it reached a point at which the tribunal summoned all the staff of the carnicería and scolded them roundly, giving rise to great excitement. Then in 1620 there was a worse outbreak than ever, owing to the refusal of the regidor to give to one of the inquisitors

[1] MSS. of Royal Library of Copenhagen, 218b, p. 125.—Archivo de Simancas, Inquisicion, Lib. 32, fol. 109, 117.

two pairs of sheep's stones asked for on the plea that he had guests to breakfast. The angry inquisitor, thus deprived of his breakfast relish, induced the tribunal to summon the regidor before it and severely reprimand him, thus not only inflicting a grave stigma on him, but insulting the town, of which it complained loudly to the Suprema.[1] It is easy to understand how trifles of the kind kept up a perpetual irritation, of which only the exacerbations appear in the records.

The privileges of the markets, in fact, were a source of endless troubles. It was recognized that both secular and ecclesiastical officials were entitled to the first choice and to be served first. Those of the Inquisition claimed the same privilege, not only in cities where there was a tribunal, but also where the scattered commissioners and notaries resided. That this was frequently resisted is shown by the formula of mandate to be used in such cases, addressed to the corregidor or alcaldes, setting forth that the rights in this respect of the aggrieved party had not been respected and that in future he should have the first and best (after the secular and ecclesiastical officials had been served) of all provisions that he required, at current prices, and this under penalty of twenty thousand maravedís, besides punishment to the full rigor of the law.[2] It does not appear that there really was any legislation entitling the Inquisition to this privilege, but in the frequent troubles arising from its assertion, the inquisitors acted with their customary truculence. A writer, in 1609, who deprecates these quarrels, suggests as a cure that the king issue a decree that the representatives of the Inquisition shall have preference in purchasing and, at the same time, he tells of a case in Toledo where a regidor, who told the steward of the tribunal to take as many eggs as he wanted, but no more, was arrested and prosecuted, and of another in Córdova, where a hidalgo, who had bought a shad and refused to give it up to an acquaintance of a servant of an inquisitor, was punished with two hundred lashes and sent to the galleys.[3] In 1608 the Suprema issued an injunction that purveyors of inquisitors should take nothing by force, the significance of which lies rather in the

[1] Archivo de Simancas, Inquisicion de Logroño, Leg. 1, n. 21, 22; Inquisicion, Leg. 1157, fol. 90.

[2] Modo de Proceder, fol. 43 (Bibl. nacional, MSS., D, 122).

[3] Discurso en razon del acuerdo que se puede tomar entre las jurisdicciones (MSS. of Bodleian Library, Arch. Seld. A. Subt. 13; Arch. S, 130).

indication of existing abuses than in its promise of their removal.[1] The claim of preference was pushed so far that in Seville, in 1705, there arose a serious trouble because the servant of an inquisitor detained boat-loads of fish coming to market, in order to make his selection, and it required a royal cédula of March 26, 1705, forbidding inquisitors to detain fish or other provisions on the way, or to designate by *banderillas* the pieces selected for themselves.[2] When we consider the character of the slaves and servants thus clothed with authority to insult and browbeat whomsoever they chose, in the exercise of such functions, we can conceive the wrath and indignation stored up against their masters in the thousands of cases where fear prevented an explosion. It is true that the Suprema issued instructions that all purveyors should behave themselves modestly and give no ground of offence and that no one should be summoned or imprisoned for matters arising out of provisions, but as usual these orders were disregarded. Insolence would naturally elicit a hasty rejoinder which, as reported by the servant to his master, would imply disrespect towards the Holy Office, and severe punishment would be justified on that account.

Perhaps less irritating but more serious in its effects was the use made of the fuero by those engaged in trade. Inquisitor-general Deza, in 1504, issued a stringent prohibition against any salaried official having an interest, direct or indirect, in any business. Daily experience, he said, showed how much opprobrium and disturbance it brought upon the Inquisition, wherefore he decreed that it should, *ipso facto*, deprive the offender of his position and subject him to a fine of twenty thousand maravedís; he should cease to be an official as soon as contravention occurred and the receiver, under pain of fifty ducats, should cut off his salary. All officials cognizant of such a case should notify the inquisitor-general within fifteen days, under pain of major excommunication, and this order was to be read in all tribunals in presence of the assembled officials.[3]

The severity of this regulation indicates the recognized magnitude of the evil, and its retention in the compilation of Instructions shows that it was considered as remaining in force. Like

[1] MSS. of Royal Library of Copenhagen, 218b, p. 201.

[2] Archivo de Sevilla, Seccion primera, Carpeta X, n. 213 (Sevilla, 1860).

[3] Arguello, fol. 23.—MSS. of Royal Library of Copenhagen, 218b, p. 221.

all other salutary rules, however, it was slackly enforced from the first and the Catalans took care to have the prohibition embodied in the bull *Pastoralis officii*. It gradually became obsolete. A royal decree of August 9, 1725, in exempting from taxation the salaries of officials of the tribunal of Saragossa, adds that, if they possess property or are in trade, those assets are taxable, showing that their ability to trade was recognized.[1] How aggravating was the advantage which they thus enjoyed can be gathered from a Valencia case of about 1750. Joseph Segarra, the contador of the tribunal, entered into partnership with Joseph Miralles, a carpenter, to bring timber from the Sierra de Cuenca. In the settlement Segarra claimed from Miralles a balance of 1779 libras; they entered into a formal agreement to accept the arbitration of Doctor Boyl, but Segarra rejected the award and Miralles sought to enforce it in the royal court. Then the tribunal intervened, asserting the award to be invalid because Segarra could not divest the Inquisition of its jurisdiction and it refused the request of the regent for a conference and a competencia.[2] Evidently it was dangerous to have dealings with officials; they always had a winning card up the sleeve, to be played when needed.

As regards the great army of familiars, it was of course impossible to prevent them from trading. In fact traders eagerly sought the position in view of the advantages it offered of having the Inquisition at their backs, whether to escape payment of debts or to collect claims or to evade customs dues, or in many other ways, not recognized by the Concordias but allowed by the tribunals. The Suprema occasionally warned the inquisitors not to appoint men of low class, such as butchers, pastry-cooks, shoemakers and the like, or traders whose object was protection in their business,[3] but no attention was paid to this; a large portion of the familiars was of this class, and the space occupied in the formularies by forms of levy and execution and sale and other similar matters shows how much business was brought to the tribunals by the collection of their claims.[4] The opportunities thus afforded for fraudulent dealings, for evading obligations and

[1] Archivo de Simancas, Inquisicion, Libro 27, fol. 88.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 3. fol. 16.

[3] Ibidem, Leg. 5, n. 2, fol. 157, 158.—Archivo de Simancas, Inquisicion, Lib. 940, fol. 172.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

for enforcing unjust demands were assuredly not neglected and may be reckoned among the sources of the animosity felt for everyone connected with the Holy Office.

In the remarkable paper presented, in 1623, to the Suprema by one of its members, many of the abuses of the Inquisition are attributed to the indifferent character and poverty of the officials. It would be well, the writer says, to appoint none but clerics, holding preferment to support themselves and unencumbered with wife and children. They would not, when dying, leave penniless families, which obliges the inquisitor-general to give to the children their fathers' offices, thus bringing into the tribunals men who cannot even read; an increase of salaries, also, would relieve them of the necessity of taking bribes under cover of fees, and thus would put a stop to the popular murmurs against them. The inquisitors moreover should have power of removal, subject to confirmation by the Suprema, for now their hands are tied; their subordinates are unruly and uncontrollable. The greatest injury to the reputation of the Holy Office arises from its bad officials, who recognize no responsibility. No one should be appointed to office, or as a familiar, who is a tailor, carpenter, mason or other mechanic; it is these people who cause quarrels with the secular authorities, for they have little to lose and claim to be inviolable. In short, if we may believe the writer, the whole body of the tribunals, except the inquisitors, was rotten; none of the officials, from the fiscals down, were to be trusted, for all were eagerly in pursuit of dishonest gains, robbing the Inquisition itself and all who came in contact with it, and to this he attributed its loss of public respect and confidence.[1]

Matters did not improve, for the Suprema always defended the tribunals from all complaints, and its tenderness towards delinquents assured them of virtual impunity. At length, as we have seen, in 1703, Philip V made an attempt at reform. It was probably owing to this pressure that, in 1705, the Suprema issued a carta acordada prohibiting a number of special abuses and pointing out that, in regard to the proprieties of life, neither inquisitors nor officials obeyed the Instructions, consorting with improper persons and intervening in matters wholly foreign to their duties, thus rendering odious the jurisdiction of the Holy Office.[2] From various incidents alluded to above it is evident

[1] Archivo de Simancas, Inquisicion, Lib. 926, fol. 15–26.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 178.

that this produced little amendment but, when the vacillation of Philip V was succeeded by the resolute purpose of Carlos III and his able ministers, the power of the Inquisition to oppress was greatly curbed.

It was not alone the commonalty that had reason to complain of the extended jurisdiction claimed by the Inquisition. The feudal nobles, whose rights were already curtailed by the growth of the royal power, were restive under the interjection of this new and superior jurisdiction, which recognized no limitations or boundaries and interfered with their supremacy within their domains. Thus in 1553, the Duke of Najera complained that, in his town of Navarrete, the commissioner of the Inquisition had insulted his alcalde mayor and then, with some familiars, had forcibly taken wheat from his alguazil. Inquisitor-general Valdés wrote to the tribunal of Calahorra to investigate the matter and punish the officials if found in fault; the alcalde and alguazil were not to be prosecuted save for matters pertaining to the Inquisition and this not only in view of its proper administration but because he desired to gratify the duke.[1]

A still more serious cause of complaint, to which the nobles were fully alive, was the release of their vassals from jurisdiction by appointment to office. In 1549, the Countess of Nieva appealed to Valdés, setting forth that Arnedo was a place belonging to the count; it was within three leagues of Calahorra and there had never been a familiar there until recently Inquisitor Valdeolivas had appointed some peasants in order to enfranchise them from the jurisdiction of their lord. It was not just that, while the count was absent from the kingdom on the king's service, his peasants should be thus honored in order that they might create disturbance in the villages and interfere with the feudal jurisdiction.[2] It may well be doubted whether her request for the revocation of the commissions was granted, but that her prevision of trouble was justified is seen in a case before the tribunal of Barcelona, in 1577, in which Don Pedro de Queral, lord of Santa Coloma, a powerful noble of Tarragona, endeavored to secure the punishment of two of his vassals, Juan Requesens, a miller, and his cousin Vicente. They were both familiars and seem to have been the leaders of a discontented opposition which

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 215.
[2] Ibidem, fol. 180.

rendered Don Pedro's life miserable. The trees in his plantations were cut down, his arms, over the door of his bayle in Santa Coloma, were removed and defaced, libellous *coplas* against him were scattered around the streets, but the cousins, being familiars, were safe from his wrath. Don Pedro died but the trouble continued between his widow, the Countess of Queral and a new generation of Requesens, who succeeded to their fathers' office of familiars. Finally, in 1608, she succeeded in convicting Juan Requesens of malicious mischief, but her only satisfaction was that he was reprimanded, warned and sentenced to pay the costs, amounting to 115½ reales.[1] Such a case shows how feudalism was undermined and we can conceive how nobles must have writhed under the novel experience of rebellious vassals clothed with inviolability.

It is easy therefore to understand the detestation felt for the Inquisition by all classes—laymen and ecclesiastics, noble and simple. It was fully aware of this and constantly alleged it to the king when defending the tribunals in their quarrels, and when urging enlarged privileges as a protection against the hatred which it had excited. In its appeals against the curtailment of its jurisdiction in Aragon, it did not hesitate to admit that it had been hated there from the beginning and that its officials were so abhorred that they would not be safe if exposed to secular justice and, even as late as 1727, it repeated the assertion of the persistent hostility of the Aragonese.[2] In Logroño, the inquisitors reported to the Suprema, in 1584, that it was a common saying among the people that their life consisted in discord with the tribunal and that it was death to them when there was peace.[3] It was the same in Castile. The Córtes, in 1566, when encouraging Philip II to constrain the Flemings to admit the Inquisition, gave as a reason that his success there was necessary to the peaceful maintenance of the institution in Spain, thus intimating that, if the Flemings rejected it, the Castilians would seek to follow their example.[4] In the same year the familiars alleged that the detestation in which they were held led them to be singled out for especial oppression in the billeting of troops

[1] Proceso contra Juan Requesens (MSS. of Am. Philos. Society).

[2] Bibl. nacional, MSS., Mm, 464.—Archivo gén. de la C. de Aragon, Leg. 528. —Archivo de Simancas, Lib. 27, fol. 88.

[3] Archivo de Simancas, Inquisicion, Leg. 1157, fol. 90.

[4] Dépêches de M. de Fourquevaux, I, 166 (Paris, 1896).

and, in 1647, the Suprema declared that nothing seemed sufficient to repress the hatred with which they were regarded, in support of which it instanced an unjust apportionment, in Cuenca, of an assessment of a forced loan.[1] This hostility continued to the last, even though the decadence of the Inquisition in the eighteenth century diminished so greatly its powers of oppression. A defender of the institution, in 1803, commences by deprecating the hatred which had pursued it from the beginning; even in the present age, he says, of greater enlightenment, there is crass ignorance of its essential principles and a mortal opposition to its existence.[2]

Thus, notwithstanding the Spanish abhorrence of Jews and heretics, the dread which the Inquisition inspired was largely mingled with detestation, arising from its abuse of its privileges in matters wholly apart from its functions as the guardian of the faith.

[1] Modo de Proceder, fol. 41–2 (Bibl. nacional, MSS., D, 122).—Archivo de Simancas, Inquisicion, Lib. 23, fol. 45, 57.

[2] Discurso historico-legal sobre el Origen, Progresos y Utilidad del Santo Oficio, Introd. pp. i–iv, p. 139 (Valladolid, 1803)

APPENDIX.

I.

LIST OF TRIBUNALS.

The permanent tribunals of the Spanish Inquisition were Toledo, Seville, Valladolid, Corte (Madrid), Granada, Córdova, Murcia, Llerena, Cuenca, Santiago (Galicia), Logroño and Canaries, under the crown of Castile, and Saragossa, Valencia, Barcelona and Majorca under the crown of Aragon. In addition were Sicily, Sardinia, Mexico, Lima and Cartagena de las Indias, which lie beyond the scope of the present work.

This distribution of the forces of the Inquisition was not reached until experience had shown the most effective centres of action. Numerous more or less temporary tribunals were erected and many changes occurred in the apportionment of territory. The following list makes no pretension to absolute completeness but contains the result of such allusions as I have met in the documents.

Alcaraz. For some years there was a tribunal fixed at Alcaraz. In 1495 Alonso Hernandez, presented for a canonry, is qualified as Inquisitor of Alcaraz and, in 1499, Alonso de Torres is appointed as inquisitor there.[1]

Army and Navy. The fleet organized for the Catholic League which won at Lepanto seemed to require a tribunal to preserve it from heresy and Philip II procured from Pius V a brief of July 23, 1571, authorizing the inquisitor-general to appoint an inquisitor for each army of Philip II, whether by land or sea.[2] The first appointment under this seems to have been Rodrigo de Mendoza, Inquisitor of Barcelona, whose commission as *Inquisidor de las Galeras* is dated March 21, 1575,

[1] Bibl. nacional, MSS., Tj, 28.—Llorente, Añales, I, 252.

[2] Archivo de Alcalá, Hacienda, Leg. 1049.

together with one for his notary, Domingo de Leon, and instructions as to his duties.[1] He was succeeded by Gerónimo Manrique, who celebrated an auto de fe in Messina. After him was Doctor Juan Bautista de Cardona, but merely as commissioner, who served for two years, when Páramo, writing in 1598, tells us that the fleets were scattered and the office ceased to exist.[2] If so, it was revived for, in 1622, we are told that Fray Martin de Vivanco, chaplain of the galleys of Sicily, was appointed *Inquisidor del Mar* and, in 1632, it is stated that when a *Principe del Mar* was appointed he took with him an inquisitor and officials and all prisoners arrested by them were delivered to the nearest tribunal when the galleys made port.[3]

In later times the inquisitor-general was "Vicario géneral de los Reales Ejercitos de Mar y Tierra" and as such appointed sub-delegates to accompany the army, with the necessary powers. The *jurisdiccion castrense* enjoyed by military men did not exempt them in matters of faith from the Inquisition, but the *subdelegados castrenses* seem to have possessed no judicial powers, and debate arose, in 1793 and again in 1806, whether they or the episcopal Ordinaries should be called in to vote with the inquisitors in the cases of soldiers.[4]

Avila. When Torquemada built his convent of San Tomas in Avila he provided accommodations for an Inquisition and, in 1590, the prisoners accused of the murder of the Santo Niño de la Guardia were transferred thither from the tribunal of Segovia for trial. It continued to exist for some years and had connection with Segovia, for, June 9, 1499, Francisco González of Fresneda and Juan de Monasterio were appointed inquisitors of Avila and Segovia, residing sometimes in one city and sometimes in the other.[5]

Balaguer. There were autos de fe celebrated in Balaguer, August 15, 1490 and June 10, 1493, but these were held by the inquisitors of Barcelona as they did in Tarragona, Gerona, Perpignan and other places in their district. In 1517, however, there would seem to be a tribunal there for a letter of the Suprema relates to the murder of the assessor of the Inquisition of Balaguer. If so, it was probably withdrawn in consequence for, in 1518, the inquisitors of Barcelona are

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[1] Archivo de Simancas, Inquisicion, Lib. 940, fol. 58.

[2] Páramo, pp. 224–6.

[3] Franchina, Breve Rapporto della Inquisizione di Sicilia, p. 98.—Juan Gómez de Mora, Relacion del Auto de Fe celebrado en Madrid, este año de 1632 (Madrid, 1632).

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 3, fol 70; Leg. 17, n. 3, fol. 5.

[5] Boletin, XV, 333–45; XXIII, 415–16.—Llorente, Añales, I, 253.

ordered to publish edicts against those who molest the clergy of Balaguer for observing the interdict cast upon the town.[1]

Barbastro. As early as 1488 there was a tribunal with inquisitors at Barbastro, but, in 1521, it was suppressed and incorporated with Saragossa.[2]

Barcelona. Established in 1486. It claimed jurisdiction over the free Republic of Andorra, which was included by Arevalo de Zuazo in his visitation of 1595. Long after Roussillon and Cerdagne had been retroceded to France, the Barcelona inquisitors in 1695 still styled themselves "Inquisidores Apostólicos . . . en el Principado de Cataluña y su partido, con los Condados de Rosellon y Cerdaña y los Valls de Aran y Andorra."[3] See Lérida, Tarragona, Tortosa, Balaguer.

Burgos. There was originally a tribunal in Burgos but, in the redistricting by Ximenes it was included in Valladolid. In 1605, Philip III transferred the tribunal to Burgos, with orders to the inquisitors to eject any occupants of buildings that they might find suited to their purposes. In 1622 it was still rendering yearly reports of cases to the Suprema but, probably about 1630, it returned to Valladolid. When, in 1706, Madrid was captured by the Allies under Galloway and Las Minas, the court fled to Burgos, carrying the Inquisition thither, but its stay was short and it soon returned to the capital.[4]

Cadiz. See Xeres.

Calahorra. A tribunal was established here as early as 1493, when it celebrated an auto at Logroño. In 1499 it alternated between Calahorra and Durango. In the redistricting by Ximenes in 1509 it was incorporated with Durango, but was soon re-established. Cédulas of 1516, 1517, and 1520 indicate that at this time it was the tribunal of the enormous district of Valladolid, but in 1522 the Inquisition of Navarre was extended over Calahorra; then Navarre and Calahorra were separated, but in 1540 there was a redistribution, and Navarre and the Basque Provinces were added to Calahorra. In 1560 a part

[1] Carbonell de Gestis Hæreticor. (Coll. de Doc. de la C. de Aragon, XXVIII, 137, 139).—Archivo de Simancas, Inquisicion, Lib. 72, P. I, fol. 61; P. II, fol. 72, 110.

[2] Bibl. nacionale de France, fonds español, 80, fol. 44.—Llorente, Añales II, 242.

[3] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 4.—Proceso contra Estevan Ramoneda, fol. 72 (MSS. of Am. Philos. Society).

[4] Archivo de Simancas, Inquisicion, Lib. 1; Leg. 1465, fol. 32; Lib. 56, fol. 605, Llorente, Añales, II, 5.

of the territory of Burgos was set off from Valladolid and added to Calahorra and, in 1570, the seat of the tribunal was definitely moved to Logroño, *q. v.*[1]

Calatayud. Calatayud was the seat of an intermittent tribunal at least from the year 1488 for, in 1502, Ferdinand speaks of Joan de Aguaviva who for fourteen years had served it as barber-surgeon whenever it resided in Calatayud and one of the first presentations to a prebend, in 1488, was Martin Márquez, described as fiscal of the Inquisition of Calatayud. A letter of the Suprema, Jan. 22, 1519, addressed to the "Inquisitor of Calatayud" shows that it was still in existence, but it must soon afterwards have been merged into Saragossa.[2]

Canaries. The zeal of Diego de Muros, Bishop of Canaries, did not wait for the extension of the Spanish Inquisition over his diocese, but led him to establish an episcopal one by proclamation of April 28, 1499. It was not until 1504 that Inquisitor-general Deza sent Bartolomé López de Tribaldos thither to establish a tribunal at Las Palmas, which seems to have commenced business Oct. 28, 1505. It continued thus to the end.[3]

Cartagena. See Murcia.

Ciudad Real. A letter of Ferdinand, Nov. 8, 1483, announces the appointment of Licenciados Costana and de Balthasar as inquisitors for Ciudad Real. May 10, 1485, Ferdinand announces the transfer of Costana to Toledo, to which place the tribunal was removed.[4]

Córdova. A tribunal was established in Córdova as early as 1482, at the instance of its bishop, the New Christian Alonso de Burgos. Its district comprised the bishoprics of Córdova and Jaen, the Abadía de Alcalá la Real, the Adelantamiento of Cazorla, with Ecija and Estepa, to which Granada was added after the conquest.[5] See Granada and Jaen.

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[1] Llorente, Añales, I, 213, 252; II, 3.—Archivo de Simancas, Inquisicion, Lib. 4, fol. 1, 7, 104, 159, 162; Lib. 5, fol. 24; Lib. 73, fol. 211; Lib. 76, fol. 51, 53; Lib. 78, fol. 216, 258; Lib. 79, fol. 17, 226; Lib. 80, fol. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 2, fol. 8; Lib. 74, fol. 120.—Informe de Quesada (Bibl. nacional, MSS., Tj, 28).

[3] W. de Gray Birch, Catalogue of MSS. of the Inquisition in the Canary Islands, I, xvi, 5, 6 (London, 1903).

[4] Archivo de Simancas, Inquisition, Lib. 939, fol. 62.

[5] Matute y Luquin, Autos de Fe de Córdova, pp. 1, 75.

CORTE. The tribunal of Madrid was technically known as *Corte*. Madrid, originally a town of no special importance, belonged to the province of Toledo and was naturally under the jurisdiction of its tribunal. As the royal residence under Philip II and eventually the capital of the kingdom (except during the brief transfer to Valladolid, 1600–1606) it furnished a large part of the business of Toledo. Toledan inquisitors came there to make investigations and even to try cases, of which we have examples in 1590 and 1592.[1] Something more than this was felt to be needed and the Suprema adopted the plan of calling inquisitors from other places to commence prosecutions and act under its instructions, of which the Licenciado Flores, Inquisitor of Murcia, in 1593, and Cifontes de Loarte, Inquisitor of Granada, in 1615, are examples.[2] The presence of the inquisitor-general who did not hesitate to take action in emergencies, and that of an experienced commissioner, together with the frequent sojourn of one of the Toledo inquisitors enabled speedy action to be taken when requisite, as occurred in 1621 and again in 1624 and seemed to render superfluous the organization of a special tribunal.[3]

Yet the want of it was felt, especially with the influx of Portuguese New Christians who multiplied in the capital. As the pressure increased Toledo furnished two assistant inquisitors to reside in Madrid, thus establishing a kind of subordinate court, but in 1637 it was reported that the establishment of a tribunal was positively resolved upon, with the added comment that this would sorely vex the Toledans.[4] To their natural opposition is doubtless to be attributed the postponement of what, to a Spaniard of the period, would seem a necessity to the capital. It cannot have been long after this that one was organized for, in the matter of the confiscation of Juan Cote, commenced in Toledo, we find it, September 10, 1640, sitting in Madrid, with Francisco Salgado and Juan Adam de la Parra as inquisitors. In the same year they suggested that the case of Benito de Valdepeñas, on which they were engaged, should be sent to Toledo as more convenient for the witnesses, which was accordingly done.[5] Toledan influence is doubtless responsible for the action of Arce y Reynoso, soon after his accession in 1643, in suppressing the new tribunal and restoring the business to

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[1] MSS. of Library of Univ. of Halle, Yc, 20, Tom. III.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 113, n. 6.

[2] MSS. of Royal Library of Copenhagen, 218[b], p. 206.—MSS. of Library of Univ. of Halle, Yc, 20, T. VII.

[3] MSS. of Library of Univ. of Halle, Yc, 20, Tom. VI, X.

[4] Rodríguez de Villa, La Corte y Monarquia de España, p. 47.—Cartas de Jesuitas (Mem. hist. español, XIV, 6).

[5] MSS. of Library of Univ. of Halle, Yc, 20, Tom. IX, VI.

Toledo.[1] The pressure, however, became too great and Arce y Reynoso was obliged to reverse his action. The date of the re-establishment may safely be assumed as 1650, for a list of penitents, reconciled by Corte from the beginning, starts with three in 1651 and their trials can scarce have been commenced later than 1650.[2] Yet the relations between Toledo and Madrid continued intimate; in 1657, Lorenzo de Sotomayor styles himself as "Inquisidor Apostólico de la Inquisicion de la Ciudad y Reyno de Toledo y asistente de Corte;" to the end of the century the former always alluded to Corte as a *despacho* or office and not as a tribunal, and Corte seems to have sent its convicts to Toledo for their sentences to be published in the autos de fe.[3] Its jurisdiction was strictly limited to the city, while the surrounding country remained with Toledo. In some respects its organization was peculiar. About 1750 we are informed that its inquisitors were drawn from other tribunals who continued them on their pay-rolls, their places being taken by appointees who served without salary until a vacancy occurred. Selection to serve in Corte was regarded as a promotion, leading to a place in the Suprema or to a bishopric, although the incumbent drew only the salary from his former tribunal with a Christmas *propina* of a hundred ducats. It had no receiver; the Suprema paid its expenses and presumably collected its fines and confiscations.[4]

Cuenca. Murcia and Cuenca were originally under one tribunal. Some trouble apparently arose, possibly connected with the episcopal Ordinaries, for Ximenes ordered, January 22, 1512, that cases originating in Murcia should be taken to Cuenca to be voted on and vice versa. Llorente says that in 1513 they were separated and Cuenca formed an independent tribunal, but documents as late as 1519 show them still connected, until, in 1520, we find Cuenca celebrating an auto. A letter of March 7, 1522, states that the pope has given to Cuenca the see of Sigüenza, without taking it from Toledo, because Toledo has never visited it although ordered to do so, and is not to do so in future. Then, May 31, 1533, the Suprema says that Toledo can exercise jurisdiction there without giving Cuenca cause of complaint, and, in 1560, Sigüenza was restored to Toledo, yet in 1584 we find Cuenca exercising jurisdiction as far north as Soria. There would seem to have been some connection maintained between Murcia and Cuenca for, in 1746,

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[1] Bibl. nacional, MSS., D, 118, fol. 146, n. 49.

[2] Archivo de Simancas, Inquisicion, Lib. 1024, fol. 28.

[3] Archivo de Simancas, Inquisicion, Leg. 1474, fol. 67.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[4] Archivo de Alcalá, Estado, Leg. 2843.—Archivo de Simancas, Inquisicion, Leg. 1474, fol. 15.

the former, in enumerating its personnel, specifies nine calificadores in Murcia and four in Cuenca.[1]

Daroca. There would appear to have been for a time a tribunal in Daroca for, in the accounts of Juan Royz, receiver of Aragon, for 1498 there is an item of expenditure on the prison of the Inquisition there, which was duly passed.[2]

Durango. See Calahorra. As defined by Ximenes, in 1509, Durango had jurisdiction over Biscay, Guipúzcoa, Alava and Calahorra, with some neighboring districts.[3]

Estella. See Navarre.

Galicia, also known as Santiago. The earliest allusion to this tribunal occurs in a commission issued at Coruña, May 20, 1520, to Doctor Gonzalo Maldonado as Inquisitor of Santiago. It was probably some time before the tribunal was in working order but in 1527 it had caused sufficient alarm for the Suprema to write to João III of Portugal asking for the arrest and surrender of those who had fled from it and, in the same year, a warrant for three hundred ducats was drawn to be distributed among the inquisitors and officials of the Inquisition of Galicia. This was followed by a similar payment in 1528, showing that the tribunal was not self-sustaining.[4] Apparently the harvest was scanty and the tribunal was allowed to lapse, until the scare about Protestantism called attention to the ports of the North-west as affording ingress to heretics and their books, for we hear nothing more about it until 1562, when Philip II, in letters of June 2nd and 26th informs the governor and officials of Galicia that Valdés had despatched Dr. Quixano there as inquisitor; they are no longer to prosecute cases of heresy as they have been doing but are to lend him all aid and favor and are to allow him to dispose as he pleases of the seats in his public functions, without disputes as to precedence. In 1566 we hear of Bartolomé de Leon as receiver there, which would indicate that it was at work and was making collections.[5] Still, it had a struggle for existence, for it was discontinued early in 1568, but it was re-established

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 84, 440, 445, 454; Lib. 4, fol. 9; Lib. 933; Lib. 939, fol. 63, 139; Lib. 9, fol. 29; Leg. 1157, fol. 144; Inquisicion de Corte, Leg. 359, fol. 3.—Llorente, Añales, II, 3.

[2] Archivo de Simancas, Inquisicion, Lib. 1.

[3] Llorente, Añales, II, 4.

[4] Archivo de Simancas, Inquisicion, Lib. 940, fol. 38, 39, 53; Lib. 76, fol. 74.

[5] Archivo de Simancas, Inquisicion, Lib. 930, fol. 127; Lib. 926, fol. 141; Lib. 940, fol. 101.—Cf. Novís. Recop. Lib. II, Tit. vii, ley 1, nota 9.

within a few years, if Llorente is correct in saying that its first auto de fe was celebrated in 1573. A letter of Dr. Alva, its inquisitor, October 31, 1577, speaks of having, in the previous year, sentenced Guillaume le Meunier, he being the only inquisitor, with the advice of a single consultor, showing that the tribunal was sparingly equipped.[1] In later years it became one of the active tribunals of the kingdom. Its district comprised Coruña, Pontevedro, Orense and Lugo.

Granada. Granada, after its capture, was included in the inquisitorial district of Córdova until, in 1526, the tribunal of Jaen was transferred thither.[2]

Guadalupe. A temporary tribunal was organized here in 1485 which during its brief existence was exceedingly efficient (see p. 171).

Huesca. See Lérida.

Jaca. A tribunal apparently existed here, which was annexed to Saragossa in 1521.[3]

Jaen. A tribunal must have been established here about 1483, for two of its inquisitors took part in the assembly of Seville which framed the Instructions of 1484. It seems to have been discontinued, for September 2, 1501, Ferdinand ordered a certain Doña Beatriz of Jaen to abandon her house to the inquisitors sent thither, and to seek other quarters until they should finish the business that took them there. This indicates that only a temporary tribunal was intended but the situation was conveniently central and it was one of those retained by Ximenes in his reorganization of 1509, when he assigned to it the districts of Jaen and Guadix, with Alcaraz, Cazorla and Beas. It was still in existence in 1525, as shown by a royal letter of that date, but in 1526 it was suppressed and united with Córdova, the tribunal being transferred to Granada. In 1547, the official title of the tribunal was Córdoba y Jaen. Rodrigo tells us that it was re-established independently in 1545, but this is evidently an error and the name does not reappear in subsequent lists of tribunals.[4]

Leon. In 1501 we hear of "inquisitors of the province of Leon," whose district cannot have been confined to that province, for Ferdi-

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[1] Schäfer, Beiträge, II, 76, 77.—Llorente, Hist. crít. Cap. xlvi, Art. i, n. 11.

[2] Archivo de Simancas, Inquisicion, Lib. 926, fol. 80.

[3] Llorente, Añales, II, 242.

[4] Arguello, fol. 1.—Archivo de Simancas, Inquisicion, Lib. 1; Lib. 929, fol. 297; Sala 40, Lib. 4, fol, 164.—Llorente, Añales, II, 2.—Rodrigo, Hist. verdadera, II, 261.—Juan Gómez de Mora, Relacion del Auto de la Fe de 1632.

nand, writing September 2nd to "Cousin Duke" tells him that they have occasion to go to his city of Coria (Extremadura) and asks that they may occupy his house while there. In 1514, also there is allusion to the receiver and alguazil of the Inquisition of Leon.[1] Apparently the term is a synonym of the tribunal of Valladolid.

Lérida. The provinces of Huesca in Aragon and Lérida and Urgel in Catalonia were united as an inquisitorial district at least as early as 1490, when we hear of "the inquisitors of Huesca and Lérida" taking testimony. In 1498, a letter of Ferdinand, October 8th, announces the transfer of Urgel to Barcelona. Allusions to the tribunal continue to occur in the correspondence of Ferdinand, who, in 1502, called away the inquisitor, as there was so little to do; Saragossa would attend to heresy and only the financial officials need be left. It was not discontinued however. In 1514, there was an attempt to murder the inquisitor, Canon Antist, but in 1519 he is still addressed as inquisitor of Lérida. In this same year, however, Charles V, in a letter of January 22nd, speaks of the tribunals of Huesca, Tarazona and Lérida having been united with that of Saragossa, and, when the people of Huesca complained, in the Córtes of Saragossa, of their citizens being carried away for trial, he ordered, under pain of a thousand florins, that no one should interfere with the jurisdiction of the Saragossa tribunal. October 9th an inspector reported that there was no need of a receiver or other officials there, whereupon they were all dismissed. In 1532, however, the inquisitors of Saragossa undertook to appoint a receiver for Lérida, but were told by the Suprema to cancel it as this was a function of the crown.[2]

Logroño. In 1570, as we have seen, the tribunal of Calahorra was shifted to Logroño, which, in 1690, defines its territory as the whole kingdom of Navarre, the bishopric of Calahorra and la Calzada, Biscay, Guipuzcoa, Burgos along the mountains of Oca and the sea-coast as far as San Vicente de la Barquera, thus comprising the modern provinces of Navarre, Guipuzcoa, Biscay, Santander, Alava, Logroño and a large part of Burgos.[3]

Llerena. Originally Extremadura and Leon were combined. In 1500, Enrique Paez is receiver for the sees of Plasencia, Coria and Badajoz and the Province of Leon. In 1509 Ximenes assigned to

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[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 381.

[2] Bibl. nationale de France, fonds espagnol, 80, fol. 24, 26.—Archivo de Simancas, Inquisicion, Lib. 1; Lib. 72, P. 1, fol. 2, 177, 198; Lib. 9, fol. 24, 68; Lib. 77, fol. 53.

[3] Archivo de Alcalá, Hacienda, Leg. 498.

Llerena as its district, Plasencia, Coria, Badajoz and the lands of the military Orders, but as late as 1516 it is spoken of as the Inquisition of Leon, Plasencia, Coria and Badajoz. Its original seat was Llerena but, in 1516, it was transferred to Plasencia and the receiver was ordered to sell the houses purchased at Llerena for the prison because others will be wanted for the purpose at Plasencia. It was migratory, however and, in 1520, the people of Ciudad Rodrigo, Coria and Merida were notified that it was about to leave Plasencia and wherever it went accommodations must be provided for lodgement, audience chamber and prisons. Finally it settled permanently at Llerena and, towards the close of the sixteenth century, Zapata speaks of it as the first tribunal of the kingdom, with the widest jurisdiction.[1]

Madrid. See Corte.

Medina del Campo. The great importance of Medina del Campo as a centre of trade rendered inevitable its selection as the seat of a tribunal at an early period. In 1486 it was fully furnished with three inquisitors and an assessor, the Abbot of Medina serving as Ordinary. In 1516 we find it incorporated with Valladolid. When the court moved to Valladolid, the buildings of the Inquisition were wanted for its accommodation and the tribunal, in June 1601, was unceremoniously sent to Medina, where Dr. Martin de Bustos was turned out of his house to lodge it. Its stay was short, for in 1605, as we have seen, it was transferred to Burgos and there is no later trace of a tribunal at Medina.[2]

Murcia, also known as Cartagena. See also Cuenca. Murcia was a seat of one of the early tribunals, comprising the sees of Murcia and Cartagena. Cuenca, which was attached to it in the redistribution by Ximenes in 1509, was separated about 1520. Oran, some time after its conquest by Ximenes, was placed under the jurisdiction of Murcia. The see of Orihuela, although belonging to Valencia, on its suppression about 1510, was united to that of Cartagena and thus fell under the tribunal of Murcia, where it remained after the restoration to episcopal honors in 1564.[3] The tribunal of Orihuela naturally followed the same course on its suppression.

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[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 447; Lib. 5, fol. 9, 27. —Llorente, Añales, II, 3.—Miscelanea de Zapata (Mem. hist. español, XI, 59).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 28.— Archivo gén. de la C. de Aragon, Regist. 3684, fol. 94.—Archivo de Simancas, Inquisicion, Lib. 4, fol. 1; Legajo 1465, fol. 31, 32.—Cabrera, Relaciones, p. 107.

[3] Archivo de Simancas, Inquisicion, Lib. 4, fol. 95, 96; Lib. 3, fol. 453.— Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.—Gams, Series Episcoporum, p. 55.

NAVARRE. After the conquest of Navarre, in 1512, a tribunal was established in Pampeluna, where it did not long remain. Then, for a short period it was transferred to Estella. In 1515 we find it in Tudela, where Ferdinand orders the Archdeacon of Almazan to visit it as it is in much need of reform and, soon afterwards, he asks for a delegation of episcopal power, as Tudela was only a deanery. It was quartered in the convent of San Francisco, to relieve which, in 1518, the Suprema ordered appropriate buildings to be obtained. In 1521 and 1522 there was talk of removing it to Pampeluna; then it was extended over Calahorra; soon afterwards they were separated but finally, in 1540, they were united and so remained. Soon after the transfer to Logroño we find the tribunal describing itself as "en todo el Reyno de Navarra, Obispado de Calahorra y la Calzada y su distrito."[1]

NAVY. See ARMY.

ORAN. Páramo tells us that when Ximenes conquered Oran he commissioned Fray Yedra as inquisitor there. Llorente places this in 1516 and calls the inquisitor Martin de Baydacar, Ximenes's provisor. At that time, however, there could have been no tribunal there for, July 9, 1516 the Governor Lope Hurtado de Mendoza was ordered to discover and punish those who were impeding the sale of property for the Inquisition, work which would have been entrusted to the tribunal had there been one. By this time it had probably been suppressed and placed under Murcia.[2]

ORIHUELA. According to Llorente, Ferdinand, Aug. 7, 1507, united the tribunal of the bishopric of Orihuela to Valencia, which would infer its previous existence. It was reorganized in 1515, when Bishop Mercader appointed Pedro de los Rios as inquisitor and he was sent there with a staff of officials, and the magistrates were ordered to provide quarters for "el tiempo que fuere menester." This indicates that the tribunal was not expected to be permanent and it was probably not long afterwards that it was united with Murcia, *q. v.*[3]

OSUNA. In 1488, among the presentations to prebends is one of Pedro Sánchez, qualified as Inquisitor of Osuna.[4] Such tribunal can

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 316, 366; Lib. 72, P. 1, fol. 116; Lib. 73, fol. 142, 247, 248.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

[2] Páramo, p. 159.—Llorente, Añales, II, 91.—Archivo de Simancas, Inquisicion, Lib. 3, fol. 453.

[3] Llorente, Añales, II, 5.—Archivo de Simancas, Inquisicion, Lib. 3, fol. 332, 333.

[4] Informe de Quesada (Bibl. nacional, MSS., Tj, 28).

only have been short-lived and must speedily have been incorporated with that of Seville.

Pampeluna. See Navarre.

Perpignan. August 9, 1495 an auto de fe was celebrated in Perpignan, but it was held by the inquisitors of Barcelona. In 1518 there was only a commissioner there but, in 1524, there was a tribunal, with Juan Navardu as inquisitor and Antonio Saliteda as secretary. It was not permanent however. In 1566, when de Soto Salazar was sent on his visitation to Barcelona he was instructed to ascertain and report promptly details for the benefit of the inquisitor about to be sent to Perpignan to reside for the future and what officials should be provided for him. It is doubtful whether this intention was carried out; in any event it was but transitory.[1]

Plasencia. See Llerena.

Santiago. See Galicia.

Saragossa. Established in 1484, the tribunal gradually absorbed all the minor tribunals, but parted with Teruel to Valencia. See Barbastro, Calatayud, Daroca, Jaca, Lérida, Tarazona, Teruel.

Segovia. Segovia claimed the honor of being among the earliest cities, after Seville, to possess a tribunal, but there was no representative from there among the inquisitors assembled to frame the Instructions of 1484, owing doubtless to the resistance of the bishop Juan Arias Dávila.[2] One must have been established soon afterwards for, in 1490, the prisoners accused of the murder of the Santo Niño de la Guardia were on trial there when Torquemada transferred them to Avila. (See Avila.) In the redistribution by Ximenes, in 1509, Segovia was incorporated with Valladolid, but, in 1544 and again in 1599, the inquisitors of Toledo include it in their enumeration of their jurisdictions.[3]

Sigüenza. A tribunal was early established in Sigüenza which must have been busy if we may believe the statement that at an auto de fe in 1494 it relaxed a hundred and forty-nine victims to the secular arm.

[1] Carbonell de Gestis Hæret. (*op. cit.* XXVIII, 83).—Archivo de Simancas, Inquisicion, Lib. 72, P. II, fol. 57, 59; Lib. 930, fol. 40; Lib. 13, fol. 372.

[2] Bergenroth, Calendar of Spanish State Papers, I, xlv (London, 1862).

[3] Colmenares, Historia de Segovia, Cap. xxxiv, § 18.—Padre Fidel Fita (Boletin, XXIII, 415).—Llorente, Añales, II, 3.—Proceso contra Mari Naranja; Proceso contra Catalina Machado (MSS. *penes me*).

In 1506, Deza dismissed the officials for the reason that it was about to be united with Toledo, a merger ratified by Ximines in 1509. Toledo neglected it and it was transferred to Cuenca, *q. v.* In the eighteenth century there would appear to be some kind of subordinate tribunal there, for about 1750, Saragossa, in a report of its personnel, states that one of its five inquisitors is assisting at Sigüenza.[1]

Tarazona. A tribunal established here in the early period was merged into that of Saragossa in 1519.[2]

Tarragona. When, in 1643, the inquisitors of Barcelona were ejected, they were, after some delay, sent to open their tribunal at Tarragona, where they remained until the suppression of the Catalan rebellion in 1652.[3]

Teruel. In 1485 a tribunal was established in Teruel after some resistance. At what time it was transferred to Valencia does not appear, but a cédula of October 2, 1502 is addressed to the inquisitors of Valencia residing in Teruel and Albarracin, showing that it was then subordinate to Valencia. In 1518 it was discontinued and the district was subjected to the direct jurisdiction of the Valencian tribunal, but Cardinal Adrian, by a provision of Nov. 21st of the same year, transferred it to Saragossa and then, March 3, 1519 restored it to Valencia. This was felt by Aragon as a grievance and, at the Córtes of Monzon, in 1533 it asked that Teruel and Albarracin should be restored to the Saragossa tribunal, but the request was peremptorily refused and they remained subject to Valencia.[4]

Toledo. In 1485 the tribunal of Ciudad Real was transferred to Toledo. At first the limits of its district seem not to be clearly defined for, in 1489 the inquisitors were told to go to Guadalajara and Ferdinand ordered the local authorities to show them favor and allow them to make arrests. See Corte, Cuenca, Segovia, Sigüenza, Valladolid for sundry changes in its district. In 1565 the official designation is the city and archbishopric of Toledo, the city and bishopric of

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[1] Llorente, Añales, I, 217, 317, II, 3.—Archivo de Simancas, Inquisicion de Corte, Leg. 359, fol. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 24; Lib. 926, fol. 141.

[3] Archivo de Simancas, Inquisicion, Lib. 65, fol. 31, 50; Lib. 36, fol. 74.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 323.

[4] Archivo gén. de la C. de Aragon, Regist. 3684.—Archivo de Simancas, Inquisicion, Lib. 2, fol. 16; Lib. 72, P. II, fol. 40, 169; Lib. 74, fol. 133; Inquisicion de Barcelona, Cortes, Leg. 17, fol. 47, 48.

Sigüenza and the bishopries of Avila and Segovia, which apparently remained permanent, except the detachment of Madrid.[1]

Tortosa. For some reason the bishopric of Tortosa, although part of Catalonia, was subject to the tribunal of Valencia. When, in 1697, Vendôme captured Barcelona, the tribunal emigrated to Tortosa and established itself in the Colegio Imperial. Although peace was declared soon afterwards it remained in Tortosa at least until 1700 and presumably stayed until the conclusion of the War of Succession, when it was reinstated in Barcelona in 1715.[2]

Tudela. See Navarre.

Valencia. The old Inquisition of Valencia was reorganized in 1484, and continued to the end. As seen above, it parted with Orihuela to Murcia, obtaining Teruel and Albarracin from Saragossa and Tortosa from Barcelona.

Valladolid. A tribunal was assigned to Valladolid in 1485, but did not get into working order until 1488. After this it was suspended to be revived in 1499, as appears from a letter of Isabella, Dec. 24, 1498. The northern provinces of Spain were comparatively free from heresy and Ximenes, in his reorganization of 1509, assigned to Valladolid the enormous district comprising the sees of Burgos, Osma, Palencia, Segovia, Avila, Salamanca, Zamora, Leon, Oviedo and Astorga and the abbeys of Valladolid, Medina del Campo and Sahagun. In 1516 the enumeration is the same except the omission of Zamora and the addition of Ciudad Rodrigo and Calahorra. Roughly speaking, it may be assumed to comprise the whole of the provinces of Old Castile, Leon and Asturias. Valdés, August 8, 1560, repeated April 12, 1562 made over the whole of this to Toledo, but the grant can only have been temporary for, in 1565 the Toledan inquisitors described themselves as of the city and archbishopries of Toledo, the city and bishopric of Sigüenza, with the bishopries of Avila and Segovia, and in 1579 we find the inquisitors of Valladolid styling themselves inquisitors of the kingdoms of Castile and Leon and the principality of Asturias. This enormous district it continued to retain, subject to the easternmost portion detached to Calahorra or Logroño and to its translation in 1601

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 62.—MSS. of Library of Univ. of Halle, Yc, 20, Tom. VIII.

[2] Proceso contra Ignacia ——; contra Estevanillo F. (MSS. of Am. Philos. Society).—Archivo hist. nacional, Inquisicion de Valencia, Seccion Varios, Leg. 13.—Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 23.

to Medina del Campo and thence to Burgos, from which it returned to Valladolid, probably about 1630.[1]

Xeres. In 1495, Rodrigo Lucero is described as Inquisitor of Xeres. In 1499 the sovereigns appointed Alonso de Guevara Inquisitor of Cadiz and Xeres. The tribunal continued there for some time. In 1515 Ferdinand alludes to Luis de Riba Martin "our late receiver in the Inquisition of Xeres," who in dying had left to the treasury a legacy of 30,000 mrs. for the relief of his conscience.[2] I have met no later reference to it and probably it was soon afterwards merged into the tribunal of Seville.

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[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 4, fol. 1; Lib. 929, fol. 63.—MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.—Llorente, Añales, II, 3.—Bibl. nationale de France, fonds espagnol, 354, fol. 242.

[2] Informe de Quesada (Bibl. nacional, MSS., Tj., 28).—Llorente, Añales, I, 252.—Archivo de Simancas, Inquisicion, Lib. 3, fol. 423.

II.

LIST OF INQUISITORS-GENERAL.

1483. Thomás de Torquemada. Appointed in 1483. Died Sept. 16, 1498.
1491. Miguel de Morillo is also inquisitor-general in 1491.

Additional Inquisitors-general, Appointed in 1494.

1494. Martin Ponce de Leon, Archbishop of Messina. Died in 1500.
Iñigo Manrique, Bishop of Córdova. Died March 4, 1496.
Francisco Sánchez de la Fuente, Bishop of Avila. Died Sept., 1498.
Alonso Suárez de Fuentelsaz, Bishop of Jaen. Resigned in 1504. Died Nov. 5, 1520.
1498. Diego Deza, Archbishop of Seville. Commissioned Nov. 24, 1498, for Castile, Leon and Granada, and Sept. 1, 1499, for all Spain. Resigned in 1507. Died July 9, 1523.

Separation of Inquisitions of Castile and Aragon.

Castile.

1507. Francisco Ximenes de Cisneros, Cardinal and Archbishop of Toledo. Commissioned June 5, 1507. Died Nov. 8, 1517.

Aragon.

1507. Juan Enguera, Bishop of Vich (of Lérida in 1511). Commissioned June 6, 1507. Died Feb. 14, 1513.
1513. Luis Mercader, Bishop of Tortosa. Commissioned July 15, 1513. Died June 1, 1516.
Fray Juan Pedro de Poul, Dominican Provincial of Aragon, also commissioned by Leo X. Died in 1516.
1516. Adrian of Utrecht, Cardinal and Bishop of Tortosa. Commissioned Nov. 14, 1516.

Reunion of Inquisitions of Castile and Aragon.

1518. Cardinal Adrian of Utrecht. Commissioned March 14, 1518. Elected to papacy Jan. 9, 1522. Continued to act until his departure for Rome from Tarragona Aug. 4, 1522.

1523. Alfonso Manrique, Cardinal and Archbishop of Seville. Commissioned Sept. 10, 1523. Died Sept. 28, 1538.

1539. Juan Pardo de Tavera, Cardinal and Archbishop of Toledo. Appointed June 10, 1539. Commissioned Nov. 7, 1539. Took possession Dec. 7, 1539. Died Aug. 1, 1545.

1546. Francisco García de Loaysa, Archbishop of Seville. Commissioned Feb. 18, 1546. Took possession March 29, 1546. Died April 22, 1546.

1547. Fernando Valdés, Archbishop of Seville. Commissioned Jan. 20, 1547. Took possession Feb. 19, 1547. Resigned in 1566. Died Dec. 9, 1568.

1566. Diego Espinosa, Cardinal and Bishop of Sigüenza. Commissioned Sept. 8, 1566. Took possession Dec. 4, 1566. Died Sept. 15, 1572.

1572. Pedro Ponce de Leon y Córdova, Bishop of Plasencia. Commissioned Dec. 7, 1572. Did not take possession; his brief arrived four hours after his death, Jan. 17, 1573.

1573. Gaspar de Quiroga, Cardinal and Archbishop of Toledo. Commissioned April 20, 1573. Took possession May 28, 1573. Died Nov. 12, 1594.

1595. Gerónimo Manrique de Lara, Bishop of Avila. Commissioned Aug. 1, 1595. Died Nov. 1, 1595.

1596. Pedro de Portocarrero, Bishop of Cuenca. Commissioned Jan. 1, 1596. Resigned in 1599. Died Sept. 20, 1600.

1599. Fernando Niño de Guevara, Cardinal and Archbishop of Seville. Commissioned Aug. 11, 1599. Took possession Dec. 23, 1599.
Resigned in 1602. Died Jan. 1, 1609.

1602. Juan de Zuñiga, Bishop of Cartagena. Commissioned July 29, 1602. Died Dec. 20, 1602.

1603. Juan Bautista Acevedo, Royal Confessor and Patriarch of the Indies. Commissioned Jan. 20, 1603. Died July 8, 1608.

1608. Bernardo de Sandoval y Roxas, Cardinal and Archbishop of Toledo. Commissioned Sept. 12, 1608. Died Dec. 7, 1618.

1619. Luis de Aliaga, Royal Confessor. Commissioned Jan. 4, 1619. Resigned in 1621. Died Dec. 3, 1626.

1622. Andrés Pacheco, Bishop of Cuenca. Commissioned Feb. 12, 1622. Died April 7, 1626.

1627. Antonio de Zapata, Cardinal and Archbishop of Burgos, 1600–1605. Commissioned Jan. 30, 1627. Resigned in 1632. Died April 23, 1635.

1632. Antonio de Sotomayor, Royal Confessor and Archbishop of Damascus. Commissioned July 17, 1632. Resigned June 21, 1643. Died in 1648.

1643. Diego de Arce y Reynoso, Bishop of Plasencia. Commissioned Sept. 18, 1643. Took possession Nov. 14, 1643. Died June 20, 1665.

1665. Pascual de Aragon, Archbishop of Toledo. A document of Oct. 26, 1665, is drafted in his name. Resigned soon afterwards.

1666. Juan Everardo Nithardo, Royal Confessor and Cardinal. Commissioned Oct. 15, 1666. Banished Feb. 25, 1669, as ambassador to Rome. Died in 1681.

1669. Diego Sarmiento de Valladares, Bishop of Plasencia. Commissioned Sept. 15, 1669. Died Jan. 29, 1695.

1695. Juan Thomás de Rocaberti, Archbishop of Valencia. Commissioned Aug. 2, 1695. Died June 13, 1699.

1699. Alfonso Fernández de Córdova y Aguilar. Died Sept. 19, 1699, before the arrival of his brief.

1699. Balthasar de Mendoza y Sandoval, Bishop of Segovia. Commissioned Oct. 31, 1699. Resigned in 1705. Died Nov. 4, 1727.

1705. Vidal Marin, Bishop of Ceuta. Commissioned March 24, 1705. Died March 10, 1709.

1709. Antonio Ybañez de la Riva-Herrera, Archbishop of Saragossa. Commissioned April 5, 1709. Died Sept. 3, 1710.

1711. Francesco Giudice, Cardinal. Commissioned June 11, 1711. Resigned in 1716. Died Oct. 10, 1725.

1715. Felipe Antonio Gil de Taboada. Commissioned Feb. 28, 1715. Did not serve.

1717. Josef de Molines. Proclaimed Jan. 9, 1717, while in Rome. Detained in Milan by the Austrians and died there.

Juan de Arzamendi. Died without serving.

1720. Diego de Astorga y Cespedes, Bishop of Barcelona. Commissioned March 26, 1720. Resigned in 1720. Died Feb. 9, 1724.

1720. Juan de Camargo, Bishop of Pampeluna. Commissioned July 18, 1720. Died May 24, 1733.

1733. Andrés de Orbe y Larreategui, Archbishop of Valencia. Commissioned July 28, 1733. Died Aug. 4, 1740.

1742. Manuel Isidro Manrique de Lara, Archbishop of Santiago. Commissioned Jan. 1, 1742. Died Jan. 10, 1746.

1746. Francisco Pérez de Prado y Cuesta, Bishop of Teruel. Appointed July 26, 1746. Commissioned Aug. 22, 1746. Died in July, 1755.

1755. Manuel Quintano Bonifaz, Archbishop of Pharsalia. Commissioned Aug. 11, 1755. Resigned in 1774. Died Dec. 18, 1775.

1775. Felipe Beltran, Bishop of Salamanca. Appointed Dec. 27, 1774. Commissioned Feb. 27, 1775. Took possession May 5, 1775. Died Nov. 30, 1783.

1784. Agustin Rubin de Cevallos, Bishop of Jaen. Appointed Jan. 23, 1784. Commissioned Feb. 17, 1784. Took possession June 7, 1784. Died Feb. 8, 1793.

1793. Manuel Abad y la Sierra, Archbishop of Selimbria. Took possession May 11, 1793. Resigned in 1794. Died Jan. 12, 1806.

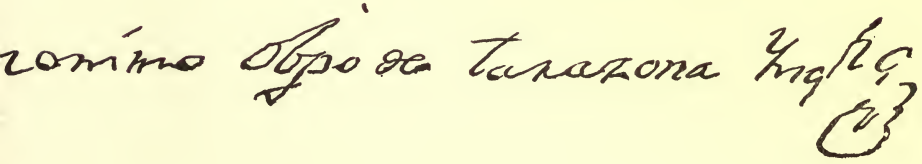
1794. Francisco Antonio de Lorenzana, Archbishop of Toledo. Took possession Sept. 12, 1794. Resigned in 1797. Died April 17, 1804.

1798. Ramon Josef de Arce y Reynoso, Archbishop of Saragossa. Resigned March 22, 1808. Died in Paris, Feb. 16, 1814.

1814. Xavier Mier y Campillo, Bishop of Almería. Took possession in August, 1814. In a series of documents he ceases to appear about June, 1818, and for some months the Suprema acts as in a vacancy.

1818. Gerónimo Castellon y Salas, Bishop of Tarazona. The earliest document in which I have met his signature is dated Oct. 21, 1818. He had no successor and died April 20. 1835.

Signature of the Last Inquisitor-general.



III.

SPANISH COINAGE.

The question of values has significance in so many of the operations of the Inquisition that an outline of the successive mintages of Spain becomes almost a necessity. The subject is complicated, after the middle of the sixteenth century, by the progressive but fluctuating depreciation in the *moneda de vellón*, or base coinage, which became practically the standard of value in all transactions.

The monetary unit of Castile was the *maravedí*, anciently a gold coin of value but, in the fifteenth century, diminished to a fraction of its former estimation. A declaration of Ferdinand and Isabella in 1503 says that formerly the silver real was equal to 3 maravedís, but now it is worth 34.[1]

The unit of weight was the marc, or half-pound, of 8 ounces or 4608 grains. The intermediate weights were the *ochavo* of 72 grains, the *adarme* of 36 and the *tomin* of 12. These were applicable to all the precious metals but, up to 1731, the marc of gold was reckoned to contain 50 *castellanos* of 8 *tomines*, making 4800 grains, whereby the grain was reduced $\frac{1}{25}$.

The standard of fineness was fixed, by Ferdinand and Isabella, for gold at $23\frac{3}{4}$ carats, but was reduced by Charles V to 22 carats, at which it remained. For silver the standard maintained since the fourteenth century was known as *once dineros cuatro granos* (pure silver being *doce dineros*) equivalent to .925 fine. In 1709 Philip V reduced it to *once dineros* or .91667, and in some mintages even lower.

Gold Coins. When Ferdinand and Isabella revised the coinage, in 1497, they ordered the marc to be worked into $65\frac{1}{3}$ *excelentes de la granada*. This coin was worth 374 maravedís and thus was practically the same as the ducat or escudo which was rated at 374. There were also the *dobla alfonsi* or *castellano* or *peso de oro*, equal to 485, the *dobla de la banda* to 365, the florin to 265. Thus the ducat, which was the coin most frequently quoted, was equivalent to 11 silver reales. The ratio between gold and silver fluctuated between 7 and 8 to 1.

[1] Coleccion de Cédulas, IV, 388, 400 (Madrid, 1829).

In 1537 Charles V ordered *coronas* and *escudos*, 22 carats fine to be worked 68 to the marc and to be worth 330 maravedís, which he says was the weight and fineness of the best crowns of Italy and France. With the progressive depreciation in the value of silver, the coinage law of Philip II in 1566 raised the escudo from 330 mrs. to 400. The old ducats were to be current at 429 mrs., the castellanos at 544. The tendency of silver continued downward and in 1609 Philip III permitted the escudo to pass for 440 mrs., threatening three years' exile and a fine of 500 ducats for asking or receiving more. In 1612 he allowed the castellano in bullion to be sold for 576 mrs. under the same penalties for exceeding it. The escudo or crown remained the standard gold coin. In 1642 it was raised to 550 mrs.; in 1643 to 612 and then reduced to 510 owing to variations in the silver and vellón coinage. In 1651 it is rated at 16 silver reales, in 1652 at 14, in 1686 at 15, but with a new coinage of lighter weight silver it was raised to 19, and the *doblon*, or piece of 2 escudos, to 40 reales. For larger transactions multiples of the escudo were struck, known as *doblones de a dos*, *de a cuatro* and *de a ocho*, containing respectively 2, 4 and 8 escudos. The latter, which became popularly known as the Spanish doubloon, were rated in 1726 at 18 *pesos* or pieces of eight silver reales, in 1728 at 16, in 1737 at 15 and in 1779 at 16 again, the doubloon and the peso being virtually of the same weight, each a fraction under an ounce. In 1738, to supply the lack of silver money there were coined half-crowns of gold, worth in vellón 18 reales 28 mrs. This fraction was troublesome and, in 1742, the weight was changed to correspond with 20 reales, and the coins became known as *veintenos* or *escuditos*.

Silver Coins. The silver unit was the real, which, under the coinage laws of Ferdinand and Isabella, was worked 67 to the silver marc, of 11 dineros 4 grains fine (.925), worth 34 maravedís. It long continued of this standard but, in the financial mismanagement under Philip IV, the weight was reduced by ordering the marc worked into 83 reales and 1 quartillo (83¼ reales), the old coinage in circulation being advanced 25 per cent. in value by making the peso equivalent to 10 reales instead of 8, but as this failed to afford the expected relief it was suspended in 1643, to be again tried in 1684 when the real was reduced to 84 to the marc, and the old coinage was rated at 10 to 8 of the new. In 1709 we first hear of the *peseta*, as a name applied to the French coin introduced by the War of Succession, rated at 2 reales, and subsequently used to denote the double real of Spanish mintage. At the same time the standard was reduced to 11 dineros or .91667 fine. During the subsequent years of the reign of Philip V the variations in the silver coinage were numerous and perplexing. The peso, escudo de plata, or piece of 8 reales, was the leading coin, and

in 1726 it was ordered that it, whether minted in the Indies or in Spain, should be current for 9½ reales, and, as this did not bring it to an equivalent with gold, in 1728 it was declared equal to 10 reales. This however was now confined to the mintage of the Indies, which came to be known as *plata nacional;* the small coinage of the Spanish mints was termed *provincial* and was allowed to remain current at a discount of 20 per cent. It was 77 reales to the marc and the fineness was only 10 dineros, reduced in 1728 to 9 dineros, 22 grains or .798 fine, rendering it in reality only about three-quarters the value of the standard. There were thus two entirely distinct silver currencies coexistent, and to these was added a third, popularly known as Marias —"plata nueva que vulgarmente se llaman Marías"—which was called in by decree of April 27, 1728, but which was still in circulation in 1736. Under these circumstances considerable circumlocution was necessary when quoting sums in silver to define the exact kind of coin meant as, for instance, in the coinage law of July 16, 1730, we are told that the allowance for expenses to the official known as the Fiel, was "un real de plata provincial, valor de 16 quartos de vellón." In fact, as we shall see, the debased coinage known as *vellón* had become the real standard of financial transactions.

In the later periods it will simplify the appreciation of amounts recorded to remind the reader that the *peso,* or piece of 8 reales, is the modern dollar, and the real, or one-eighth of this, is the coin familiarly known of old in various parts of the United States as the "bit," the "elevenpenny bit" shortened to "levy," the ninepence or the shilling. The maravedí was $\frac{1}{34}$ of this, or about $\frac{3}{8}$ of one cent.

In the colonies there is frequent allusion to the *peso ensayado* as distinguished from the *peso de a ocho,* which I gather to be a piece worth 400 maravedís, or nearly 11¾ reales—a little more than a ducat.

Vellon Coinage. The debased coinage known as vellón was an alloy of silver and copper, which proved the source of unutterable confusion in Spanish finance. As we find it prescribed by Ferdinand and Isabella in 1497, it is merely a token coin convenient for small transactions, consisting of 7 grains of silver to the marc of copper, worked into 192 *blancas,* the blanca being one-half of the maravedí. Complaints were made that it was exported at a profit, so that it became scarce, and in 1552 Charles V, to remedy this, reduced the silver to 5 grains. The extravagant expenditures of Philip II rendered him eager to clutch at any expedient to relieve immediate necessities and, in 1566, he adopted the unfortunate device of issuing a *moneda de vellón rica,* with 2½ dineros, 2 grains (98 grains) of silver to the marc of copper, to be worked into *quartillos,* 80 to the marc (worth ¼ real or 8½ maravedís), into *quartos,* 170 to the marc (worth 4 maravedís) and *medios quartos,* 340 to the marc (worth 2 maravedís). The

blancas or half maravedís, were retained, but the silver in them was reduced to 4 grains to the marc, worked into 220 pieces. Although there do not appear ever to have been larger coins of vellón issued than those authorized by Philip II the flood of this inferior money supplanted the precious metals. It became the basis of all internal transactions and the precious metals were reduced virtually to the position of commodities. There was a restamping of this coinage in 1602, in which the silver was omitted, put into forced circulation at a value of 7 to 2. With all the power of Spain, backed by the treasures of the New World and wielded by an autocratic monarchy, it was impossible to maintain so vicious and artificial a currency at par, and there followed, during the seventeenth century, a series of the most desperate attempts to remedy the evils which were crippling the commerce and industry of the nation.[1] In 1619 there was a solemn promise made that no more of the pernicious stuff should be issued for twenty years—a promise only made to be broken and renewed in 1632. In 1625, under the severest penalties, the premium on gold and silver was limited to 10 per cent., and in 1628 the nominal value was reduced one-half, but in 1636 the permissible premium on silver was recognized as 25 per cent., immediately after which the vellón coinage was restamped and trebled in value. In 1640 the premium was allowed to be 28 per cent. and in 1641 there was another restamping and the value was doubled, followed by recognizing the premium as 50 per cent. In some accounts before me of the salaries and expenses of the Supreme Council of the Inquisition, not dated, but evidently belonging to this period, the figures set down are increased when added, in one case by 28 per cent. and in another by 50, to adjust them to the currency in which they were expected to be paid. In other statements some items are specified as payable in *vellón* and others in *plata*. In the effort to bring the vellón to par in 1642, it was suddenly reduced to one-sixth of its current value and then, in 1643, it was raised fourfold. This resulted, in 1647, in a premium of 25 per cent., but when, in 1651, it was again restamped and restored to the value which it bore

[1] As an incident to this fictitious valuation of the vellón coinage, counterfeiting flourished to an enormous extent, unrepressed by the severest penalties. The importation of coins manufactured abroad added to the confusion, for it was too lucrative to be prevented by even the most rigorous measures. In 1614 a chronicler states that since the recent doubling of the nominal value of the *cuartos* five or six millions in vellón money had been brought from England and Holland, stowed in vessels under wheat. It was exchanged for silver at 30 per cent. discount and the silver exported. The remedy devised was to bring inland twenty leagues from the coast the foreign traders engaged in the business, but this remedy was found to be worse than the disease and was abandoned (Cabrera, Relaciones, pp. 551, 553). We shall see hereafter that the Inquisition was invoked to put an end to this traffic.

prior to 1642, the premium rose to 50 per cent. In June, 1652, another attempt was made to reduce it to one-fourth, but this seems to have been a failure and in November the edict was suspended. In 1660 its further issue was suspended and the experiment was again tried of an alloy containing 20 grains of silver to the marc, or about $\frac{1}{230}$, which became known as *moneda de molino de vellón ligado*. This was so unsuccessful that, in 1664, its nominal value was reduced one-half and all other vellón currency was prohibited, while in February, 1680, a still further reduction of 75 per cent. in its value was ordered and in May its use was forbidden, it was declared to have no value as currency, and the premium of 50 per cent. was permitted as against other vellón coins, which had still continued in circulation. This lasted for four years, when in 1684 the *moneda de molino* was restored to circulation with a nominal value double that of the last reduction.[1] With the eighteenth century the pretence of alloying copper with a fraction of silver was abandoned. In 1718 a pure copper coinage was issued and by this time the premium on specie recognized by law had advanced to nearly 100 per cent. In spite of the prohibitions to ask or receive more than this, people were forced to pay more. Traders kept the copper coinage tied up in bags representing the larger coins and refused to furnish the latter except at an advance.[2] The premium gradually rose until, in 1737, the *real de plata provincial* was recognized legally as worth 2 reales de vellón and the *real de plata nacional* as worth $2\frac{1}{2}$. Although there were no coined reales de vellón, they were the standard money of account on which all transactions were based. In the laws regulating the mints the salaries of the officials are always stated in vellón. Thus, in 1718, the superintendent of the mint of Madrid has 24,000 reales de vellón, the treasurer 16,000, and so forth. In 1728 the superintendent is allowed 500 escudos de vellón,

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[1] Under these perpetual changes it will be readily understood how difficult it is to estimate values at any special period. In a document of 1670 I find the *doblon* converted into *reales de vellón* at the rate of 1 to 81, although in this case the *doblon* was of 4 *pesos* or 32 *reales de plata*. Similar to this is the conversion in another item of 162 *reales de plata* into 405 *reales de vellón*, showing that vellón was at a discount of 60 per cent. or specie at a premium of 150.—Arch. de Simancas, Inquisicion, Leg. 1476, fol. 2, 61.

The unutterable confusion produced by these sudden and arbitrary changes in the legal value of the coinage is illustrated by a contention, in 1683, between the auditor-general and the receiver-general of the Suprema, respecting the accountability of the latter for funds on hand and receipts and payments at the time when the *pragmática* of February 10, 1680, went into effect, involving points of which the equities were not easy to determine.—Ibid., Leg. 1480, fol. 129.

[2] It was probably from this that the custom arose in giving receipts for money to reserve or to renounce, as the case might be, "*las leyes y excepciones de la non numerata pecunia.*"

the contador 400, etc. In 1730 it is provided that the sum of 120,000 reales de vellón is to be placed in the hands of the treasurer for current expenses and he is to give security in 20,000 ducados de vellón on unencumbered real estate. From this it follows that, when the kind of coin is not specified, there may be some difficulty in estimating the value of a sum of money mentioned. The difference between silver and vellón went on increasing. In 1772, when a new coinage of gold and silver was issued, the gold escudo, worth 16 reales de plata, was declared to be worth 37½ reales de vellón.

With the Revolution the old coinage passed away and was replaced by the decimal system, the *peseta* and *céntimo* being equivalent to the French franc and centime. Yet still prices continue to be quoted in reales, which are now rated at 25 céntimos, or about 5 cents of American money.

Nothing is more difficult than to ascertain accurately the variation in the purchasing power of money, but perhaps the price of labor affords the most trustworthy standard. In the fifteenth century this would seem to have been about 6 maravedís a day. In the eighteenth, common laborers employed in the mints received 3½ reales de vellón per diem, while those in more confidential positions such as watchmen were paid 6.[1]

As a matter of course the kingdoms of the Crown of Aragon had their independent systems of coinage, which were based on the old divisions of the marc, almost everywhere prevalent, of *libras, sueldos* and *dineros*, or pounds, shillings and pence, there being 20 sueldos to the libra and 12 dineros to the sueldo. In the documents of the early period there are frequent fluctuations in the relations between these coins and the Castilian system, but as a rule there were reckoned 20 Aragonese sueldos to the ducat, which therefore was equivalent to the libra. In Catalonia the *sueldo barcelonense* was 24 to the ducat, and there was also a coin known as *morabatin*, equal to 9 sueldos. Unification of currency throughout the monarchy was a desirable object, long frustrated by the stubborn particularism of the provinces. It was especially difficult to bring about in Catalonia, where the vellón coinage had been largely diluted by the allies during their long occupation of the principality in the War of Succession. An edict of 1733 informs us that there were 24 dineros to the Catalan real, but most of those in cir-

[1] Full information as to the coinage of the fifteenth century will be found in Saez, Demostracion del Valor de las Monedas que corrian durante el Reinado de Don Enrique IV (Madrid, 1805).

For the subsequent period reference is made to the very voluminous series of laws and decrees preserved in the *Nueva Recopilacion*, Lib. V, Tit. xxi; the *Autos Acordados*, Lib. V, Tit. xxi and xxii, and the *Novisima Recopilacion*, Lib. IX, Tit. xvii.

culation of the coinage of 1653 had been restamped by the allies to double their nominal value. They had also coined *dinerillos Catalanes*, with the same alloy of silver as the mintage of 1653, but with only half the weight, yet circulated at the full value. The edict denounces the *dinerillos* of both Aragon and Catalonia as an intolerable abuse and with superfluous emphasis orders their use to be abandoned, immediately in Aragon and in Catalonia as soon as sufficient money of vellón can be coined to take their place. The effort was futile for another edict of 1737 assimilates the dinerillo of Aragon and Valencia to the Castilian *ochavo*, or piece of 2 maravedís, and the dinerillo of Catalonia to 1 maravedí. In 1743, in consequence of disputes arising between troops quartered in Catalonia and the peasants, it was ordered that the vellón money of Castile should circulate freely in Aragon, Catalonia and Majorca. As late as 1772 an edict calls in the local small coinage of Valencia and orders it replaced with Castilian money, but this was so unsuccessful that it was followed, in 1777, with one confining the use of these coins to Valencia and forbidding their circulation elsewhere. When the unification of the currency occurred does not clearly appear, but it probably was not until the revision of the monetary system in the present century.

The old *cruzado* of Portugal, to which reference sometimes occurs, was virtually the same as the Spanish ducat.

DOCUMENTS.

I.

Letter of King Ferdinand to the Inquisitor-general Torquemada, July 22, 1486.
(See pp. 132, 254, 291).

(Archivo General de la Corona de Aragon, Registro 3684, fol. 102).

El Rey.

Devoto padre Prior. Vuestra carta vi e las otras de los otros inquisidores de Çaragoça y el memorial que vos embiaron. A la carta vuestra con otra de mi mano vos respondo e a las de los inquisidores e mandado responder e será la carta con la presente. E quanto a lo del memorial ó instruccion que escriben sobre lo que Don Juan de Ribera no faze la guerra fasta haber carta de mano mia e de la serenisima reina mi muy cara e muy amada mujer luego le ascribieramos salvo porque toda la gente suya havemos mandado venir para donde himos y sin gente ninguna cosa podria hazer. Plazera a nuestro senyor que con nuestra ida se remediará presto e volverse ha la gente a la frontera de Navarra e luego mandaremos a Don Juan que apriete a los de Tudela en guisa que fagan la razon. Quanto a lo que scriven en el tercero capitulo de la limosna que les parece se debe facer de sus bienes a los pobres penitenciados imponiendolos alguna pecuniaria sentencia, porque los conversos de aquella ciudad son muy conocidos y podria ser que allá les dieren a entender una cosa por otra me parece que les debeis escribir que envien relacion de quien son, specificando los nombres de cada uno e que bienes tienen e quantas sentencias e que penitencia les parece que se debe dar a todos e a cada uno dellos, porque, sabida la relacion de todo ello se podrá mejor determinar lo que en ello se debe facer. Quanto a la particion de los bienes dentre marido e muger quando el uno es sentenciado y el otro se falla inmune porque es cosa que esta en drecho y en fuero del reino me parece que lo debeis mandar veer a micer Ponce y otros letrados y que sea menester y mas convenga. Quanto al cinqueno capitulo que fabla de las carceles perpetuas es muy gran razon que se faga e yo enbio a mandar al receptor que las faga. Quanto al sexto capitulo en que dicen que se embie a mandar que se ha de dar a los encarcerados para su mantenemiento me parece escriban aca su parecer y entonce sobrello podremos determinar lo que paresca mas razonable. Quanto al seteno

que dicen que han tomado un hombre para tormentar porque dicen que los nuncios no lo quieren facer ni fallan quien lo faga, me parece que por scusar tantos salarios devrian echar uno de los nuncios e que la persona que han tomado para tormentar sirviere de nuncio e se le diese el mismo salario e puesto que esto no se puede facer se debe limitar el salario, porque seiscientos sueldos es muy sobrado salario. Quanto al ocheno capitulo en que fabla del salario de Don Ramon de Mur es justa cosa que pues que bien sirve sea muy bien pagado, e se le den dos mil sueldos de salario. Quanto al noveno capitulo que fabla de los porteros estoy maravillado que pagando tan gran salario como se pagó al aguacil allende aquello se hayan de pagar porteros que acá como sabeis todo esta a cargo del aguacil. Debeis les mucho encargar a los inquisidores que lo miren porque se asi no lo fazen mas montarán los salarios que proceda de la inquisicion. Quanto al deceno capitulo que dice que han de facer e fazen un lugarteniente de aguacil para enviar de fuera, parece que se les debe escribir que en las cosas que buenamente escusar se pudieren lo deben escusar, faciendo ir a ello al alguacil principal, pero no pudiendo ir el fagase un lugarteniente como lo acostumbran de facer, pero sea el salario lo menos que ser pueda porque bien mirado son muy excesivos los salarios que se pagan a la inquisicion. En lo que dicen que tengo fecha merced de los bienes de Pedro de Urrea saben poco en la verdad porque es cierto que de aquellos ni de otros tengo fecha merced a nadie. Quanto al onceno capitulo en que demandan carta de marca e represalia para Tudela por el negocio de Martin de Santangel ha de preceder carta requisitoria la qual debeis mandar ordenar allá a micer Ponte y enviandola aca luego se despachará. En el dozeno esta ya respondido y quanto a lo que escriben en el treceno que no han egecutado los matadores de maestre Epila pluguierame mucho que vos escribieran las causas porque. Quanto al catorceno capitulo en que escriben que seria bueno que fuere maestro Crespo a entender en la inquisicion con el abad de Barbastro, buen hombre es sin duda e pareceme bien que vaya e asimismo me parece bien micer Tristan de la Porta para que vaya a fazer assesor como lo escriben en el quatorceno capitulo que buen letrado es e hombre de buena fama. En el dezeseyseno e ultimo demandan un escribano para los bienes que se han de litigar por justicia y lo han de determinar ellos como jueces. Verdaderamente demandan tantos oficiales y acrecentamiento de tantos salarios que es menester que se mire mucho en ello, mayormente que es cierto segun Camanyas me ha dicho que los escribanos de la inquisicion sienten a injuria que otro entiende en el dicho negocio sino ellos, mayormente que podrian poner en ello criado suyo de quien se confien. Si en todo lo sobredicho o en algo dello vos parece otra cosa vedlo alla y escrivitme vuestro parecer porque sobre todo se mire e se faga lo mejor.

Camanyas me dijo como vos habia fablado sobre los Judios de Teruel que les han mandado ir dentro de termino de tres meses e que dize se fizo con voluntad mia. Essa es la verdad que assi me plugo e me plaze dello e nunca será de otro parecer; verdad es que en lo del tiempo tienen razon porque creo que en tampoco tiempo no podrian pagar y cobrar deudas maiormente teniendo como tienen censales, ni podrian vender las casas y heredamientos que tienen e por esso sera bien si asi a vos paresciere que se les den otros seis meses de tiempo sobre los tres que los inquisidores han dado porque de aquellos segun dicen ha pasado ya buena parte. Vedlo vos e si os paresciere bien asi fagase. E por agora no ocurre otro que escrivir salvo que vos ruego mucho que de la salut de vuestra persona continuamente me fagais sabidor. Del Viso á XXII de julio de LXXXVI años. Yo el Rey. Por mandado del Rey. Camanyas.

II.

Edict of May 30, 1492, Regulating Settlements with the Expelled Jews.

(Biblioteca Nacional de España, Seccion de MSS., Dd, 108, fol. 126). (See p. 136).

Don Fernando et Doña Isabel, por la gracia de Dios Rey et Reyna de Castilla, etc.

Al Nuestro Justicia Maior et a los de nuestro Consejo et oydores de la nuestra Audiencia, Alcalles et otras Justicias de la nuestra Casa et Corte et Chancelleria e a los Corregidores e Assistentes, Alcalles, Merinos, Alguaciles et otras Justicias qualesquier de las Cibdades e Villas e Logares de los nuestros Reynos e Señorios et a cada uno et qualquier de vos a quien esta nuestra Carta fuere mostrada o su traslado signado de escrivano publico, Salud e gracia. Bien savedes et deveis saber como nos por algunas justas cabsas que a ello nos movieron complideras al servicio de Dios e nuestro e bien e pro comun de nuestros Reynos e nuestros subditos e naturales dellos, mandamos por nuestras cartas firmadas de nuestros nombres et selladas con nuestro sello, que todos los Judios et moradores y estantes en los dichos nuestros Reynos e Señorios salgan dellos de aqui ha en fin del mes de Jullio primero que viene deste presente año de la Data desta nuestra carta, so ciertas penas contenidas en las dichas nuestras Cartas. Agora por parte de algunas aljamas de los dichos Judios et personas particulares dellos nos es fecha relacion que ellos deven e son obligados a dar e pagar algunas contias de maravedises et otras cosas ha algunas

personas Christianas e Moros nuestros subditos e naturales et ellos et otras personas les deven a ellos otras quantias de maravedises et otras cosas et que ellos no tienen con que pagar salbo con las dichas debdas et algunas bienes raices, et que si aquellos e las dichas debdas non les oviesen de recebir en pago por su justo precio et valor que recebirian agravio e daño, et nos fue suplicado que cerca de ello les mandasemos proveer de remedio como la nuestra merced fuese. Et porque nuestra merced e voluntad es que lo que asi mandamos cerca de salir de los dichos Judios se cumpla en el dicho termino et en ello non se ponga impedimento alguno, tovimoslo por bien. Por que vos mandamos a todos et a cada uno de vos en nuestros logares e jurisdicciones que luego que con esta nuestra carta o con el dicho su traslado signado como dicho es, fueredes requeridos, la qual mandamos que vos sea notificada dentro de veinte dias primeros siguientes de la data della fagais pregonar publicamente por ante escrivano publico por las Plazas e Mercados e otros logares acostumbrados que todos los Christianos e Moros a quien deven los dichos Judios qualesquier debdas, o Judios a quien devan Christianos o Moros otras debdas parescan et se presenten ante vos las dichas Justicias donde biben los deudores a pedir e liquidar et averiguar las debdas et otras abciones que los unos deban a los otros, las quales liquides e averigues et llamadas et oidas las partes, procediendo en la liquidacion simplemente et de plano sin estrepitu et figura de juicio, solamente sabida la verdad, por manera que todas las dichas debdas et abciones sean liquidadas et averiguadas e sentenciadas fasta mediado el dicho mes de Jullio primero que viene y las que hallardes que los plazos a que se han de pagar fueren llegados o llegaren al dicho termino, las hagais luego dar e pagar a las partes que lo ovieren de aver por las personas que las deven, et los Judios que non tovieren bienes muebles et semovientes para pagar lo que asi devieren castigades et apremiedes et costringades a los dichos Christianos e Moros a que tomen et resciban en pago de sus debdas otras debdas liquidadas con las partes que se deven a los Judios por Christianos o Moros, o en bienes rayces apreciados por su justo precio e valor por vos las dichas Justicias con dos buenas personas que en ello entiendan et con tanto que los dichos Vienes rayces que asi se dieren en pago apreciados sean en lugares donde son vezinos et abitantes las personas a quien se deven las dichas debdas. Et en las debdas que se debieren por los dichos Judios que non llegaren los plazos durante el dicho termino de fasta mediado el dicho mes de Jullio, den seguridad dellas a vista de vos las dichas Justicias para las pagar a los plazos que las devieren et sinon dieren la dicha seguridad paguen luego las tales debdas, pues se han de ir et despues non avrian contra quien aver recurso. Et en quanto a las debdas que se deben a los dichos Judios por Christianos o Moros que non fueren llegados los plazos nin llegaren dentro del dicho termino, hazed que quede averiguado e

liquidado segund dicho es para que puedan dexar los dichos Judios sus procuradores Christianos o Moros o persona en quien cedieren o traspasasen las tales debdas o otros sus bienes et abciones para que las cobren a los plazos et segund et en la manera que los debdores les estavan et fueron obligados para la qual todo que dicho es con todas sus incidencias et dependencias vos damos poder complido, lo qual todo haced et complid sin embargo de qualesquier leyes, fueros e derechos e ordenamientos que en contrario desto sean, con las quales et con cada una dellas dispensamos et las derogamos en quanto a esto atañe, quedando en su fuerza e vigor para delante. Et los unos nin los otros non fagades nin fagan endeal por alguna manera so pena de la nuestra merced et de diez mill maravedises para la nuestra camara al que lo contrario fisiese. Et demas mandamos al ome que les esta nuestra carta mostrare que los emplase que parescan ante nos en la nuestra Corte doquier que nos seamos del dia que los emplasasse fasta quince dias primeros siguientes so la dicha pena so la qual mandamos a qualquier escrivano publico que para esto fuere llamado que dende al que se la mostrare testimonio signado con su signo porque nos sepamos en como se cumple nuestro mandado. Dada en la Ciudad de Cordova a treinte dias del mes de Mayo, año del nascimiento de nuestro Salvador Jesu Christo de mill e quatrocientos e noventa e dos años.—Yo el Rey.—Yo la Reina.—Yo Ferrand Alvarez de Toledo, Secretario del Rey e de la Reyna nuestros señores la fize escrivir por su mandado. —En la forma acordada, Rodericus Dottor.—Registrada, Perez Francisco de Madrid, Chanciller.

(Hallase original en el Archivo de la Ciudad de Toledo).

III.

Torquemada's Instructions to Inquisitors, Dec., 1484.[1]

(Archivo General de Simancas, Consejo de la Inquisicion, Libro 933). (See p. 182).

Otras Capitulaciones por el Reverendo Señor Padre Prior de Santa Cruz hechas por sus Altezas é confirmadas.

Por mandado de los serenisimos rey é reyna nuestros señores yo el prior de santa cruz, confesor de sus altezas, inquisidor general por la abtoridad apostolica en los reynos de Castilla é de Aragon, hordené los articulos siguientes cerca de algunas cosas tocantes á la sancta

[1] These instructions are supplementary to those issued by the assembly of Inquisitors in Seville, Nov. 29, 1484. Some of them are printed by Arguello, but they are not in the Granada edition of 1537 of the Instructions.

inquisicion é á sus ministros é oficiales los quales dichos capitulos mandan sus altezas que se guarden é cumplan é yo de parte de sus altezas é por la abtoridad susodicha asi lo mando é son las que se siguen.

1. Primeramente que en cada partido donde fuere necesario poner inquisicion é en los que agora la hay é se facen, aya dos inquisidores con un buen asesor los quales sean personas letrados de buena fama é conciencia los mas idoneos que se puedan haber é que se les dé alguacil é fiscal é notarios y los otros oficiales que son necesarios para la inquisicion los quales sean asi mesmo personas aviles é diligentes en su calidad é que á los dichos inquisidores é oficiales les den é sean situados sus salarios que deben haber, y es la merced de sus altezas é mandan que ninguno de los dichos oficiales lleve de su oficio derechos algunos por los abtos que hiciere en la dicha inquisicion ó en los negocios é cosas della dependientes so pena de perder el oficio, é mandan que ninguno de los inquisidores tengan oficial ninguno del dicho oficio por su familiar porque al bien del negocio é al servicio de sus altezas asi cumple.

2. Item plaze á sus altezas que en corte de Roma se ponga una buena persona que sea letrado é de buen celo para que procure los negocios tocantes á toda la inquisicion destos reinos é que sea pagado competentemente de los bienes confiscados por el delicto de la heregia é apostasia que pertinescen á sus altezas é que asi lo mandan á sus tesoreros.

3. Item por quanto en tiempo de Sixto papa quarto de buena memoria hemanaran de la corte Romana algunos rescriptos é bulas é confesionarios exorvitantes é contra derecho mucho en perjuicio de la inquisicion é ministros della, mandan sus altezas que se libren cartas é provisiones que juntas sean generales para todo el reino con las quales se impida é pueda impedir justamente la ejecucion de los tales rescriptos é bulas, si alguno los impetrare é quisiere usar dellos fasta que con el papa sea consultado é informado de la verdad por parte de sus altezas, por quanto no es de presumir que la intencion del santo padre sea dar impedimento en los negocios de la santa fe catolica, pero que las dichas provisiones de sus altezas no se publiquen fasta ver si el papa Inoscencio octavo moderno algunas bulas ó requisitos concede ó de lugar que se expidan en su corte en perjuicio de la sancta inquisicion.

4. Item es la merced de sus altezas porque los inquisidores é sus oficiales clerigos que trabajan en la dicha inquisicion sean aprovechados é honrados de mandar á sus embajadores que procuren en su nombre un indulto del papa para que sus altezas puedan nombrar á las dichas personas de la dicha inquisicion en ciertas iglesias de sus reinos en las primeras dignidades é beneficios que vacaren é que aquellos sean reservados para los nombrados de sus altezas.

5. Otrosi mandan sus altezas que por quanto tienen por bien de hacer merced de sus bienes á todos aquellos que como quier que fuesen culpados en el delicto de la heretica pravedat se reconciliaren bien é como deben en el tiempo de la gracia que los tales reconciliados puedan cobrar qualesquier debdas de qualesquier tiempo que les fuesen debidas para si é que su fisco no les embargue asi mesmo si algunos bienes muebles é raices hayan vendido, dado ó otorgado ó obligado antes de su reconciliacion que los dichos contractos queden firmos á las personas que administren los dichos bienes porque es la merced de sus altezas é mandan que los dichos reconciliados no puedan vender ni enagenar ni obligar dende en adelante los bienes raices que tovieren sin especial licentia de sus altezas porque quieren ser primero informados de como guardan la santa fe catolica é si son verdaderamente convertido á ella.

6. Item como quiera que sus altezas no tienen por bien de hacer gracia de los bienes á los hereges é apostatas que fueron reconciliados fuera del tiempo de la gracia para la reconciliacion y les pertinezcan todos los bienes de los hereges condempnados e reconciliados desde el dia que cometieron el dicho delicto de la heregia segun el derecho dispone y podria el fisco de sus altezas demandar los bienes que los tales ovieren vendido ó enagenado en qualquier manera é escusarse de pagar las debdas que los tales debiesen por qualquier obligaciones, salvo si en lugar de las tales ventas é enagenaciones paresciere y se hallare el prescio é otra cosa equivalente en los bienes de los tales hereges, pero por mas de clemencia é umagnidad con sus vasallos y porque si algunos con buena fe contrataron con los dichos hereges que no sean condempnados que sean reconciliados como dicho es hicieron antes que començase el año de setenta é nueve, valgan é sean firmes, con tanto que se prueben legitimamente por testigos dignos de fe ó por scripturas abtenticas que sean verdaderas é no simuladas en tal manera que si alguna persona hiciere alguna ynfinta ó simulacion en fraude del fisco cerca de qualquier contrato ó fuere participante en la dicha fraude ó colusion y fuere reconciliado le den cient azotes y le hierren con una señal de hierro en el rostro, y si fuere qualquier otro que no sea reconciliado aunque sea cristiano haya perdido todos sus bienes é el oficio é oficios que toviere é que su persona quede á su merced de sus altezas, é mandan que este capitulo sea pregonado publicamente en los lugares de la inquisicion porque ninguno pueda pretender ignorancia.

7. Otrosi que si algun caballero de los que han acogido ó acogieren en sus tierras los hereges que por temor de la inquisicion huyan y huyeron de las cibdades, villas é lugares realengos demandaren qualesquier debdas que digan serles debidas por qualesquier hereges que sean huydos á sus tierras que no el tesorero no les pague las debdas ya dichas ni el juez de los bienes confiscados se las mande pagar fasta

que los dichos caballeros restituyan todo lo que los dichos confesos que cogieron en sus tierras llevaron consigo, pues es cierto que aquella pertenescia é pertenesce á sus altezas é que si sobre tales debdas fuere puesta demanda al procurador fiscal que el dicho procurador ponga por reconvencion é compensacion la cantidad en que poco mas ó menos le parescere que es obligado el caballero que pide su debda jurando que no lo alega maliciosamente.

8. Otrosi mandan sus altezas que ningun tesorero de los que son ó fueren puestos para recebir é recabdar los bienes confiscados por el dicho delicto no secresten ni occupen bienes de ningund herege ni apostata sin mandamiento especial de los dichos inquisidores é quando ellos dieren mandamiento para ello hagase la secrestacion por su alguacil é por ante notario de la inquisicion é por antel escribano del tesorero para que cada uno dellos haga registro del dicho secresto el qual mandan que se haga en personas llanas vecinos del lugar que tengan los dichos bienes é quel tesorero no toque en ellos fasta que la persona cuyos eran los dichos bienes sea condenada ó por reconciliacion declarada que fue herege é manda é mandan sus altezas que al tiempo de la secrestacion se oviere de hacer el tesorero sea requerido por el alguacil para que vaya á ver como se face.

9 Que si en los bienes asi secrestados como dicho es oviere é se fallaren algunas cosas que guardandolas se perderian asi como pan é vino é otras cosas semejantes que el tesorero procure con los inquisidores que las manden vender é al presente se vendan en publica almoneda é que el prescio de las tales cosas sea puesto en el dicho secresto en poder de los dichos secrestadores ó en un cambio como mejor los dichos inquisidores y el tesorero vieren, asi mismo si algunos bienes raices ovieren que se deban arrendar manden los dichos inquisidores al secrestador que juntamente con el dicho tesorero los arriende en publica almoneda.

10. Otrosi que el tesorero no venda bienes algunos ni reciba dineros ni qualesquier bienes algunos otros que sean confiscados é pertenescian al fisco de sus altezas sin que esten delante de dos notarios uno suyo del dicho tesorero é otro que sea puesto por magno de sus altezas para que cada uno dellos escriba sobre si los bienes é maravedises que el dicho tesorero rescibiere é haga registro é libro ordenado de todo ello para que [de] los dichos libros é registros se tomen despues las cuentas al dicho recebdor.

11. Otrosi mandan sus altezas que cada uno de los recebtores que fueren puestos por su mandado recabten é resciban los bienes que fueren de los herejes vecinos é moradores en el partido donde son puestos é no se entremetan á ocupar ni tomar bienes de ningun hereje que pertenezcan á otra inquisicion mas que luego qualquier de los dichos tesoreros hobiere noticia de algunos bienes confiscados por el dicho delicto que pertenezcan á otro tesorero que lo hagan luego saber para

que lo cobre é recabte so pena que el que lo encubriera pierde el oficio ó sea obligado al daño é menoscabo que por su negligencia se recresciere al patrimonio de sus altezas con el doblo.

12. Otrosi mandan sus altezas que a los inquisidores é oficiales que en este negocio de la inquisicion entienden el tesorero les pague los tercios de sus salarios adelantados en el principio de cada tercio porque tengan que comer é se les quite ocasion de recebir dadivas é que es comience el tiempo de su paga desde el dia que salieren de sus casas á entender en la dicha inquisicion, é que asi mesmo pague los mensageros que á sus altezas enviaren los dichos inquisidores é qualquier otras cosas que los inquisidores vieren que cumple al oficio asi como en carceles perpetuas ó mantenimientos de los presos ó otras qualesquier cosas é espensas.

13. Item que todos los mandamientos de qualquier calidad que sean que los inquisidores mandaren dar asi para su alguacil como para su tesorero ó para qualesquier otras personas cerca de los bienes ó prision de las personas de los herejes, los negocios de la inquisicion, sean tenidos de los asentar é asienten en sus registros é hagan libros dellos aparte, porque si alguna dubda se ofresciere se pueda saber la verdad de lo que paso.

14. Otrosi que las otras cosas que aqui no son declarados queden é se remitan á la buena discreccion de los inquisidores para que si se ofrescieren casos tales que á su parescer se puedan espedir sin consultar á sus altezas hagan segun Dios é derecho é sus buenas conciencias lo que les paresciere é en las cosas graves escriban luego con diligencia á sus altezas é á mi el dicho procurador para que sus altezas manden proveer en ello como cumpla al servicio de Dios nuestro señor é suyo, ensalzamiento de nuestra sancta fe catolica é á buena edificacion de la cristiandad. Dada en la ciudad de Sevilla, seis dias del mes de Deziembre, año del nascimiento de nuestro salvador Jesucristo, de mil é quatrocientos é ochenta é quatro años.

IV.

Torquemada's Instructions to Inquisitors, Jan., 1485.[1]

(Archivio General de Simancas, Consejo de la Inquisicion, Libro 933).
(See p. 182).

La Forma que se debe tener en el proceder de los Inquisidores es la siguiente.

Primeramente que los inquisidores loego en legando en el lugar donde se ha de facer la inquisicion pongan sus cartas e edictos de treinta ó quarenta dias ó como mejor visto les fuese que todos los que en algun caso de heregia ó apostasia se fallaran culpados y en este dicho tiempo vernan con dolor sin fuerza ninguna á confesar sus errores y diran la verdad de todo lo que supiere no solamente de si mesmos mas de los otros que con ellos participaren en el dicho error, que estos tales sean recebidos con toda caridad, y abjurando sus errores en forma les sean dadas penitencias publicas ó secretas segun la infamia ó calidad del delito á alvedrio de los inquisidores y denseles algunas penitencias pecuniarias que paguen en cierto tiempo, y estos dineros sean puestos en mano de una persona fiable y den los inquisidores ó los escribanos la copia dellos al rey nuestro señor ó á mi como á inquisidor principal, para que se gasten en la guerra ó en otras obras pias y para que se paguen los salarios de los inquisidores y otros ministros que en la santa inquisicion entenderan, y seanles dexados todas los otros bienes que tuvieren asi mobles como raices, y cerca de los oficios publicos que tienen deben por ahora ser privados fasta que se vea su forma de vevir, y si fueren buenos cristianos y conocidamente se viere la enmienda en ellos pueden ser habilitados para que ayan los dichos oficios si fueren vacos ó otros semejables.

1. Otrosí si despues del tiempo del edicto algunos vinieren á se reconciliar, los quales non dejaron de venir por temor ni por menosprecio mas por enfermedad ó por otro justo impedimento, que con estos tales se use de misericordia como en el capitulo primero, pero si al tiempo que se vinieren á reconciliar fueron ya citados ó tienen

[1] These instructions partly repeat and partly supplement those of December, 1484. So far as I am aware they are inedited. They are not in the Granada edition of the Instructions, nor do they correspond with the fragments printed by Arguello (Instrucciones del Santo Oficio, Madrid, 1630, fol. 16–23) as the Instructions of January, 1485, and by Llorente, Añales, I, 96–99, 388–94.

contra si provantes, estos non gocen de la gracia de los bienes, pero los inquisidores se hayan con ellos misericordiosamente quanto de derecho y buena conciencia podieren facer segun la calidad del delito é infamia requiere é segund esto consultando con el rey nuestro señor se verá si se debierá fazer gracia de los bienes ó no.

2. Otrosí si á estos que asi bien se vinieren á reconciliar son debidas algunas deudas, que los deudores sean obligados sin embargo del fisco á ge les pagar, y si algunas ventas de sus bienes ovieren fechas que valgan y que por parte del fisco del rey nuestro señor no les sean impedidos, pero si estos tales tovieren esclavos cristianos que sean libres y forros, y si los hobieren vendido los que les compraren non los puedan retener mas que luego los dejen forros y ellos recauden el precio de los vendidores.

3. Otrosí si algunos de los susodichos que se vinieren á reconciliar y no dizieren la verdad de sus errores é de los que fueron particioneros con ellos é despues se fallaren por las probanzas el contrario, estos tales sean havidos por contumaces é que vinieron fingidos á la confesion, no gocen de nada de lo susodicho mas antes se proceda contra ellos con todo rigor segun que el derecho en tal caso dispone.

4. Otrosí que ningun receptor debe sequestrar bienes de ningun herege nin apostata sin especial mandamiento en escrito de los inquisidores é que se pongan los tales bienes no en manos del receptor mas en manos de una persona fiable y que hagan el secuestro el receptor con el alguacil de la inquisicion y por delante de dos escribanos, uno del alguazil y otro del receptor, y estos escribanos cada una escriba por si todo lo que se sequestrare, y sean pagados los dichos escribanos de los bienes de los dichos hereges aunque despues se hayan de reconciliar, y el salario sea lo que los inquisidores mandaren.

5. Otrosí si algunos fueren absentados antes del tiempo del edicto y asi mesmo absentaren sus bienes y estos tales vinieren en el tiempo del dicho edicto confesando sus errores como arriba dicho es, gocen de la misma gracia de los bienes é fagase con ellos en la misma forma que en el capitulo primero está escrito, pero si en el tiempo del edicto non quisieren venir procedase contra ellos segun que en este caso el derecho dispone.

6. Otrosí que ni por los procesos de los vivos se deben de dejar de facer los de los muertos é los que se fallaren aver seydo é muerto como herejes ó judios los deben desenterrar para que se quemen y dar lugar al fisco para que occupe los bienes segun que de derecho se debe facer.

7. Otrosí que el receptor no venda bienes ningunos ni reciba sin que esten dos escribanos delante, los quales sean puestos ó por manos del rey nuestro señor ó de los inquisidores y cada uno dellos escriba el bienes que el receptor recibe y el precio por que los vende porque despues por aquellos libros se les tomarán las quentas.

8. Otrosí que á los inquisidores y oficiales que en este sancto negocio entienden les debe el receptor pagar sus tercios adelantados, porque tengan de comer y se les quiten la ocasion de recebir dadivas de ninguno y debe de comenzar el tiempo de su pago desdel dia que salieren de sus casas para entender en este sancto negocio.

9. Otrosí que continuamente los inquisidores fagan saber al rey nuestro señor é á mi todas las cosas que sucedieren en la dicha inquisicion é conoscieren que se deban escrevir, é que el receptor loego que por ellos le será mandado pague el trotero que ellos quieran enviar.

10. Otrosí que todos los mandamientos de qualquier calidad que sean que los inquisidores mandaren dar asi al alguazil como al receptor ó á otras qualesquier personas manden á los escribanos de la inquisicion los asienten en sus registros porque por allí se conozca la verdad de todo lo que pasare.

11. Otrosí que los inquisidores y el asesor esten juntos y muy conformes en la ejecucion de la justicia y buena administracion della y finalmente en todo quanto pertenece é se habrá de facer en la inquisicion, de manera que ni el inquisidor sin el asesor ni el asesor sin el inquisidor faga cosa alguna, é si lo ficieren que por el mismo caso sea ninguno.

12. Otrosí que esten los inquisidores é todos los oficiales de la inquisicion aposentados dentro de una casa, podíendose haber, porque esten juntamente é que quando ovieren de escrebir dichos negocios de la inquisicion é del estado della escriban los inquisidores y el asesor juntamente.

13. Otrosí que ningun oficial de la dicha inquisicion no tiene ningun derecho por cosa ninguna de su oficio pues que el rey nuestro señor les manda dar su mantenemiento razonable y les fara mercedes andando el tiempo é faciendo ellos lo que deben é que no recivan dadivas ni subornaceones de ninguna persona y si se fallare que alguno el contrario ficiere por el mismo caso sea privado del oficio y mas este á la pena que los inquisidores darle quisieren, é á un cada vez que un tal caso conteciere informen á su alteza del rey nuestro señor porque se provea de otro oficial y entre tanto se ponga otro en lugar del tal delinquente aquel que los inquisidores acordaren fasta que el rey nuestro señor é yo proveamos.

14. Otrosí que en todas las otras cosas que á la santa inquisicion se requieren queda á juicio y buena discrecion de los inquisidores que ellos las fagan segun Dios é derecho é buenas conciencias se deben facer, y si algunas otras cosas vieren que el rey nuestro señor debe remediar las escriban y que se faran como cumple al servicio de Jesucristo nuestro señor y ensalzamiento de su santa fé y buena edificacion de la cristiandad.

Fr. Thomas, prior et inquisitor generalis.

V.

Instructions of Seville, 1500.[1]

(Archivo General de Simancas, Consejo de la Inquisicion, Libro 933). (See p. 182).

Otras Instituciones.

Las capitulaciones infraescritas que ordinaron los muy reverendos señores inquisidores generales para instruccion de los inquisidores é prosecucion del oficio de la sancta inquisicion en la muy noble é muy leal cibdad de Sevilla á diez é siete dias del mes de Junio año de mil y quinientos.

1. Primeramente que los inquisidores de cada una inquisicion é partido salgan é vayan á todos los lugares é villas de sus diocesis é partidos donde nunca fueron personalmente é en cada una de las dichas villas é lugares hagan é resciban los testigos de la general inquisicion, é para que esto puedan mejor hacer é mas brevemente se espida, se aparten los inquisidores é vaya cada uno por su parte con un notario del secreto para rescebir la dicha pesquisa é informacion general, é despues de rescibida é hecha la dicha pesquisa general se tornen á juntar en la cibdad ó lugar donde tovieren su asiento para que alli vista por amos la testificacion que cada uno ha tomado puedan mandar prender á los que se hallaren culpados é testificados suficientemente para se poder prender segun se contiene en el capitulo de las instrucciones hechas en Toledo.

2. Item, que en las inquisiciones donde los inquisidores han andado é recebido la general testificacion que cada año el uno de los inquisidores salga por las villas y lugares á inquerir, poniendo sus edictos generales para los que algo saben tocante al crimen de la heregia que lo venga á decir, y el otro inquisidor quede á hacer los procesos que á la sazon oviere, é si no abra algunos salga cada uno por su parte segun arriba esta dicho.

3. Item, que los inquisidores de cada inquisicion pasen los libros ordinariamente por sus abecedarios dende el primero fasta el fin, para lo qual se ayuden del fiscal é notarios quando non andovieren por los lugares á tomar la testificacion como dicho es.

Sobre esto capitulo se ha de hacer principal relacion en la visitacion de manera que han de saber los inquisidores generales que es lo que han procedido de los dichos abecedarios.

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[1] Both the Granada edition of 1537 and Arguello print only the first four articles of these Instructions. Llorente describes them (Añales, I, 261) as being in seven articles of which the last two are not in this original document.

4. Item, por quanto los inquisidores algunas veces proceden por cosas livianas non continentes herexia derechamente y por la palabras que mas son blasfemias que herejias, ó dichas con enojo ó yra, que de aqui adelante no se prenden ningunos desta calidad, é si dubda oviere que lo consulten con los inquisidores generales.

5. Item, quando prendieren alguno por el dicho crimen de herejia en poniendole la acusacion envien la copia della á los inquisidores generales y la probanza que tienen contra el verba ad verbum declarando los nombres de los testigos y las calidades de las personas y esto envien con el nuncio de la inquisicion á buen recabdo.

6. Item, que los inquisidores non consientan dilacion en los procesos é procedan sumariamente segun la forma del derecho que en este caso de la herejia habla.

7. Item, que los inquisidores de aqui adelante non dispensen con los que fueren condempnados a carcel perpetua ni les comuten la dicha carcel en otra penitencia é quando esta facultad de dispensar é comutar la dicha carcel los dichos inquisidores generales les reservan para si la dicha facultad é poder que ninguno otro pueda dispensar e comutar.

8. Item, que á los testigos conpurgadores no les sean leidos los dichos é dipusciones de los testigos del crimen que hay contra el acusado en la acusacion del fiscal, sino que guarde la forma del derecho que es que el acusado ha de jurar juxta formam juris que el [niega] el crimen de lo que esta asentado, ante los dichos testigos compurgadores, é que á ellos se les pregunte si creen que juro verdad ó no, sin hacerles otras preguntas.

9. Item, los inquisidores trabajen con los procesados que estaran bien testificados para poder ser condempnados como hagan conoscimiento de su culpa y la confiesen y tengan arrepentimiento, trayendoles persuasiones para ello é si fuere menester que trayan personas religiosas que los conviertan é con los que asi no estovieren testiguados tengan tiento que no les fagan confesar lo que no hicieren.

10. Item, que los inquisidores pregunten particularmente á los personas que dieren sus confesiones lo que saben de sus padres y hermanos y parientes é de otras personas qualesquiera por las particularidades que se requieren porque despues no se puedan escusar por ignorancia, é lo que asi digeren de otros se asiente en los libros é registros de oficio aparte de las dichas confesiones.

VI.

Extracts from the Register of the Receiver of Confiscations at Valencia, 1485–1486.

(Archivo General de la Corona de Aragon, Registro 3684, fol. 60). (See p. 192).

A veynte y dos de julio el Rey nuestro senyor me mandó que asentase en el registro como su Alteza facia merced á su caballerizo Johan de Hoz e á Martin Navarro su repostero de plata de sendas escrivanias de aquellas tres que estan vacas en Toledo porque han sido privados dellas por el delito de la heregia Pero Gia de Alcuba e Alfonso Cota e Francisco Rodriguez escrivanos de numero reconciliados.

A diez y ocho de agosto de ochenta y cinco años plugo al Rey nuestro señor de librar á Johan de Tencino en los bienes de los herejes que á su Alteza pertenescan ó perteneceran de aqui en adelante en los reynos de Aragon aquellos diez mil sueldos de que le hizo merced en ayuda de su casamiento e aquellos seys mil seyscientos cincuenta y cinco sueldos ocho dineros que le son devidos de su quitacion con alvalaes de escribano de racion. Se mandó á mi que por memoria lo asentase en este registro.

A veynte de Agosto de LXXXV me mandó su Alteza que asentase en registro como faze merced á Pedro de Morales criado de Alfonso Carillo protonotario apostolico de una escrivania de las del numero que vacaran por el delicto de la heretica pravedad en Toledo.

A XXII de enero en la villa de Alcalá fizo merced al doctor micer Felix Ponte regente la cancelleria de una alqueria que Jaime Martinez de Santangel tenia en el termino de ——— cabe la ciudad de Valencia e mandó á mi que le fiziere la provision della.

A XXIV de enero el Rey mi senyor fizo merced á Juan de Leca aposentador de su senyoria de uno de los primeros oficios que vacaran en Segovia por el reconciliacion ó en otra manera por el delicto de la heretica pravedad.

A XIV de febrero de LXXXVI en Alcalá de Henares el Rey nuestro senyor me mandó que assentasse en registro como faze merced á Martin de Tavara de la scrivania del numero que tiene Pero Alfonso Cota reconciliado.

VII.

Brief of Julius II Respecting the Troubles in Cordova.

(Bulario de la Orden de Santiago, Libro III, fol. 320).
(See p. 203).

Venerabilis frater salutem etc. Non sine summa animi molestia percipimus quosdam iniquitatis filios Catholicæ fidei rebelles, qui cum Christiani sint Judaicæ se perfidiæ participes præstant, officiales a te ad inquirenda hæreticæ pravitatis errata constitutos Cordubæ quorundam adminiculo complicum captivos fecisse et quod auditu quoque nefarium est mulctatos male et contumeliose habitos diu in vinculis detinuisse. Quæ res cum pessimi prorsus et perniciosissimi sit exempli, pro cura quæ Catholici gregis ab hæreticorum rabie defendendi una cum apostolatus officio nobis est demandata mature providendum duximus, ne lues tam pestifera serpat ulterius nec sua contagione rectos commaculat. Quam ob rem fraternitati tuæ cui jam pridie talia perquirendi facinora et reperta puniendi potestatem arbitriumque contulimus districte mandamus ut commissum sibi munus fervide et severe exerceat ac subnascentem in agro dominico zizaniam abolere et radicitus extirpare non cesset, fidelium defensioni ut par est die noctuque excubando. Præfatos vere qui tam abominandum scelus ausi sunt cum suis complicibus et quoscunque eis auxilium consilium favoremve ullum præstiterunt undique conquisitos ac debitis subjectis pœnis exemplum cæteris statuet ne aliquando ad peccati similitudinem ex impunitate accendantur. Volumus autem hæc omni diligentia quamprimum a fraternitate tua curari et offici, nam exorientia tabiferæ pestis capita ne serpant in ipsis statim principiis sunt opprimenda, ad quod per ecclesiasticas censuras et universa juris remedia ut magis expedire videbitur, appellatione remota, procedes, in contrarium facientibus non obstantibus quibuscunque. Dat. Bononiæ.[1]

[1] The date of Bologna fixes the time of this brief between Nov. 10, 1506, when Julius II entered that city, and Feb. 22, 1507, when he left it.—Raynald. Annal. ann. 1506, n. 30; 1507, n. 2.

VIII.

Proposition Made in October, 1519, to Charles V to Compound for the Confiscations.

(Archivo General de Simancas. Patronato Real, Inquisicion, Legajo único, fol. 49).
(See p. 219).

Sy en las cosas de la inquisicion se pone orden de justicia por jueces no sospechosos que guarden el derecho e den cuenta de lo que hicieren, para que los buenos puedan bevir seguros y los que mal bivieren sean castigados como nuestro muy santo padre lo ordenare e mandare e las bulas e breves que sobre ello dieren sean obedecidas e cumplidas como de justicia e conciencia no se puede otra cosa hazer, avra personas que osaran servir al Rey nuestro señor en esta manera.

Habida consideracion que la codicia de los bienes es causa de todos los malos, e que es ley en los reynos de Castilla en las partidas que no sean confiscados los bienes de los que tovieren hijos catolicos e que a los principes queda muy poco provecho de la confiscacion porque todo se gasta en salarios, costa de jueces e recebtores que de ello enriquecen, puede su Mag^{d} justamente servirle por compusicion e venta que haga de todo el derecho que le pertinece a el e a sus descendientes para syempre jamas de la confiscacion de los bienes de la dicha inquisicion en todos sus reynos e señorios abiendo para ello bula de nuestro muy santo padre en que asi mismo se mande y ordene que no pueda aber condenacion de bienes ni dineros por via de penitencia ni en otra manera. Por lo qual y por lo que se debe hasta agora de las confiscaciones e penas e compusiciones pasadas por qualesquier personas en qualquier manera—dando para ello las provisiones e jueces que fueron menester—se dara por esto a su Magestad quatrocientos mill ducados; los cien mill ducados de ellos para el tiempo de su partida al ymperio, e los trecientos mill en tres años puestos en Flandes en las ferias de Emberes del mes de mayo de cada año cien mill ducados.

Y si paresciere algun inconveniente que esto se haga a perpetuo, aunque no le ay, abida consideracion a la dicha ley del reyno, y su Magestad fuere servido que sea por algun tiempo limitado, por el tiempo que fuere declarado por S. M. se daran doscientos mill ducados, los cinquenta mill para la partida e los ciento e cinquenta mill ducados en las dichas tres herias de enberes.

E por que los jueces diputados para tan santo oficio estan mas libres para hacer justicia sin esperar de sostinerse de los bienes de los presos e su magestad no tenga que pagar salarios pues no ha de haber confiscacion demas de lo que asi se ha de dar por la dicha confiscacion se

comprara la renta que fuere menester a vista e determinacion e moderacion de su magestad para pagar todos los salarios e cosas de la dicha inquisicion sobre lo que ya esta comprado e consynado para ello en algunas partes, comprandolo de la manera e segund que el rey catolico lo tenya mandado e çomençado a comprar.

E para la cobranza de lo susodicho se ha de dar otras tales cartas e provisiones como las que dio el rey catolico para cobrar las compusyciones del Andalucia e las que mas fuere menester, e para remediar qualquier agrabio que syntieren los que esto ovieren de pagar e proveer en ello e en la cobrança dello, lo que fuere necesario que se cometa al arzobispo de Toledo o a su gobernador para en los Reynos de la corona de Castilla, y el arzobispo de Çaragoça para los reynos de la corona de Aragon, para que ellos o las personas a quien le cometieren conozcan de ello e lo provean syn pleyto, e no otros jueces algunos, remota apelacion.

E abiendo efeto lo susodicho sy S. M. fuere servido de dar poderes e provisiones bastantes para cobrar e componer e ygualar todo lo que le es debido y pertenece en qualquier manera en los dichos sus reynos e señorios de qualquier otras confiscaciones e penas pertenecientes a la camera e fisco por las leyes e prematicas de los dichos reynos o en otra manera e qualesquier bienes que estan confiscados e adjudicados por delitos de que no este hecha merced e las tengan qualesquier personas de qualesquier tiempos pasados hasta en fin de este año, y le perteneciere de aqui adelante en estos quatro años venideros que se cumplan en fin del año de quinientos e veynte e tres, e que entre en esto lo que qualesquier personas de su voluntad vinieren, declarando que son en cargo, de que tengan finequito e no aya memoria ni recabdo por donde se le puede pedir quenta, e se puedan componer e cobrar lo que dieren, e por esto sanearan a S. M. cien mil ducados pagados en la dichas tres ferias de enberes, e sy mas valiere lo susodicho sea para S. M. quitando las costas e el salario que S. M. fuere serbido de dar por ello, e que si alguna merced o libranza se hiciere de bienes ó maravedises en lo susodicho durante este tiempo se reciba en cuenta.

E porque para el cumplimiento de todo lo susodicho se ha de dar seguridad bastante de personas que se obliguen a ello, se han de dar luego cedulas de S. M. libradas del S^{r} Cardenal por donde de licencia e facultad a las personas que en ello quisieren entender e obligarse e contribuir, que lo puedan hazer syn que por ello incurran ni se les pida pena ni achaque alguno de parte de la ynquisicion ni por otras justicias, las quales cedulas se han de dar en todo este mes de otubre, si los dineros han de estar prestos para la partida, porque de otra manera faltaria tiempo.

IX.

Memorial from Granada to Charles V in 1526.

(Archivo de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 55).
(See p. 222).

Vuestra Magestad manda é á mandado poner la Sancta Inquisicion en esta Ciudad y Reyno de Granada, lo qual es muy loable y muy santo por que se vea de creer que la intencion y voluntad de Vuestra Magestad es que los malos christianos sean castigados y los bonos sean conocidos, y por que en la manera de proceder en el Sancto Officio pasan mas peligros los que buenos son que los que mal biben, asy de ser presos como condenados sin culpa segun que muchas veces a acaecido, todos los que bien biben y son catolicos christianos suplican a Vuestra Magestad mande enmendar la manera de proceder en que los testigos y carceles sean publicos como lo son en el pecado abominable y contra natura, que como en este son conocidos y castigados los malos asy lo seran en este otro, y los que son buenos y biben bien estaran seguros de ser acusados falsemente, y por que Vuestra Magestad use de tan justa peticion y misericordia con los que buenos son, de solo este pequeño Reyno de granada, serviran a Vuestra Magestad con cinquenta mill ducados para los gastos de este tan sancto viage sin lo que mas Vuestra Magestad podra aver de los otros sus Reynos y Señorios que sera en grandisima suma de dinero, y quitando este mucho secreto escusera Vuestra Magestad los incombenientes de pecados siguientes.

Lo primero que si los jueces son malos como puede acaecer por ser hombres humanos y no Santos como lo es el Officio, quando prenden doncellas y casadas de buenos justos y moças, ó quando las mandan venir secretamente ante si como el Officio requiere en su mano sepan usar de ellos como cosa suya, lo qual ligeramente ya sentiran con el gran temor que lleban, y esto no habra lugar de se hacer en juicio publico.

Y la otra, que los escribanos de este secreto y los officiales que en este secreto tienen mano, seyendo mancebos, como en algunas partes lo son, tienen ó casi han de hacer lo misma con hijas ó mugeres ó parientas de presos, las quales ligeramente puedan alcanzar, y les sera concedido por saber algo de este secreto que les combenga, ó sí fuesen malas personas como entre los hombres se hallan, tambien tienen ocasion de bender por dineros este secreto, por que los que asy son malos con fin de ser aprovechados procuran estos officios, lo qual todo se quita con hacer la justicia publica.

En lo otro tienen a causa de este secreto que muchas animas que

se han condenado al ynfierno e se pueden condenar por ser tan falsas, escusarseles a este camino, que por poder decir lo que dicen secreto muy ligeramente se condenan y dicen lo que no vieron por aver venganza de quien tienen mala voluntad como cada dia a sucedido, sy quando Dios le hace merced al falsamente acusado que se da por bueno sale destruydo demas de la infamia de su prision, lo qual se escusaria seyendo los testigos publicos.

E lo otro que para que el que falsamente se acusa no tenga remedio, puedense buscar los testigos por dineros, los quales por estos pecados se hallan oy con poco trabajo, y como el acusado no los conosca y lo que le acusan nunca hiso ni penso no puede caer en los acusadores, y aunque cayga en su enemigo contrario que lo hiso atestiguar, y como los jueces no sepan este secreto condenan justamente y el falsamente acusado muere sin culpa, y quedan sus hijos y debdos infamados para siempre jamas, lo qual no se podria hacer seyendo publicos los testigos.

E lo otro que como los que son malas personas y malos cristianos tengan y tienen odio y mala voluntad á los que son buenos porque no siguen sus malos costumbres y obras: diz que por sus delitos son presos y los confiesan; los primeros que acusan son los que saben que biben bien, por vengarse de ellos, y á estos les da lugar el secreto, que si publico lo obieren de decir no tendrian osadia de decir la mentira á la clara, por que se les probaria luego el contrario, y por este tienen menos seguridad los buenos que los malos, que como no hicieron ni pensaron lo que les acusan ni conoscan por platica ni conversacion á los acusadores ni por ventura saben sus nombres no pueden caer ni acertar en ellos, y desta manera son condenados justamente y mueren sin culpa por que no quieren conocer lo que no hicieron, y quedan destruydos sus hijos y debdos y disfamados, los quales seyendo los testigos publicos no se podria hacer.

E lo otro que á cabsa de este secreto mas facilmente se pueden librar los que han cometido el delicto de que son acusados, por que el que lo hizo bien sabe quando y como y ante quien, y luego pueden acertar en quien lo acusa, y tachandolo como se hace es dado por libre, y la sentencia es justa, y el culpado queda sin castigo. Lo qual es por el contrario a quel que falsamente se le acusa, que como no lo hizo ni sabe ni puede saber de donde le viene el daño, sino fuere por inspiracion divina, de la qual gracia no son dignas todas, pe . . . y de esta manera pasan mucho mas riesgo y peligro . . . que son buenos y catolicos cristianos que los que . . . y biben mal, en lo qual de Vuestra Magestad . . . poner este tan justo remedio que se le . . . tiene puesto de su mano para la gobernacion . . . y señorios, por que los buenos puedan biber . . . ser malos sean conocidos y castigados.[1]

[1] The end of the document is torn.

X.

Bull of Sixtus IV, April 18, 1482, Temporarily Reforming the Inquisition of Aragon.

(See p. 234).

(Archivio Vaticano, Sisto IV, Regesto 674, T. XV, fol. 366).

Sixtus Episcopus servus servorum Dei Ad perpetuam rei memoriam. Gregis Dominici nostræ custodiæ divina disponente clementia commissi vigilem et solicitam curam gerentes, Pastoris inhærendo vestigiis libenter juxta officii nostri debitum nostræ solicitudinis partes adhibemus ut errantes, relicto præcipiti tenebrarum devio, viam veritatis agnoscant, et per illam gradientes vitam consequantur æternam; perseverantes vero in eorum erroribus proditis contra eos a jure remediis compescantur, nec damnentur aliqui de quorum erroribus legitimis probationibus non constaret. Sane nuper nobis insinuatum extitit quod in Aragoniæ et Valentiæ ac Maioricarum Regnis, necnon Principatu Cataloniæ officium inquisicionis hæreticæ pravitatis non zelo fidei et salutis animarum sed lucri cupiditate ab aliquo tempore citra exercetur et quamplurimi veri et fideles Christiani illo mediante, admissis contra eos inimicorum, æmulorum, servorum aliarumque vilium et minus ydonearum personarum, probationibus nullis legitimis præcedentibus indicibus, carceribus etiam sæcularium judicum detrudentur, torquentur, hæretici etiam et relapsi declarantur, bonis et beneficiis spoliantur et traduntur curiæ sæculari et per illam ultimo supplicio afficiuntur in animarum periculum, perniciosum exemplum et scandalum plurimorum. Nos igitur multorum quærelis super hoc excitati, providere volentes ut tenemur quod officium ipsum debite peragatur et illo mediante nullus opprimatur indebite et injuste, Motu proprio, non ad alicujus nobis super hoc oblatæ petitionis instantiam, sed de nostra mera deliberatione et ex certa nostra scientia, auctoritate apostolica, præsentium tenore statuimus quod de cætero in Regnis et Principatu prædictis locorum Ordinarii seu eorum vicarii et officiales ac ejusdem hæreticæ pravitatis inquisitores in eorum civitatibus et diœcesibus deputati conjunctim dumtaxat juxta tenorem aliarum litterarum nostrarum contra Christianos Judaicæ superstitionis sectatores et ad illorum ritus transeuntes illosque Judaizando sectantes ac alios hæreticos quoscunque eorumque receptatores et fautores etiam super jam cœptis negotiis procedere et accusatorum et denuntiatorum et promoventium hujusmodi inquisitionis negotium, necnon testium quos desuper ad juramenta et dicta recipi continget, nomina et attestationes ac dicta totumque eorum processum personis ipsis ac earum procuratoribus et defensoribus publicare et aperire ac

eis ad opponendum contra eosdem testes eorumque dicta et attestationes et processuum hujusmodi competentem dilationem inspectis testium numero et actorum qualitate moderandam assignare, et illis contra quos procedi continget eos quos petierint in advocatos et procuratores dare et per ipsas personas inquisitas ac eorum nomine comparentes oppositas in termino hujusmodi legitimas exceptiones et defensiones ac desuper legitimas probationes admittere. Ipsique insimul vel alter eorum ad minus per seipsos secundum juris dispositionem testes ad juramenta recipere et examinare debeant et aliter receptorum et examinatorum attestationes, nullum penitus etiam judicium vel adminiculum faciant in præmissis, nec detineantur personæ aliquæ occasione negotii inquisitionis hujusmodi in alio quam solito Ordinariorum locorum carcere, ad hoc etiam de jure deputato. Et si contingat a gravaminibus eis illatis ad Sedem Apostolicam appellari, Ordinarii, vicarii et officiales et inquisitores præfati appellationibus ipsis deferant venerenter dum tamen manifeste frivolæ non fuerint, et processus per eos habitos ad ejusdem Sedis examen remittere et in illis supersedere nullatenus differant, usquequo aliud ab eadem Sede habuerint in mandatis. Contrafacientes vero Ordinarii, vicarii et Officiales ac Inquisitores præfati et quicunque alii tam ecclesiastici quam sæculares cujuscunque status, gradus, ordinis et conditionis fuerint, quacunque ecclesiastica vel mundana dignitate præfulgentes et contrafieri procurantes consulentes vel suadentes, tacite vel expresse, directe vel indirecte, in præmissis per nos sicut præfertur provide statutis vel aliquo eorumdem, Episcopi et superiores interdicti ingressus ecclesiæ, reliqui vero excommunicationis sententiam eo ipso incurrant, a qua præterquam in mortis articulo constituti ab alio quam Romano Pontifice, etiam vigore cujuscunque facultatis de præsentibus mentionem non facientis, nequeant absolutionis beneficium obtinere. Et illius exemplo cujus vices gerimus in terris nolentes mortem peccantium sed cupientes potius conversionem eorum salutiferam, misereri potius quam ulcisci elegimus, præsertim ubi si alias procedatur exinde possint verisimiliter scandala exoriri, Ordinariis locorum et eorum vicariis et Officialibus generalibus ac Inquisitoribus præfatis et cuilibet eorum in omnibus Regnis, Principatu et dominiis supradictis ut quorumcunque Regnorum et Principatus prædictorum incolarum utriusque sexus ad aliquem ex eis recurrentium confessione diligenter audita pro quibuscunque excessibus criminibus et peccatis etiam quæ vitam et ritus ac mores Judaicos sectando aut alias a via veritatis et fide Catholica deviando, et in aliquem hæresim labendo usque in diem illam in qua confitebuntur commississe fatebuntur et censuras ecclesiasticas quas quomodolibet incurrissent auctoritate nostra in utroque foro pœnitentiali et contentioso absque abjuratione de absolutionis beneficio eisdem recurrentibus providendi eisque pœnitentiam salutarem et occultam injungendi motu, scientia et auctoritate prædictis

facultatem et potestatem concedimus per præsentes. Ita quod in posterum prætextu criminis hæresis quam antea incurrisse dicerentur contra eos inquirere non possint nec eos nullatenus valeant molestari, dum tamen ad Inquisitionis processum super hujusmodi criminibus et inquisitorum personalem citationem executorii demandatam deventum non foret, ac Ordinariis, vicariis, Officialibus et Inquisitoríbus prædictis ne contra illos quos eorumdem vel alicujus eorum assertione eis constiterit per aliquem ex eisdem vigore præsentium absolutos fuisse per ipsorum absolventium attestationem aut patentes literas, seu super eorum assertione confectum instrumentum, absque tamen ulla peccatorum quorum confessionem audivissent propalatione de commissis per eosdem confitentes criminibus hæresis cujuslibet, de novo procedere, aut confiteri modo prædicto volentes quominus id faciant impedire, nullatenus præsumant sub simili interdicti et excommunicationis sententia eo ipso ut præfertur incurrenda a qua pari modo nequeant ab alio quam Sede prædicta nisi in mortis articulo constituti absolutionis beneficium obtinere, eisdem motu scientia et auctoritate inhibemus. Eisdemque Ordinariis, Vicariis, Officialibus et Inquisitoribus sic absolventibus ac cuilibet eorum, motu, scientia et auctoritate prædictis, sub simili pœna mandamus quatinus per se vel alium seu alios præsentes litteras ubi quando et quociens expedire cognoverint solemniter publicantes et illis quibus de absolutionis beneficio hujusmodi providerint ac alios quos contra præsentium tenorem gravari quomodolibet constiterit efficaci defensionis præsidio assistentes non permittant quempiam contra eorumdem præsentium literarum tenorem vexari seu quomodolibet molestari, et illos quos eis interdicti et excommunicationis sententiam hujusmodi incurrisse constiterit, illos irretitos esse publice nuncient faciantque ab aliis nunciari et ab omnibus arctius evitari ac, legitimis super hiis habendis servatis processibus, illos iteratis vicibus aggravare procurent. Et insuper, motu et scientia similibus, Ordinariis eorumque vicariis et Officialibus ac Inquisitoribus prædictis, sub censuris et pœnis præfatis eo ipso incurrendis, mandamus quatinus incolas utriusque sexus Regnorum et Principatus prædictorum qui ad eos aut eorum quemlibet pro confessione et absolutione prædictis recurrerint absque aliqua dilatione seu mora eorum confessiones et cujuslibet eorum audiant et eis de absolutionis beneficio in utroque foro ut præfertur provideant, contradictores per censuram ecclesiasticam appellatione postposita compescendo, invocando ad hoc si opus fuerit auxilio brachii sæcularis, decernentes ex nunc omnes et singulos processus quos haberi et generaliter quicquid fieri vel attemptari contigerit contra præsentium tenorem quomodolibet nullius esse roboris vel momenti et haberi debere prorsus pro infectis. Non obstantibus apostolicis in provincialibus et sinodalibus conciliis editis constitutionibus et ordinationibus ac privilegiis et litteris dictæ Sedis, necnon ecclesiarum Reg-

norum et Principatus prædictorum ac curiarum eorumdem juramento confirmatione apostolica vel quavis alia firmitate roboratis, statutis et consuetudinibus ac stilo et observantiis quibus illa etiamsi de eis eorumque toto tenore seu quovis alio expressio habenda esset, præsentibus pro expressis habentes, illis alias in suo robore permansuris, quoad præmissa specialiter expresse derogamus contrariis quibuscunque. Seu si aliquibus communiter vel divisim a Sede præfata indultum existat aut interdici suspendi vel excommunicari non possint per litteras Apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem, et qualibet alia dictæ Sedis indulgentia generali vel speciali cujuscunque tenoris existat, per quam præsentibus non expressam vel totaliter non insertam effectus earum impediri valeat quomodolibet vel differri, et de qua cujusque toto tenore habenda sit in nostris litteris mentio specialis. Et quia difficile foret præsentes litteras ad singula loca deferri, volumus et apostolica auctoritate decernimus quod transumpto præsentium manu alicujus notarii publici subscripto et sigillo alicujus curiæ episcopalis munito ubique in judicio et extra tanta fides adhibeatur quanta ipsis originalibus litteris adhiberetur si illæ exhibitæ vel ostensæ forent. Nulli ergo etc. liceat hanc paginam nostrorum statuti, concessionis, inhibitionis, mandati, constitutionis, derogationis, decreti et voluntatis infringere vel ei ausu temerario contraire. Si quis autem etc. Datum Romæ apud Sanctum Petrum, Anno Incarnationis Dominicæ Millesimo Quadringesimo octuagesimo secundo, Quarto decimo Kal. Maii, Pontificatus Nostri Anno Undecimo.

P. Bertrandi. D. de Viterbio.

Duplicata sub eadem data et scripta per eundem scriptorem et taxata ad xxx.

XI.

King Ferdinand to Pope Sixtus IV, May 13, 1482.

(Archivo General de la Corona de Aragon, Reg. 3684, fol. 7). (See p. 235).

Sanctissime Pater: Ferdinandus etc. Aliqua fuerunt mihi relata, pater sancte, que si vera sunt maxima admiratione digna videntur: hec sunt quod sanctitas vestra concessit generalem remissionem neophytis de omnibus erroribus seu delictis per eos ante hac perpetratis provideritque ut nomina testium qui apud acta inquisitionum heretice pravitatis que nunc fiunt in provincia Aragonie testimonia perhibuerunt delatis revelentur et quod a sententia inquisitionis possit ad

vestram sanctitatem appelari seu apostolicam sedem et etiam quod sanctitas vestra revocaverit ab ipsius inquisitionis officio scilicet Joanni Christoforo de Gualbis et fratrem Joannem Ort exaudiendo eorum neophitorum peticiones quibus etiam audientia deneganda est, postquam inquisitores ipsi modeste et decenter prosequuntur, aliter enim spectantes alios favorabiles et faciles sibi optinere inquisitores, et alia a S. V. impetrata indulta talem suscipiunt audaciam quod non timent in eorum erroribus persistere. Predicte autem relationi impendimus fidem nullam, quod talia visa sunt quod nullatenus concedenda erant per S. V. que hujusmodi sancte inquisitionis negotium dirigere debet. Et si per dictorum neophitorum importunas et astutas persuasiones ea concessa forsitan fuerint eis nunquam locum dare intendo. Caveat igitur S. V. contra dicti negotii prosequtionem quicquid impedimenta concedere et si quid concessum fuerit revocare et de nobis ipsius negotii cura confidere non dubitare. Sed postquam S. V. aperte novit quantum cedit imo preter astutisimas neophitorum circuitiones opus est in Dei servitium et cristiane fidei decus quod inquisitores heretice pravitatis secundum beneplacitum et voluntatem meam in his regnis et terris meis instituantur et regio meo favore freti onus inquisitionis exerceant et hoc quidem modo ea que agenda sint perfici possunt et aliter nihil bene ageretur circa ea quod facile quidem intellegi potest ex hoc quam superioribus temporibus dum de ejusmodi negotiis ego aut predecessores mei non nos intromittimus heretica pravitas in tantum succurruit et ejusmodi morbi contagio per cristianum gregem se extendit quod quamplurimi qui pro cristianis habebantur non modo non cristiane sed neque secundum legem aliquam vivere reperti sunt et multa que ab illis in Cristi neglectum et vilipendium fiebant aperta sunt et in dies efundentur in publicum que ita proh dolor eveniunt culpa atque nequitia inquisitorum preteritorum qui munibus et corruptelis ab inquisitionibus desistebant aut eas minus bene prosequebantur. Dignetur iccirco eadem S. V. hic mihi concedere circa inquisitiones predictas videlicet quod sanctitas vestra quamprimum confirmet predictos fratrem Joannem Cristoforum de Gualbes et fratrem Joannem Orts in dicto inquisitionis officio confirmetque eadem S. V. comisionem ad meam instantiam nuper factam per magistratus ordinis fratrum predicatorum fratri Gaspari Jutglar conventus illerdensis super instituendis et destituendis inquisitoribus in dicta provincia secundum beneplacitum et voluntatem meam. Aut si melius videbitur S. V. alicui alteri fratri similem comisionem faciat ut semper inquisitores nobis acceptos in dicta provincia habeamus, quoniam alios contra voluntatem nostram hujusmodi officium exercere nunquam permitere intendimus. Ita cum hec omnia fieri expedit pater sancte in obsequium Cristi et catholice fidei decus jubeat ergo Sanctitas vestra apostolicas provisiones et literas super predicta ilico expediri quod erit mihi vehementer gratum accipiamque singu-

laris beneficii loco ab eadem Sanctitate vestra cujus almam personam Jesus optimus maximus feliciter et cum sacre Eclesie columna tueatur. Ex Corduba urbe XIII die maii a nativitate Domini MCCCCLXXXII. De vuestra santidat muy omil e devoto fijo que vuestros santos pies y manos besa el Rey de Castilla y de Aragon. Camanyus secretarius.

XII.

MEMORIA DE DIVERSOS AUTOS DE INQUISICION CELEBRADOS EN ÇARAGOÇA DESDE EL ANO 1484 ASTA EL DE 1502 EN QUE SE REFIEREN LAS PERSONAS CASTIGADAS EN ELLOS.[1]

(See p. 244).

Los serenisimos Reyes catholicos don fernando y doña Isavel mandaron poner en Çaragoça el sacrosanto tribunal de la fe en el año de 1484. Lo mismo en Catalonia y Valencia.

Fue el primero Inquisidor Apostolico El Maestro Julian de la orden de Predicadores al qual se entiende que mataron los Judios atossigandole en unas rosquillas que le presentaron. El Glorioso Maestro Pedro Arbues de Epila llamado vulgarmente el Maestre Epila, fue muerto por los conversos estando en los maytines de media noche en la seo de Çaragoça, de donde era canonigo a 17 de 7^{bre} de 1485.

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[1] This MS. I procured from a bookseller in Madrid, and I know nothing of its *provenance*. It is in small quarto, with 62 unnumbered pages of a handwriting which I should attribute to the seventeenth or early eighteenth century; about three pages towards the middle are in a different hand, with some blanks filled in by the scribe of the rest of the MS., as though the copying had been entrusted to a second writer who had proved unable to decypher the original. The record bears on its face every mark of authenticity. There are occasional discrepancies in names and dates between it and the list at the end of the Libro Verde, but in general they correspond, as it also does with such trials of the period as I have examined from the Llorente MSS. in the Bibliothèque Nationale. It supplies much that is lacking, and the abstracts of the sentences of the murderers of San Pedro Arbués are sufficient to render it a document of interest, besides the light which the sentences in general throw upon the business of the Inquisition. I transcribe in full the earlier portion, with the final "Resumen." Of the remainder, which consists of little more than lists of names of convicts and penitents, I only give a summary.

The MS. has much in common with the anonymous *Orígen de la Inquisicion* cited by Llorente (Añales, I, 76, 94, 114, etc.) which he says is in the *Academia de la Historia* and was written in 1652.

AUTOS DE FE DEL ANO 1484.

Auto primero. A 10 de Mayo de 1484, domingo, se hizo auto de fe en
1484. la seo de Çaragoça. Predico el Inquisidor el Maestro Julian y fueron sacados en el los siguientes.

1. Primero, Leonora Eli por ceremonias Judaycas, y quando oya nombrar del SS.^{mo} nombre de Jesus respondia, called no le nombreys que es nombre de enforcado.
2. Felipe Salvador alias Santicos botiguero por ceremonias Judaycas, comer carne en viernes, y en la quaresma, este fue primo-hermano de Pedro de la Cabra Judio.
3. Leonor Catorce Valenciana, muger del dicho Santicos, por ceremonias Judaycas, comer Amin[1] y carne en viernes y savado y aver ayunado el ayuno de Quipur.
4. Isavel Muñoz Castellana, por los mismos delitos y que quando dezia el credo, y llegava à aquellas palabras et in Jesum Christum, dezia Aqui cayo el asno.

Todos estos fueron penitenciados por hereges y confiscadas sus haziendas.

Auto 2. A 3 de Junio, en el patio de la casa del Arzobispo, *predico el Santo martyr Pedro Arbues*, fueron condenados a muerte,

1, 2. Dos hombres por hereges Judayzantes, el uno dellos fue aogado porque murio reducido.

3. Aldonza de Perpiñan, muger de Manuel de Almazan, por ceremonias de Judios, y aver bestido a doze pobres Judios en honor de las doze tribus de Israel, algunos años, Ayunar el Quipur y dar limosna a la cedaza, quemaronla en estatua por ser difunta.

Auto 3. A 20 de Diziembre, Biernes, A las espaldas del hospital de
1485. nuestra señora del Portillo. Predico el Prior de Predicadores, fueron quemados

1. Alvaro de Segovia por ceremonias Judaycas, comer Amin y carnes degolladas en sus ritos, y en quaresma, Ayunar el Quipur, leer la Biblia en hebreo bajo de un pabellon, y despues la hazia adorar a sus hijos—quemado.
2. Joana Sinfa porque de Judia hecha Cristiana volvio a los ritos Judaycos y vivia como Judia,—quemada.

Auto 4. A treze de febrero. En la seo. Predico el Maestro Crespo y
1486. sacaron en el tablado a

1. Jayme la Gasca con una bela ardiendo en las manos por ceremonias Judaycas. No le confiscaron los bienes por aver confessado dentro del tiempo.

[1] Amin was a kind of Jewish broth. In the trial of Juan de la Caballeria, in 1488, there is an allusion to "Hamin y otras potages de Judios."—MSS. Bib. Nat. de Paris, fonds espagnol, 81.

Auto 5. A 24 de febrero, Biernes, en nuestra señora del Portillo. 1486. Predico el Maestro Crespo, canonigo del Pilar. Sacaron en el a

1. Salvador Esperandeu el viejo zurrador, porque siendo Cristiano hizo ceremonias Judaycas, comio Amin, y Pan cotazo,[1] y carne en la quaresma, guardava el savado, y travajava el domingo, ayunava el Quipur, y escarnecia al querpo de nuestro señor Jesu Cristo—fue quemado.
2. Gumien Berguero, siendo cristiano hizo todas las ceremonias de Judios y llevava abito de Rabi, fue quemado.
3. Ysavel de embon, muger de Gilabert Desplugas, siendo cristiana dava azeyte a la sinagoga, y hazia ceremonias Judaycas—fue quemada.
4. Dionis Ginot, notario, por casado dos veces viviendo la primera muger, y fugitivo—quemado en estatua.
5. Pedro Navarro mercader, por ceremonias Judaycas y escarnecer el santisimo sacramento, y fugitivo—quemado en estatua.
6. Maestro Martinez, jurista de Teruel por ceremonias Judaycas y aver quebrantado su carcel y huydose—quemado en estatua.

Auto 6. A 17 de Julio [Marzo] Biernes, en nuestra señora del Portillo, 1486. Predico el Maestro Crespo, y sacaron al tablada a

1. Francisco Clemente notario por ceremonias Judaycas, quemado.
2. A su muger por lo mismo, quemada.
3. Miguel de Oliban çapatero por ceremonias y manjares Judaycos, y porque dezia que el buen Judio se podia salvar en su ley como el buen cristiano en la suya, y que la de Moysen era buena, y que nunca avia creydo en la S.^{ma} Trinidad ni en la Virgen nuestra señora Maria S.^{ma}, fue quemado.

Auto 7. Biernes a 28 de Abril, en el mismo lugar. Predico el Maestro 1486. Crespo. Fueron castigados los que se siguien.

1. Pedro de Orrea, mercader, por ceremonias Judaycas, y averse hecho circuncidar y quando beja la cruz o el SS.^{mo} Sacr.^{to} se escondia por no benerarlos—fue quemado.
2. Anton de Pomar Berguero, por ceremonias Judaycas, y siendo cristiano no savia el Paternoster ni el credo—fue quemado.
3. Francisco Tornabal pelayre por Relapso, y casado con dos mugeres veladas—quemado.

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[1] Unleavened bread—"panem azmum sive *cotaco* comedendo"—Trial of Beatrix de la Cavallería, MSS. Bib. Nat. de France, fonds espagnol, 80, fol. 175.

4. Maestro Puremiofer [Pedro Monfort], Vicario general de Çaragoça, por aver venido contra la Inquisicion en Mallorca y Çaragoça y dezir que el buen Judio se podia salbar como el buen cristiano, y entre los Judios jurava por la ley de Moysen y por los diez mandamientos, y dezirles que tenian buena y santa ley—quemado en estatua.
5. Mossen Pedro Maños cavallero, que siendo cristiano se paso a las ceremonias Judaycas—quemado en estatua.
6. Manuel de Almazan mercader, por ceremonias Judaycas, comer Amin y Arrequequer y dar limosna a la cedaza y pagar a un Rabi porque le fuesse a leer la ley de Moysen—fue quemado.

Auto 8. 1486. Domingo de la S^ma^ Trinidad a 21 de Mayo, dentro de la seo. Predico el Maestro Martin Garcia Inquisidor, sacaron a

1. Joan Cid, sastre por ceremonias Judaycas, fue penitenciado y confiscados los bienes.
2. Rodrigo Gris, carnicero, que siendo cristiano hazia ceremonias de Judios, y el Jueves S^to^ se harto de Gazapos.
3. Jayme Redo, comia carnes en biernes S^to^.
4. Joan de Alcala, portero del Justicia de Aragon, por ceremonias Judaycas, y comer carne en quaresma, caso dos veces en vida de la primera muger.
5. Gilabert Desplugas, por ceremonias Judaycas.
6. Jayme de Caseda, corredor, por lo mismo.
7. Anton Matheo, Botiguero, por comer carne en quaresma y gallinas en Viernes S^to^ y darles la bendicion a sus hijos passandoles la mano por la cara.

Todos estos fueron penitenciados.

Auto 9. 1486. A 25 de Junio Biernes en la seo. Predico el Maestro Martin Garcia, fueron penitenciados por hereges los siguientes.

1. Jayme Navarro mercader, por ayunos y ceremonias de Judios, yr a la sinagoga à orar, dezir que si Cristo n. S^r^. fuera dios no temiera el morir.
2. Felipe de Moros, mesonero de la Almunia, porque se caso con dos mugeres vivas, ceremonias de Judios, y aver llevado à ganar torpemente una muger cristiana.
3. Clara Mateo, muger de Alvaro de Segovia, por ceremonias Judaycas y dezir que no estava nuestro Salvador en la ostia, y que no dezia verdad en la confession porque creya que todo era burla sino la ley de Moysen.
4. Leonor Romeo muger de Anton Mateo, ceremonias Judaycas.
5. Joan de Aragon, botiguero, en cuerpo y con bela en el tablado, por que tuvo conbiados a unos Judios, y dezia Cristianos de natura, Cristianos de mala ventura, y que

mas valia dar à ganar al medico Judio que al Cristiano, y por sospechoso en la fe.

Auto 10. 1486. A 30 de Junio, Biernes, en la puerta de la Seo, predico el Inquisidor Abad de Aguilar, fueron condenados a muerte

1. Joan de Pero Sanchez mercader, que dijo a Joan de la Badia que si matara al Inq^{r} Maestro Epila le daria 500 florines de oro, y mas dijo a Gaspar de Santa Cruz y a Mateo Ram en casa de Juan de Esperandeu, y delante dellos encargo a Vidau frances que matasse al Inquisidor que el se lo pagaria muy bien, porque era tesorero del dinero que tenian para defenderse los Judios, y porque Judayzava y dezia que la mejor ley era la de Moysen, y que maldijo a su padre por averse tornado cristiano. Arastraron su estatua con una bolsa al cuello por Çaragoça y despues la quemaron en el mercado.
2. Joan de Esperandeu Zurrador por assesino de la misma muerte y porque un savado fue con Vidal frances y Mateo Ram a la Reja del estudio del Maestre Epila para arrancalla, y no lo executaron porque fueron descubiertos, y passados 4 o cinco meses fueron a la seo a Maytines tras del dicho Inquisidor y allandole arrodillado entre el altar mayor y el coro, esperandeo, durango frances, Ram y Abadia, dijo este al Vidau, dale que este es, y el Vidau le dio una cuchillada de rebes, que le abrio desde la cerviz asta la barba, y esperandeu le dio una estocada que le paso el brazo izquierdo, este era fino Judio y circuncidado, y lo arrastraron vivo y delante de la puerta mayor de la seo le cortaron los dos manos, y de alli le llebaron arrastrando al mercado y en la horca le cortaron la cabeza y le hizieron quartos y las manos las enclavaron en la puerta pequeña de la diputacion, y los quartos por los caminos.
3. Vidau durango frances zurrador, criado de Esperandeu confesso que avia ydo muchas vezes a casa de Gaspar de Santa Cruz y de Pero Sanchez y como ellos y Sancho de Paternoy trataban la muerte del Inquisidor, y como le allaron arrodillado los dichos Vidau y Mateo Ram, esperandeu y la badia y otros que el no conocio porque yvan con mascaras, y que el dicho Abadia llamo al dicho Vidau y le dijo aparte, cata que le des grande golpe en la cara, o, en el cuello, que de otra manera no lo mataras porque lleva cerbillera y Jaco de malla, y despues que el dicho la badia se lo mostro y certifico era el Inquisidor el que estava arrodillado, le dio Vidau una cuchillada de rebes que le derrivo las varillas, y le corto la bena organical de la cerviz, y de este golpe murio, y por esto fue Vidau arrastrado

por la ciudad y vuelto a la plaza de la seo le aogaron y cortaron las manos, y esto se hizo por no darle tanta pena como al otro, porque dijo toda la verdad, y despues de muerto lo arrastraron asta el mercado y le hizieron alli quartos que los pusieron por los caminos y las manos en la puerta de la diputacion.

Auto 11. 1486. A 28 de Julio, Biernes en la plaza de la seo, predico el Maestro Crespo, fueron condenados al fuego

1. Gaspar de Santa Cruz porque siendo cristiano comia y ayunava y hazia ceremonias como Judio, y porque el y Joan de Perosanchez offrecieron a Juan de labadia 500 florines si matava al santo Inquisidor y que ellos le favorecerian, y como se allo en su muerte y en las Juntas donde le fraguaron, que fueron la primera en el temple, la 2da en Santa Engracia, la 3^{a} en el portillo, y por averse huydo a Tolosa de francia, donde murio, le quemaron en estatua, y a Geronimo de Santa Cruz su hijo que lo acompaño a Tolosa le dieron por penitencia que llevasse alla el processo o sentencia de su Padre y que hiziesse desenterrar los huesos y los quemasse y tragesse relacion dello de los Inquisidores de Tolosa, y assi lo executo.
2. Martin de Santangel, porque siendo cristiano hazia ceremonias de Judios, complice en la dicha muerte del santo Inquisidor, aver contribuydo en el dinero recogido para ella, traer en sus horas quatro oraciones en hebreo y aquellos rezava, quemaronle en estatua.
3. Violante salvador, muger de Gaspar de Santa Cruz, por ceremonias Judaycas, y no guardar el domingo. Por lo qual dezian sus criados que mas parecia su casa de Judios que de cristianos, y antes de yr a missa comia, y ponia tozino en la olla de los mozos y no en la suya porque guardava la ley de Moysen, quemaronla en estatua.
4. Garcia lopez, mercader, que siendo cristiano hizo ceremonias Judaycas y dava limosna a la cedaza, y tenia horas y Biblia en Hebreo, y nunca se confesso ni comulgo, y no creya que en la ostia consagrada estava dios, y tenia una mandragula en su cama y cada dia ponia en ella cinco sueldos y se yva a missa y quando querian alzar la ostia se salia de la yglesia, y entrava en su camara a ver la mandragula y allava diez sueldos en ella, y luego la adorava en el culo cada dia, quemaronle en estatua.
5. Pedro de Exea mercader, siendo cristiano hizo ceremonias Judaycas, comio Amin y Arruqueques y carne en dias prohibidos, yva a las cabañas de judios y dava limosna por la ley de Moysen, y avia dado dineros a su muger para la

bolsa contra la Inquisicion para efectuar la muerte del santo Inquisidor, de que tuvo mucho placer. quemaronle.

6. Violante Ruys muger de N. de Santa Maria siendo cristiana hizo ceremonias de Judios, comia carne en dias prohibitos, nunca se santiguava ni arrodillava al alzar la ostia. quemaronla.

Auto 1486. 12. A 6 de Agosto, domingo, predico el Maestro Garcia y salieron penitenciados por hereges

1. Joan de Santa Clara, por ceremonias y ayunos de Judios, volver los ojos por no ver alzar en missa, y quando contratava con cristiano de naturaleza lo procurava engañar, y se alegrava y dezia a otro confesso, Calle que estos cristianos de natura decaen poco a poco les daremos su ajo. Inviava a sus hijos à la Juderia para que les diessen la bendicion, y tenia una mandragula y la adorava en el culo, y dava limosna a la cedaza. fue penitenciado.

2. Diego de yta.
3. Clara Belenguer muger de Joan frances.
4. Gracia Esplugas
5. Leonor salillas muger de Pedro Santa Clara.

Penitenciados.

} Por ceremonias Judaycas y otros graves errores en la fe, y no creer en muchos misterios della.

Auto 1486. 13. A 24 de setiembre domingo en la seo, predico el Maestro Martin Garcia, y salieron por hereges con corozas los siguientes.

1. Beatriz lobera por ceremonias Judaycas y dezir que los cristianos eran idolatras.
2. Violante Velviure, muger de Mr Gonzalo de Santa Maria, ceremonias Judaycas.
3. Isavel Cruyllas, muger de Pedro de Almazan, ceremonias Judaycas, y porque hizo enbendar a un hermano suyo difunto a lo Judayco, y a un hijo enfermo lo hizo passar tres vezes por bajo de la horca tapiada en fe de que sanaria, y dezir que los cristianos de natura eran cristianos de mala ventura, y aver comido huevos crudos el dia de la muerte de su hermano, ceremonia de Judios.
4. La muger de Redo, hazia parar una mesa con mantiles en la bodega, diziendo que vendria a comer en ella el diablo y que le daria muchos bienes de fortuna, y mandava a la criada que quando cubriesse la mesa no dizesse Jesus aunque viesse algo, y que la mataria si lo nombrava, y por ceremonias Judaycas.
5. Antona Rodriguez, por dichas ceremonias, y degollar las aves al modo Judayco, y echar sobre la sangre polbo, y hazer que le bendijesse un Judio los bestidos.

6. La muger del bermejo, no sabia el credo sino asta Patrem omnipotentem, y ceremonias Judaycas.
7. Joan de Pueyo, trasmudador por casado dos vezes.
8. Francisco del Royo, ceremonias Judaycas.
9. Miguel de Almazan, por no aver notificado que estava circuncidado estuvo con cirio al pie del altar. pareciasele la faba de la parte alta (?).
10. Maria de llano testifico que vivian como Judios luys y Joan de Joan Sanchez y su muger, y el luys sanchez tuvo noticia dello y offrecio a dicha Maria muchas vezes que si yva y dezia a los Inquisidores que lo que avia depuesto contra ellos era con malicia y le desdezia la casaria y le daria para un manto, y de lo mismo le ablo un dia m^r^ Alonso Sanchez en el carmen, y con esto la hizieron desdezir. Pero despues volvio a confessar la verdad, confirmando lo que avia testificado contra ellos primero. Por lo qual estuvo en la grada del tablado con un cirio.

Auto 1486. 14. A 21 de Octubre savado en la plaza de la seo, predico el Maestro Martinez, fueron relajados al fuego los siguientes.

1. Bernad de Robas mercader, padre de Francisco de Robas, passo a las ceremonias de judios, y los Viernes Santos se ponia un capirote de Judio, y uno de estos Viernes el y otros confessos comieron gallinas y capones en cierta casa, y dezia, Pues estos cristianos de mala ventura hazen oy el llanto, hagamos nosotros el canto. quemaronle.
2. Galceran Belenguer velero, se passo a las ceremonias Judaycas, travajava los domingos, y decia que la ley de Moysen era mejor que la de Jesu cristo, y un dia passando unos frayles de la Compania de Santa Maria de Jesus, dijo como se hallaran burlados estos, pues no ay otro mundo sino este. quemaronle.
3. Gabriel de Aojales mercader, dezia ser mejor la ley de Moysen que la de los cristianos, y un dia leyendo en presencia de otra persona la Biblia dijo, mirad si es mejor creer a todos estos profetas que no a lo que dizen aquellos doze borrachos, entendendolo por los doze Apostoles de Cristo n. s. passo a las ceremonias Judaycas y le quemaron.
4. Guillen de Bruysan mercader, hazia las mismas, y dezia que qualquier que viniesse contra la ley de Moysen haria mal fin, y que ella era mejor que la de los cristianos. quemaronle.
5. Gonzalo de Yta, por dichas ceremonias y comio en la Juderia y muchos vezes con su Padre que era Judio. quemaronle.
6. Rodrigo de Gris carnicero, Padre de mossen Gris, fue sacado primero en otro auto por herege, y aviendole peniten-

ciado en darle por carcel una casa cave san felipe, y con penas de Relapso se fue de la carcel y bolvio a cometer los mismos crimines, y en este auto le quemaron en estatua.

7. Maria Labadia muger de Martin Salvador panicero comia carne viernes y savados, y los viernes por la tarde ponia manteles limpios en la mesa, y dos lamparas encendidas colgadas en una querda a cada punta de la mesa, y los otros dias comia en mesa diferente, y dezia que no lo queria hazer delante de su yerno porque era cristiano de mala ventura, y que la ley de Moysen era mejor que la nuestra y que se avia allado y venido en la muerte del Inquisidor M^{e} Epila, y por ceremonias Judaycas. La quemaron.

Auto 1486. 15. A 29 de Noviembre domingo, en la plaza de la seo, predico el M^{e} Martinez, y fueron condenados al fuego los siguientes.

1. Pedro de Moros, por ceremonias de Judios y dezir que la ley de Moysen era la mejor de todas, y que el Rey que hazia la guerra a los Moros venia contra el mandamiento de dios.
2. Alvaro de Sevilla carnicero, el dia que ayunava el ayuno de Quipur abrazava a otro confesso por ceremonia de Judios y dezia que la ley de Moysen era mejor que la de Cristo.
3. Cristoval de Gelba comia con los moros de sus manjares y conversava con ellos y dezia que era Moro y que le llamavan Alfans, y hazia oracion en la Mesquita como moro, y ceremonias Judaycas.
4. Joan de Vitoria por las mismas y por pedir por las Juderias para la cedaza, diziendo que era Judio.
5. Catalina Sanchez, Madre de Mossen Pedro Bagues por dichas ceremonias y hazer todas las cosas de los Judios y observar sus ritos.
6. Francisca Daniel muger de Jayme Daniel por dichas ceremonias y enbiar limosna para bendezir las fazes de sus hijos al Ravi de la Juderia y les hazia llevar antorchas delante de la Tora.
7. Blanquina Fernandez, muger de Pedro Fernandez corredor, por lo mismo que Francisca Daniel.
8. Blanca de Adam alias leonor de Montesa, por lo mismo.
9. Maria Rodriguez passo a las ceremonias Judaycas, fue muger de Joan Rotoner tinturero, nunca supo el credo, hazia bendezir sus hijos al Ravi, no creya que en la ostia consagrada estuviesse dios, y quando massava hechava pedacillos de massa en el fuego, ceremonia Judayca.

10, 11. Pedro y Luys de Almazan, hijos de Manuel de Almazan porque estavan circuncidados los tenian por sospechosos en la fe, y assi les dieron por penitencia que mientras se dezia

en la Yglesia el officio assistiessen con sendas belas, y los desterraron de Çaragoça por diez años.

Auto 16. En el portillo sacaron solamente a este reo. 1486. Micer Francisco de Santa Fe complice en la muerte del Santo Mᵉ Epila estando preso en la Inquisicion viernes a 15 de Deziembre de este año 1486, entre ocho y nueve de la mañana se arrojo desde las almenas de la torre en donde estava su carcel, en camisa, y del golpe quedo muerto, y este dia lo llevaron junto al portillo, y alli le mandaron leer los Inquisidores su processo en donde se dijo como avia passado a las ceremonias Judaycas, y que en su casa enseñava a un Judio las oraciones dellas, y dezia que la ley de Moysen era mejor que la de cristo, y que qualquier buen Judio se podra salvar, era retajado, y leyda su sentencia le quemaron y pusieron los guesos en su camisa y en una cajuela lo hecharon por ebro abajo. Este auto lo quento por el 16, por averse hecho con toda esta solennidad.

Auto 17. 1486. A 17 de Deziembre domingo en la seo predico el Mº Martin Garcia y fueron condenados por hereges los que se siguien.

1. Fernan lopez de Teruel porque siendo cristiano hazia ayunos y ceremonias de Judios, y dezia que la ley de Moysen era mejor que la de los cristianos, y quando se confessava nunca dezia verdad.
2. Bernad Sabadias por lo mismo y teniendo por mejor la ley de Moysen dezia que la de los cristianos toda era trancos barrancos (?).
3. Bartolome Sanchez por ayunos y manjares Judaycos, yr a la sinagoga con los Judios, y aver dicho a uno dellos, Cornelio bien te estas en la ley de Moysen que mejor es que la de los cristianos.
4. Gilabert de Almazan que siendo cristiano passo a los manjares y ceremonias Judaycas, dezir que tan bien se podra salvar el buen Judio como el cristiano y que no havia Infierno, y que el Parayso era tener dinero, y que un dia que jurava por la ostia consagrada, sabiendo uno de los que le oyeron que mentia le dijo que porque jurava mentiendo, y le respondio que todo el juramento era burla, y quando alzavan en la missa se passeava sin arrodillarse jamas.
5. Beatriz Daniel, muger de caseda el calcetero, porque despues de vuelta cristiana siguio los ritos Judaycos.
6. Isavel Matheo, muger de Leonart Sanchez por lo mismo, y aver ydo a la fiesta de la circuncision de un Judio.
7. Isavel Belloc, muger de Leonart de Sabrelas, por ceremonias, manjares y ayunos Judaycos.

8. Salio tambien un cristiano por blasfemo de dios y de nuestra señora, atravesada la lengua por una caña el rato que duro el officio.
9. Un Judio por blasfemo, con freno en la boca, y espuerta de paja y coroza. estuvo assi quando duro el officio

Auto 18. 1487. A 21 de henero Jueves en la plaza del Portillo, predico el Mº Martinez, y salieron condenados al fuego

1. Joan de la badia difunto, sobre una cavalgadura, que el dia antes se desespero en la carcel comiendose una lampara de vidro a pedacitos, fue este malvado quien anduvo mas de año y medio por matar al Santo Inqr Me Epila en compañia de Esperandeu, Mateo Ram, Vidau frances y otros Judios inducidores que yvan en su compañia con mascaras. este Juan de labadia fue quien dijo a Vidau frances dale que este es. Arrastraronle difunto, y le cortaron las manos, y lo hizieron quartos, que los pusieron por los caminos.
2. Pedro de Almazan mercader que despues de cristiano hizo ceremonias de Judios, inducidor y complice de dicha muerte, fue quemado in estatua.
3. Anton Perez, que vuelto cristiano hizo ceremonias Judaycas, y tratandose un dia en su presencia del Sto Inqdor dizo que seria mejor matalle, y que se haria con 200 florines. fue quemado en estatua.
4. Joan Belenguer corredor, que despues de convertido a la fe volvio a los ritos de Judios y un Jueves santo lo hizieron azotador de Jesu cristo, y el se alababa dello, diziendo yo os juro a dios que yo me bengare y me tirare el deseo y le fustigare de azotes, yva con su muger a las cabañas de los Judios y dezia Yo Judio soy, y tengo placer de ser Judio. quemaronle en estatua.
5. Pedro de Vera notario, que vuelto cristiano volvio a los ritos y manjares Judaycos, ayunava el quipur, y era recogedor de la moneda y bolsa de los confessos, y encendia las lamparas de la sinagoga. quemaronle in estatua.

Auto 19. 1487. A 15 de Febrero domingo, en la seo, Predico fray Pedro ferriz Prior de S. Augustin, salieron en el auto los siguientes.

1. Anton de ojos negros Çapatero, por ceremonias y ayunos de Judio y dezir que nuestra santa ley era burla y que no la creya.
2. Ramon Cruyllas, que siendo cristiano hazia ritos de Judio.
3. Jayme de Robas mercader, que vuelto cristiano passo a las ceremonias Judaycas y por consejo de Pedro de Urrea y de Alvaro de Segovia dava limosna a los Judios y dezia que el misterio de los santos corporales de daroca era cosa de burla y bellaqueria, y que no lo creya nada.

4. Joana de la Tiria, muger de diego de la Tiria sastre, vuelta cristiana uso de todas las ceremonias de Judios, no savia del credo sino asta creatorem celi et terræ, no creya que en la ostia consagrada estuviesse el cuerpo de Cristo dios y hombre, dezia que los Judios no le avian muerto y avia ayunado el quipur mas de 30 años.
5. M^{e} Joan de lo poret bainero por casado dos vezes.
6. Leonor Calvo segunda muger de loporet, en vida de su marido.

Auto 1487. 20. A 15 de Marzo en la plaza de la seo Jueves. Predico el Maestro Miguel y fueron condenados al fuego

1. Joan Rodriguez mercader, porque vuelto cristiano volvio a las ceremonias y ritos de Judio, y dezia cristianos de natura cristianos de mala ventura, y quando alguno dezia Jesus respondia callad que es nombre de Penzat.
2. Pedro fernandez corredor despues de cristiano volvio a las ceremonias de Judio, y estando muy enfermo le dezia una hermana suya, hermano encomendaos al dios de Abraham, y el no le respondia.
3. Joan ortigas mayor, corredor, que vuelto cristiano Judayzo y comia carne en la quaresma, y dezia aquel refran de cristianos de natura &c., y porque sermonava en casa de un Judio la ley de Moysen donde azotavan la imagen de un crucefisso, y el era uno de los que azotavan, y despues lo hecharon en el fuego para que se quemasse. quemaronle en estatua a este impio.
4. Joan Ram despues de hecho cristiano volvio a los ritos de Judio y llebaba una nomina escrita en hebreo, fue yerno de Joan de Perosanchez y factor y assessino del S^{to} Inq^{or} y daba dinero para hazerla.—quemaronle en estatua.
5. M^{r} Alonso Sanchez, por ceremonias y comidas de Judios, y porque bestido con roquete como Rabi leya à otros malos cristianos la ley de Moysen, y azotaban despues un crucifisso y lo arrojavan en el fuego. Ybase a la sinagoga a rezar con su capirote y tabardo de Judio y trabajo con todas sus fuerzas porque matassen al S^{to} Inq^{or}, y por ello prometio buena paga y lo trato con algunos diziendoles que sino querian matar al Inq^{or} M^{e} Epila almenos matassen a M^{r} Martin de la Raga qui era Asessor de la enquesta. Arrastraron su estatua y despues la quemaron.
6. Garcia de Moros, notario, que vuelto cristiano volvio tan bien a las ceremonias Judaycas, y aver dicho dos dias antes que matassen al S^{to} Inq^{or} a un amigo suyo a quien el solicitava mucho para dicha muerte, haveys visto que caso ha sido matar a m^{r} Pertusa, pues antes de muchos domingos

vereys otro caso mayor, y que despues de muerto el S^to^ Inq^or^ dijo a un otro amigo, que os pareze de esta muerte, quan bien hecha ha sido, y respondiendole el amigo que no dizesse tal, y reprehendendole dello, le bolbio a dezir, dejaos estar desso que todo se passara. Arrastraron y quemaron su estatua.

7. Leonor Perez, muger de Garci lopez.
8. Angelina Sanchez, muger de Guillen Buysan.
9. Gostanza de Segovia, muger de luys de la cabra, argentero.

Todas tres por ceremonias ayunos y comeres Judaycos fueron quemadas en estatua.

10. Joan Frances, despues de cristiano hizo ceremonias de Judios y dezia el salmo de la maldicion porque dios matasse al Inq^or^ al Rey y a la Reyna, dezia que no avia otro parayso sino el dinero y que mas queria yr al Infierno con los ricos que al parayso, y quando yva a missa dezia por escarnio que yva a masar, fue sospechoso en la muerte del S^to^ Inq^or^. quemaronle.

12 (11?). Mateo Ram, despues de hecho cristiano volvio a Judayzar y travajo mucho en procurar se effectuasse la muerte del S^to^ Inq^or^ y aunque esperandeu le hirio con una estocada en el brazo y Vidau con la cuchillada del cuello, este Mateo le dio una estocada que le passo el cuerpo. Arrastraronle y le cortaron las manos y las clabaron en la puerta de la diputacion, y despues le quemaron.

Auto 21. 1487. El primero de Abril, domingo en el hospital, predico el M^o^ Martin Garcia, y pusieron en un cadaalso a la puerta de la yglesia a un

1. Clerigo porque se avia fingido Inquisidor con una probision falsa en un lugar de Mossen Belenguer de Bardaxi, y avia hecho una prision a esse pueblo.

Auto 22. 1487. A 6 de Mayo, domingo, en la seo predico el M^o^ Martin Garcia y estuvieron con cirios al pie del altar en todo el officio los siguientes.

1. Mossen Guillen Sanchez,
2. Joan de fatas, notario,
3. Pedro Augustin,
4. Bernardo Bernardi, florentin
5. Pedro Celdrion. Todos cinco porque fueron defensores de
6. Joan de Pero Sanchez, heretico, sacrilego, Matador del S^to^ Inq^or^ y invocador de Assessines y matadores.

estando el dicho Joan de Perosanchez presso en la ciudad de Tolosa de Francia a instancia de un estudiante que se

llamava Antonio Augustin, que despues fue — de Aragon, y de otros dos estudiantes que lo escrivieron luego con sus criados avisandolo a los Inq^es^ de Çaragoça como le avian hecho prender. Vinieron los criados con las cartas a la casa de los dichos Joan de fatas y Pedro Augustin su hermano, donde los detuvieron abriendo las cartas y las mostraron al dicho Mossen Guillen Sanchez hermano del dicho Joan de Perosanchez, y luego escrivieron todos los cinco a los estudiantes de Tolosa y a otros amigos para que alli renunciassen el reclamo de la prision y le hiziessen soltar, y assi se hizo, y despues de hecha esta diligencia con ellos dieron las cartas a los Inq^res^ y ellos despacharon a Tolosa para que lo tuviessen a buen recado, pero ya entonces estava libre de la carcel Joan de Perosanchez. Por este delicto los hizieron abjurar a los cincos y que si tornavan a hazer tal o semejante delicto les darian la pena del derecho, y los condenaron a todos cinco en mil florines de oro y en las expensas hechas y por hazer, y los pribaron de sus officios quedando en arbitrio de los Inq^res^ el priballos de officio y beneficio.

Auto 23. 1487. A 20 de Mayo, domingo en la seo, Predico el M^o^ Forcat, y huvo en el cadalso 6 mugeres y un hombre, y al pie del altar quatro hombres.

1. Leonor Castillo muger de Alvaro de Sevilla, Judayzante.
2. Beatriz Coscolluela muger de Pedro Pedraza, Judayzante.
3. Joana Trigo, muger de Joan de Altabas, Judayzante.
4. Isavel de Rueda, madre de Pedro Salvador, lo mismo.
5. Violante Mongua, muger de Jayme Santa Clara, lo mismo.
6. Maria del Rio, muger de Gonzalo Ruyz, Judayzante y comer carne en quaresma.
7. Joan de Altabas, pintor, por ceremonias de Judios.
8. Anton de Jassa despues de cristiano por Judayzante comer arrecuques y Amin y carne en quaresma, y sospechoso de la muerte del S^to^ Inq^or^.
9. Garcia de Moros el Joben estuvo con un cirio por sospechoso de la dicha muerte, y por yr a jugar a las canañuelas de los Judios.
10. Pedro Pinet capellan de Alcañiz que defendia cinco opiniones hereticas contra la s^ma^ trinidad.
11. Joan Traper por fautor y defensor de hereges, y aver querido matar a Anton Baptista por un testimonio signado que no se puede aver, y dezir yo tanto tengo de una missa como un asno de una albarda, y que queria hazer un hijo en savado para que fuesse Ravi y por sospechoso en la muerte del S^to^ Inq^or^.

Auto 24. A 18 de Agosto savado en la plaza de la seo, Predico el M° 1487. Martin Garcia, fueron condenados a muerte y al fuego,

1. Diego de Gotor notario y procurador, que despues de convertido a la fe volvio a las ceremonias de Judio, y dijo que seria bien matar al S^to^ Inq^or^ porque no osasse venir otro, y que assi se desharia la enquesta. quemaronle en estatua.
2. Pedro de Almazan menor, que convertido a la fe volvio a las ceremonias y manjares Judaycos, y dijo que seria bien matar al S^to^ Inq^or^ y dio dinero en la bolsa comun para dicha muerte, y averse allado con otros en azotar un crucifisso—quemaronle en estatua.
3. Pedro Salvador, hijo de martin salvador, nieto de Joan de la badia porque cupo en la muerte del S^to^ Inq^or^, y aver dado de puñaladas a la muger de Pedro el carnicero porque avia sido testigo en la enquesta contra su madre. le quemaron en estatua.
4. N. muger de Pedro Navarro, botiguero que hecha cristiana volvio a los ritos, ayunos y ceremonias de Judios, y que al tiempo de alzar el SS^mo^ SS^to^ volvia los ojos por no verlo. —quemaronla.
5. La madre de Anton Romeo, que convertida a la fe volvio a los ritos de Judios.
6. Leonor de Bello, madre de Abadia, por Judayzante, quemada en estatua.
7. Valentina Tamarit, muger de luys de Joansanchez, lo mismo.
8. Mossen luys de Santangel, a quien el Rey don Jayme [Juan] armo caballero en la guerra de Cataluña, despues de convertido a la fe volvio a las ceremonias de Judio, y hazia oracion en hebreo, y tenia la Tora en un altar en la torre de la huerta, y teniendo enfermo a un hijo dijo que dios no le podra sanar, y a un capellan que le dezia unas missas, Mas creo y mas fe doy a un p^r^. x^r^. que dize mi hija casera suya que a quanto vos dezis. y a una ymagen de un crucifisso la azotava, y escupia en la cara, y le hazia muchos vituperios, y lo tenia embuelto en un trapello bien ligado con unas cabezadas de mula. y se avian ajuntado en su casa, que era la que agora es de Alonso Celdron Bayle, para tratar la muerte del S^to^ Inq^or^ los siguientes, Joan de Perosanchez, Gaspar Santa Cruz, Garcia de Moros, Mateo Ram, Micer Alonso Sanchez, Micer Montesa y otros. Y otra vez se juntaron en casa de dicho Montesa, otra en el Portillo, otra en Santa Engracia, otra en el Temple, y el dijo a los otros que matassen al Inq^or^ y a M^r^ Martin de la Raga, y a M^r^ Montes frances a todos tres y a alguno dellos, y como fue alli concertado tomo cargo dello el dicho

Mossen luys Santangel porque era hombre de espada, y Joan de Perosanchez que era hombre dineroso, y ambos dieron la orden y recado para que se hiziesse la muerte. Micer Algar Reg^te^ le dio por sentencia que le fuesse cortada la cabeza en el mercado, y que le pusiesse en un palo, y que el cuerpo fuesse quemado fuera de la puerta quemada, y assi se executo.

Auto 25. 1487. A 20 de Agosto lunes en la plaza de la seo, predico el M^o^ Martinez, fueron condenados a muerte tres hombres y una estatua.

1. M Jayme Montesa Jurista, del qual dijo su processo que despues de convertido a la fe hazia ceremonias de Judio, y que un Viernes santo estando en Calatayud hizieron unas desponsalias de un Judio con una Judia y dijo M^r^ Montesa a un escudero suyo que baylasse en ellas, y el le respondio que no baylaria en tal dia porque mas era dia de plorar, porque estando los cristianos en la yglesia en tales dias no era hora de reyr, y dijole Montesa que si facian el planto, que dios les diesse el crebanto, y esto otorgo muy largamente por escritura de su mano, y como se havia allado en el trato de la muerte del S^to^ Inq^or^ M^e^ Epila, y como para ello se havian ajuntado en el temple dos meses antes que la executassen el y Mosen luys de santangel, Joan de Perosanchez, Gaspar de Santa Cruz, Garcia de Moros, M^r^ Alonso Sanchez, Martin de Santangel y otros que alli se hallaron, y que dieron poder a Joan Sanchez porque era dineroso, y a Mossen luys porque era de Espada, y a otros que no se nombran, que en ello diessen orden y recado para hazer esta muerte y la de M Martin de la Raga y de M^r^ Pedro Montes frances, y que los sobredichos se ajuntaron otra vez en el portillo y dijeron como que se tardava mucho, y que no se hazia nada, y respondieron los que lo tenian a su cargo como ya se travajava en ella y que tenian personas que la pondrian en execucion, y que havian estado dos noches en la seo en Maytines y no le havian podido allar y que no cuydassen dello que muy presto pondrian en effecto dicha muerte, y que al cavo de pocos dias se volvieron a juntar en S^ta^ Engracia y les dijeron otra vez a los solicitadores de este caso que como se tardava tanto y respondieron que presto darian recado en dicha muerte, la qual perpetraron de alli a pocos dias. Mas dezian en su processo que habia el conbidado o allado a un hombre para si queria matar al Inq^or^ y que el hombre le respondio que no, y despues que fue muerto el Inq^or^ se topo con el dicho hombre y le dijo, Bueno fuera ganar 150 florines

que ya es fecho aquello, a lo qual le respondio el hombre, Buen provecho os haga, que yo no me curo dello, Antes creo que todo este mal vendra sobre vosotros, a lo qual le respondio M^r^ Montesa lo fecho fecho es, que con el dinero lo faremos todo bueno con el Rey y con la Reyna, y todos los de la corte son nuestros, y los grandes de este reyno tan bien, que todo se passara. Y un dia despues del caso se hallaron dichos M^r^ Montesa y Gaspar de Santa Cruz y que le dijo 600 florines questa la muerte del Inq^or^. fuele dada sentencia por M^r^ Algar Reg^te^ que le cortasen la cabeza en el mercado y la pusiessen en un palo, y le quemassen el cuerpo fuera de la puerta quemada.

2. Leonor Montesa, hija de dicho M^r^ Jayme Montesa, muger de Joan de Santa fe de Tarazona, siendo Bautizada vivia como Judia y seguia sus ritos, y avia 50 años que ayunava el quipur y dava limosna a la cedaza y aceyte a las lamparas de la sinagoga. quemaronla.
3. Violante de leon, Madre de Galceran de leon procurador por lo mismo que a la dicha leonor, y porque no creya que en la ostia consagrada estuviesse dios. quemaronla.
4. Cristoval de Gelva, despues de convertido a la fe, Judayzo y passo a la ley de Mahoma, dieronle por carcel perpetua el hospital de nuestra S^a^. de Gracia, como a Relapso, y quebranto la carzel, y le quemaron en estatua.

Auto 26. 1487. A 8 de Diz^e^ domingo en la seo, predico el Maestro Martinez, fueron sacados al cadaalso por hereges

1. Doña Catalina de Cuenca que hecha cristiana volvio a las ceremonias de la ley de Moysen y tuvo algunos errores.
2. Esperanza Quilloc.
3. Clara Cerbellon, muger de Ginones verguero
4. Maria Rodriguez muger de Pedro Angel chap.nero
5. Leonor Maza, muger de Jayme Garcia mercader
6. Isavel de Genua muger de Bar^o^ de Soria potrero,
7. Brianda de Gauna hija de Mossen Alvaro de Gauna,
8. Gracia de Anguas Vivas, muger de Joan Ruyz calcetero y de Guillen Ruyz belero.
9. Isavel de leon, muger de Joan de leon calcetero, fue a los desposorios de Jaque Judio hermano de su marido.

Todos nueve por Judayzantes, ayunos y comeres de Judios.

Auto 27. 1488. A 10 de Febrero Domingo, en la seo, Predico el Maestro Alfonso forea, canonigo de nuestra Señora y salieron penitenciados en el

1. Mossen Pedro Santangel Prior de daroca, dezia su processo que rogo y pago a Joan Gascon casero de la Torre de

Mossen Luys porque digesse a los Inq^{es} que Mossen Luys era buen cristiano y que el lo havia visto disciplinarse delante de un crucifisso, y no era verdad. estas y otras cosas hizo por escapar a su hermano y por esse estuvo con un cirio en la mano delante del altar mayor, y no le privaron de nada.

2. Joan Gascon porque testiguo en favor de Mossen Luys por rogarias del dicho Prior, dijo que havia dicho verdad en lo que avia testificado, le dieron la misma penitencia.
3. Jayme diez de Almendarez señor de Cadreyta navarro porque tuvo en su casa y favorecio a Martin de Santangel a Garcia de Moros y a Gaspar de Santa Cruz y a su muger, y recivio dellos sesenta florines que le dieron de oro. fue penitenciado como los precedentes.
4. Manuel de Tudela pontero, por aver ydo a Villanueva muchas vezes a persuadir a una muger que se retratasse de lo que avia testificado contra Violante Ruiz Viuda de N. de Santa Maria, dieronle la misma penitencia.
5. Elvira de Uncastillo por aver depuesto por rogarias del Prior de daroca en favor de su hermano el dicho Mossen luys de Santangel, y confesso que no era verdad lo que avia dicho contra el, la misma penitencia.
6. Joan Julian corredor por aver solicitado por orden de Jayme trafer el qual le dio 20 florines de oro y casa franca de loguero a una muger para que se desdigesse. dieronle la misma penitencia.
7. Nicolao suseda Borgoñon por casado doz vezes estuvo con coroza y fue condenado a carcel perpetua.
8. Violante Ram, muger de N. Altabas por aver ayunado el quipur y ensenadolo a los muchachos que tenia, salio con coroza y carcel perpetua.
9. Sancho de Peña panicero por casado dos vezes, coroza y carcel perpetua.
10. Joan de Zamora porque estando en la ciudad de Medina ablando con unos hombres de la ostia consagrada que dichas aquellas palabras estava dios alli, respondio el andad alla que es burla que dios no baja a ella, que yo se como se hazen aquellas ostias con unos hierros, que todo es burla que alli no esta dios. diosele carcel perpetua.

Auto 28. A 15 de Febrero Biernes sacaron muerto de la Aljaferia a
1488. 1. Pedro Navarro chapinero que estava preso por herege y murio de enfermedad, sacaronle a quemar, y estava circuncidado, y circuncidava sus hijos, y vivia como Judio y ayunava el quipur.

Auto 29. A 2 de Marzo, domingo en la seo, Predico el Maestro Martin 1488. Garcia y salieron a el las siguientes.

1. Aldonza Ribas Altas que por estar enferma la llevaron en un escaño delante del altar mayor con coroza y manteta por Judayzante, esta era Madre de Maestre Ribas altas medico del Rey catolico don fernando el de la poma de oro que fue quemado vivo por traer en la poma un pergaminillo y en el pintado a cristo n. s^{r} crucificado y sobre el retratado el medico asentado de forma que parecia le besava la santa Imagen en el culo. dizen que viendo este pergamino el Principe don Joan que lo mostro al Rey catolico su padre y que de ay tuvo origen el mandar expeler los Judios de españa sino se convertian.
2. Maria de Esplugas, hija de Gilaberte de Esplugas porque siendo cristiana usso de ceremonias y manjares de Judios, y por consilio de su madre ayunava el quipur, y despues que huvo visitado las yglesias un Juebes S^{to} fue a la Juderia à hacer colacion, y comio arecuques, no la privaron de bienes por averse ydo ella espontaneamente a delatar.
3. Justina Macipe
4. Pedro de Segovia
5. Joan de Prades, tegedor

} Por comeres y ceremonias Judaycas.

6. Pedro fernandez, panicero
7. Pasqual de Reglas, labrador

} Por casados dos vezes.

8. Pedro Gomez, Alcayde
9. Guillen de fatas
10. Martin de Aguas
11. Pedro Manarriz
12. Joan Bazquez
13. Joan de Aguas
14. Joan de Magallon
15. Joan de Carriazo
16. Otro hombre

} Ciudadanos de Tudela salieron delante del altar mayor por solicitadores de Joan de Perosanchez y de su muger, Martin de Sant Angel, Gaspar de Santa Cruz y su muger, Garcia de Moros, Mossen Pedro Mañas y de los dos Pedro de Almazan mayor y menor, todos hereges y factores de la muerte del S^{to} Inq^{or}.

Auto 30. March 21, 1488, Eleven penanced.
Auto 31. May 4, 1488, Three penanced.
Auto 32. Aug. 10, 1488, Five penanced.
Auto 33. August 17, 1488, One penanced.
Auto 34. September 7, 1488, One penanced.
Auto 35. January 25, 1489, Fourteen penanced.
Auto 36. May 2, 1489, Two penanced and three burnt.
Auto 37. May 10, 1489, Thirty-eight penanced.
Auto 38. May 2, 1490, Twenty-nine penanced.
Auto 39. May 9, 1490, Twenty-seven penanced.
Auto 40. November 28, 1490, Seventeen penanced.

Auto 41. April 22, 1491, Eight penanced and one burnt.
Auto 42. May 15, 1491. Twenty-four penanced.
Auto 43. July 8, 1491, Ten burnt.
Auto 44. July 17, 1491, Six penanced.
Auto 45. March 28, 1492, Eleven penanced.
Auto 45 (*sic*). September 8, 1492, Twenty-one penanced.
Auto 46. September 28, 1492, Thirteen burnt.
Auto 47. November 11, 1492, Twelve penanced.
Auto 48. June 2, 1493, Nine penanced and thirteen burnt.
Auto 49. December 22, 1493, Seventeen penanced.
Auto 50. May 7, 1494, Six penanced.
Auto 51. January 9, 1495, Six burnt.
Auto 52. January 18, 1495, Seven penanced.
Auto 53. June 30, 1495, Six burnt.
Auto 54. July 2, 1495, Fourteen penanced.
Auto 55. October 7, 1496, Twenty-two penanced.
Auto 56. June 27, 1497, Ten penanced.
Auto 57. March 12, 1498, Seven penanced.
Auto 58. May 5, 1498, Three burnt.
Auto 59. February 22, 1499, Eleven burnt.
Auto 60. February (August?) 4, 1499, Seven penanced.
Auto 61. September 13, 1499, Four burnt.
Auto 62. September 15, 1499, Four penanced.
Auto 63. January 18, 1500, Six penanced.
Auto 64. May 31, 1501, Seventeen penanced.
Auto 65. March 15, 1502, Eleven burnt.

Resumen de los castigados en los Autos referidos.

Año 1484.. 7	Año 1491..49	Año 1497..10
1485.. 3	1492..58	1498..10
1486..89	1493..39	1499..26
1487..52	1494.. 6	1500.. 6
1488..45	1495..34	1501..17
1489..57	1496..22	1502..11
1490..73		—
		602[1]

[1] The total number is 614 There is a mistake of 3 in the addition, and errors in several years.

XIII.

LETTER OF CARLOS III TO THE POPE, DECEMBER 26, 1774, ASKING HIM TO CONCEDE THE FACULTIES OF INQUISITOR-GENERAL TO FELIPE BERTRAN, BISHOP OF SALAMANCA.

(Archivo General de Simancas, Secretaria de Gracia y Justicia, Legajo 629, fol. 15).
(See p. 304).

MUY SANTO PADRE. Por muerte del muy Reverendo en Christo Arzobispo, Don Manuel Quintano Bonifaz, ha vacado el cargo de Inquisidor General de todos mis Reynos, y deseando que quien le huviere de succeder en este empleo sea el que mas convenga al servicio de Dios y de su Iglesia, conservacion y aumento de la fé catolica he nombrado al muy Reverendo in Christo Padre Don Bertran, Obispo de Salamanca por concurrir en su persona las calidades de virtud, sangre, autoridad y prendas que le hacen digno de ocuparle, y encargo á mi Ministro Plenipotentiario Conde de Floridablanca que en mi Real nombre suplique á Vuestra Santidad tenga por bien de mandar despachar á favor del referido Obispo de Salamanca Don Felipe Bertran el Breve que se acostumbra para exercer el expresado cargo, y pido á Vuestra Beatitud que dando entera fé y credito al Conde de Floridablanca en lo que á este intento representare en mi Real nombre se sirva Vuestra Santidad de acordar la gracia que solicito. Nuestro Señor guarde la muy Santa persona de Vuestra Beatitud al bueno y prospero Regimiento de su universal Iglesia. De Palacio á veinte y seis de Diciembre di mil setecientos setenta y quarto.

D. V. SANT$^{D.}$

Muy humilde y devoto hijo Don Carlos, por la gracia de Dios Rey de las Españas, de las Dos Sicilias, de Jerusalem etc. que sus santos pies y manos besa. EL REY.

MANUEL DE RODA.

FORMULA OF PAPAL APPOINTMENT (Ibidem, fol. 1).

Motu proprio et ex certa scientia ac matura deliberatione nostrís, deque Apostolicæ potestatis plenitudine, te in prædicti Emmanuelis Archiepiscopi locum tenore præsentium Generalem Inquisitorem adversus hæreticam et apostaticam a Fide Christiana pravitatem in Castellæ et Legionis cæterisque Hispaniarum et ab eis dependentibus Regnis, Principatibus et dominiis eidem Carolo Regi mediate vel immediate subjectis . . . Apostolica auctoritate tenore præsentium ad nostrum et Sedis Apostolicæ beneplacitum, creamus, facimus, constituimus et deputamus.

XIV.

Resignation of Inquisitor-general Sotomayor.

(Archivo de Simancas, Consejo de Inquisicion, Libro 176, fol. 1). (See p. 310).

Letter to Philip IV.—

Señor. Remito á V. M. esas papeles en razon de la renunciacion que V. M. me tiene mandado hazer de el oficio de Inquisidor general. Si en algo no fuesen á satisfacion de V. M. siempre me hallo con la misma obediencia á quanto V. M. fuese servido de mandarme, cuya Real persona guarde nuestro Señor como su Santa Iglesia lo a menester y como yo siempre se lo suplico. De Madrid en 21 de Junio, 1643.

Besa los Reales pies de V. M. su mas humilde criado

Fr. Antonio.

A nuestro santisimo Padre Urbano 8, Sumo Pontifice de la Santa Iglesia Romana que Dios guarde.—

B^mo P^e. Yo fray Antonio de Sotomayor, Arçobispo de Damasco, confesor de su Magestad Catholica del Rey mi señor Phelipe 4°, de su consejo de estado, comisario general de la santa Cruzada, Inquisidor general en sus Reynos y dominios; Hallandome muy cargado de años que son cerca de noventa, ó por lo menos ochenta y ocho y consiguientemente casi incapaz de poder condignamente satisfacer á oficios de tantas obligaciones me hallo obligado, postrado á sus santisimos pies, de suplicarle se digne de escusarme de obligaciones tan grandes á que con tanta dificultad podre satisfacer, nominando para dichos oficios las personas que el Rey mi señor tiene por bien de presentar á vuestra Santidad, que seran sin duda las que convengan á tan grande ministerio, y para suplir las muchas faltas que yo por mi insuficiencia uviere cometido en su administracion, para que, á la hora de la muerte que no se me puede dilatar, lleve este consuelo quando me uviere de presentar delante de la divina Magestad que sea siempre en favor de su santisima persona, favoreciendola con muchos favores como se lo suplico y suplicare siempre. De Madrid 24 de Junio, 1643.

Beatisimo Padre.

Besa el santisimo pie de vuestra Santidad su mas humilde siervo

Fr. Antonio Inquisidor General.

XV.

EXTRACTS FROM THE CONSULTA OF THE COUNCIL OF THE INQUISITION, MAY 5, 1646, ON THE INDEPENDENT SUPERIORITY OF INQUISITORIAL JURISDICTION OVER OFFICIALS.

(Archivo de la Corona de Aragon, Legajo 528).
(See p. 346).

Contra estas raçones suelen oponer los celadores de las regalias que la distribucion de los jurisdicciones es una dellas pegadas á los mismos guesos de los reyes, que con estos terminos significan su inseparabilidad real y de aqui infieren que en todo tiempo la pueden moderar y quitar sin que ninguna potestad se lo pueda impedir.

Señor, esta razon tiene el vicio de que prueba mucho y si no se limita y restringe a la intelligencia sana y catolica tira á destruir toda la jurisdiccion eclesiastica y para este efecto se valió de ella el Rey Jacobo de Inglaterra en el tratado que dedicó á todos los principes cristianos, provocandolos á todos á que se hiciese cada uno una cabeça de las Iglesias de sus reinos, como lo era de la anglicana, y la limitacion cierta y verdadera de la dicha razon es que la jurisdiccion civil y politica es inferior á la espiritual y eclesiastica y que para materias que le tocan por la potestad directa puede tomar y asumir por la potestad indirecta todo lo que ha menester para su conservacion y recta administracion sin que las puedan impedir ni disponer en ellas los principes seculares. Y que las mas propias regalias de la dignidad regia son de derecho humano positivo ó de derecho de las gentes, y la potestad suprema que ejerce la inquisicion por delegacion de la Sede apostolica en las causas de fee y concernientes á ella con todo lo demas de que necesita para su recto y libre ejercicio directa ó indirectamente pertenece al derecho divino, y como tal se sobrepone á todo derecho humano y de las gentes y no esta sugeto á fueros ni leyes humanas, y lo menos que se puede decir es que los principes seculares tienen obligacion de darsela como queda dicho, y aunque estos tengan derecho para que la que se tomare ó diere no sea mas que la que es menester, el juicio y arbitrio de la necesidad y de la extencion ó limitacion de aquella pertenece á aquel en quien reside la dicha potestad eclesiastica suprema, porque funda la que tiene en el derecho divino y no es posible que sallia la pureça de la fe y la obediencia y rendimiento que los principes deben á la Iglesia y á su cabeça sientan diferentemente de lo que aqui se dice, porque es el comun y verdadero sentir de los autores catolicos y lo que pide la subordinacion de los derechos humanos á los divinos y de los temporales á los espirituales de lo cual se infiere que el entendimiento verdadero del axioma ó modo de hablar referido

se ha de restringir al uso de las jurisdicciones temporales que estan en una misma linea cuando no compiten lo divino con lo humano ni lo espiritual con lo temporal, porque estas y otras regalias temporales como ellas son tan inherentes á la potestad regia que no se puede desnudar dellas ni enagenarles enteramente.

Señor, todos estos principios son los solidos y seguros y hay en esta materia con que los señores reyes progenitores de V. M. se han conformado asi en el sentir como en el obrar y los autores regnicolas de la corona han sentido y escrito en la misma conformidad y todo lo que sale de estos terminos con las doctrinas nuevas que pretenden que V. M. es dueño absoluto de esta jurisdiccion con facultad plena de disponer en ella para quitarla es incierto, mal seguro para la conciencia, en nada conveniente para el Estado y muy peligroso el uso de ello no solo de caer en hierros gravisimos, que despues no tengan reparo sino de que Dios nuestro señor, cuia gloria es la mas interesada en el libre y recto ejercicio de la inquisicion, agraviado de lo que en esto se innovare, execute como suele castigos graves en los que pretenden estas mudanças que se apetecen con titulo de libertad á que aspiran siempre los reinos y son medio para perderlos, y quiera Dios que no sea una de las causas porque padece la Corona de Aragon tantos trabajos con la hostilidad de los que injustamente la pretenden usurpar, el no acabar de quietarse en las materias tocantes á la inquisicion, pretendiendo siempre introducir novedades en ella, conque no solo se desagrada á Dios nuestro Señor sino se ofende al Estado con las alteraciones que ocasionan los sospechosos en la fee que suele ser gente sediciosa de que el reino de Aragon tiene ejemplos presentes cuyos daños no se pudieran atajar sino es por medio de la Inquisicion. . . .

(Siguen otras razones que aclaran lo que la inquisicion pretende demostrar, las cuales razones en sustancia son)

3ª Que la jurisdiccion de la inquisicion es espiritual y no pueden modificarla el rey y las cortes sin el consentimiento del Inquisidor General.

4ª Que por su condicion de espiritual la inquisición esta sobre los fueros; los derechos con que la inquisicion usa de la dicha jurisdiccion son superiores á las fueros e independientes de ellos. . . .

6ª Que si los brazos se obstinaban en no admitir las razones alegadas por la Inquisicion S. M. debia como el emperador Carlos V hizo en otras cortes el año 1516 (*sic*) acordarse de su alma y conciencia y preferir la perdida de parte de sus reinos á consentir en nada contra la honra de Dios y en diminucion y desautoridad del Santo Oficio que tanto los catolicos rey y reyna sus abuelos en sus testamentos y postrimeras voluntades lo dexaron caramente encomendado. . . .

El obispo de Plasencia, inquisidor general y este Consejo suplicamos a V. M. se sirva mandar se haga assi como lo pedimos en las dichas consultas con ponderacion de tantas y tan solidas raçones como en

ellas se proponen, excluyendo las pretensiones de los quatro braços y manteniendo á la Inquisicion en el derecho que tiene y en la posesion en que está de que toda su jurisdiccion sea tratada en aquel reino de Aragon como eclesiastica y secular y la mas alta de todas como derivada del derecho divino en que la Iglesia funda la suya, para conocer de las causas de la fe, y para que no le falten los ministros necesarios con la independencia que ha menester para el recto y libre ejercicio de la dicha jurisdiccion, y aunque presumimos que los dichos brazos, vistas las dichas razones, mostraran su fidelidad á Dios y a V. M. para contentarse del acuerda que se tomare, si todavia persistieren en sus pretensiones negando los servicios que se les piden V. M. debe preferir el de Dios en que consiste el reinar y ordenara en todo lo que fuere del suyo. Madrid á 5 de Mayo de 1646.

XVI.

DECREE OF PHILIP IV CONCERNING DISOBEDIENCE, MARCH 26, 1633. (Archivo de Simancas, Inquisicion, Libro 32, fol. 56). (See p. 347).

Uno de los mayores daños y de que han resultado mayores inconvenientes, en grave deservicio mio y de la quietud y conservacion de todos mis reinos, es el de la inobservancia y dilacion en la ejecucion de mis órdenes, pues importa poca resolverlas si no se envian y ejecutan a tiempo, pues pasada la sazon viene a ser infructuoso todo lo que se dispone, de que se han seguido daños tan irreparables que quizá son la parte principal del apretado estado en que nos hallamos; diversos recursos y advertencias he hecho a mis consejeros sobre esto y significado con vivo sentimiento el daño y encargado el reparo y aunque entiendo que en todos mis ministros debe ser igual a sus obligaciones la atencion y celo á mi servicio, la experiencia me ha mostrado que no ha bastado esto y que es necesario usar de medio mas eficaz y poderoso para que no se acabe de perder mi monarquia, pues me corre obligacion por el lugar en que Dios me ha puesto atajar su total ruina y entiendo ser la falta de obediencia y ejecucion lo que mas aprisa la puede causar.

Por este he resuelto dar forma y regla en ello, disponiendose por arancel como se han de ejecutar mis ordenes y penas en que se ha de incurrir por la inobservancia de ellas, segun la calidad de cada una, y asi se formara para ese Consejo el que la tocare bien ajustado, y se me enviará con distincion de las materias de oficio, hacienda y partes asi de gracia como de justicia, y de las penas en que han de incurrir todos y se han de executar por el mismo consejo correspondientes á la

calidad de la inobservancia y omision en la ejecucion, previniendo bien todos los casos en que cada uno puede faltar y aquellos casos que pueden ofrecerse y se ofrecen, que no puedan ser comprendidos, tambien me los consultará el consejo, porque quiero saber los que son, y los aranceles se hagan en veinte dias y se me envien para que resuelva la forma en que han de quedar ajustados y se publiquen.

(Rubrica del Rey).

En San Lorenzo á 15 de Octubre de 1633.

Al Arzobispo inquisidor general.

XVII.

Proclamation on the Arrival of an Inquisitor.

(Archivo de Simancas, Inquisicion, Libro 31, fol. 194).
(See p. 351).

PREGON.

Ahora oid que se os hace saber a todo hombre generalmente del parte del ilustrisimo y reverendisimo señor Don Antonio de Zuñiga, prior de Castilla del Orden de San Juan de Jerusalem, Capitan y lugarteniente general de la sacra cesarea magestad en el Principado de Cataluña y Condado de Rosellon y Cerdeña, que como á su ilustrisima y reverendisima señoria y Real Consejo se hayan presentado por el procurador fiscal del oficio de la sancta inquisicion unas letras o provisiones patentes de la prefata cesarea magestad y con su real sella sellada otorgadas al muy venerable religioso y amado del señor Rey Fray Juan Naverdu maestro en sacra teologia del orden de predicadores, inquisidor de la heretica y apostatica pravedad en el Principado de Cataluña y a los ministros del dicho sancto oficio en y con las quales entre las otras cosas por los respectos y causas en las dichas provisiones contenidas su Cesarea magestad manda con grandes penas al dicho señor lugarteniente general y otros oficiales de Cataluña asi mayores como menores que cada y quando que el dicho venerable inquisidor y los otros oficiales y ministros del dicho sancto oficio para exercer sus oficios demandaren ó alguno de ellos demandare auxilio lo haya de prestar y los dichos sus oficios permitan libremente exercitar sin impedimento alguno, y demandando el auxilio del brazo seglar incontienti lo hayan de dar, tomando y prendiendo qualesquier personas que por el dicho venerable inquisidor fueren nombradas y aquellas emprisionar y tener presas y haberlas de las jurisdicciones de qualesquier

personas adonde el dicho inquisidor quisiere y mudar aquellas y castigar y punirlas con las debidas penas cada y quando por el dicho venerable inquisidor sera declarado y porque el dicho venerable inquisidor y otros oficiales y ministros del dicho sancto oficio mas libre y seguramente puedan ejercer los dichos sus oficios, su cesarea magestad al dicho venerable inquisidor sus compañeros, notario y alguazil y otros oficiales y ministros del dicho sancto oficio familiares y bienes de ellos y qualquier dellos pone y constituye debajo su especial guiaje, custodia, proteccion y encomienda real segun en dichas letras y provision real, la data de las quales fué en Valladolid á trece del mes de Febrero del año de la navidad de Dios nuestro señor mil quinientos y veinta y tres, aquestas y otras cosas mas largamente se contienen.

Por tanto queriendo su ilustrisima señoria que las cosas mandadas y proveidas por la sacra cesarea y real magestad sean á ejecucion devidas y á todo hombre manifiestas á su aplicacion del dicho procurador fiscal del dicho oficio de la sancta inquisicion por el tenor del presente publico pregon, notificando las dichas cosas á todo hombre generalmente dice y manda su ilustrisima y reverendisima señoria á todos y qualesquier oficiales ansi mayores como menores y á otras y singulares personas de qualquier estado dignadad o condicion que sean que la dicha y precalendada letra y provision real y todas y qualesquier cosas en ella contenidas y expresadas segun mejor y plenamente en ella se contiene del dicho sancto oficio de la sancta inquisicion tengan y guarden y hagan tener y guardar inviolablemente segun su narracion y tenor y contra aquella no hagan ni vengan, ni hacer ni venir permitan en manera alguna si desean no incurrir en las penas en dicha y precalendada real provision contenidas, y porque alguna no pueda de dichas cosas allegar ignorancia, manda su ilustrisima y reverendisima señoria el presente ser publicada por los lugares acostumbrados y guardase quien se ha de guardar.

El Prior de Castilla.

Vidit Joannes de Cardona, Cancellarius.
Vidit Jacobus Ferrer, Registrator Thesaurarius.
Gundisalbus de Cabra.
Registrata in curia locumtenentis.

PUBLICACIONES DE LOS PREGONES.

Fué publicado el presente publico pregon por los lugares acostumbrados de Barcelona por mi Canals en lugar de Francisco de Sevia con son de quatro trompetas á veinte y tres de Diciembre de mil quinientos y veinte y tres. Canals.

XVIII.

Memoria de la Reforma de Ministros del Santo Oficio que hizo hacer el rey en 1646.

(Biblioteca Nacional de Madrid, Seccion de MSS. D 118, and S 294 fol. 122).
(See p. 461).

En las ultimas cortes que se celebraron en Aragon el año pasado de 1646, fue servido su Magestad (Dios le guarde) de aminorar el numero de familiares que conforme á fueros de aquel Reyno podia haver, extinguiendole á solo numero de 400, caviendo mas de 2000 en lo antiguo, y que se practicava como consta largamente por la concordia antigua entre el Reyno y la Inquisicion. Quitoles assimismo las exempciones de que gozaban dichos familiares en la forma que tanvien consta por los nuebos cabos donde se puede veer. Instaron sobre esto con apretadissimos esfuerzos los quatro brazos de dichas cortes y entre ellos algunos ministros de Inquisicion (que aun no vasto el serlo para que dejasen de manifestar el odio comun que contra ella y sus actiones tienen). Conociaselo su Magestad y antes de concederles cosa alguna que tocase á la Inquisicion (de quien dijo era las niñas de sus ojos) les mandó ó pidió la dejasen en el estado que estava, y que como no le llegasen á ella concederia todo lo demas que pretendian, haciendo assimismo mercedes particulares á los Aragoneses, como con efecto les hiço mas de trecientas y sesenta que se publicaron en un dia, nombrandolas y las personas á quien las hacia. Nada de esto vasto para que dejasen de replicar con una y otra embaxada por parte de los brazos, deteniendo á su Magestad dos ó tres dias en el conbento de Santa Engracia de Zaragoza, estando el coche á la puerta para venirse á Madrid, hasta que viendo su pertinacia y que sin duda le detendrian mas sin concluir el solio en las Cortes que era lo que esperava, les concedió todo lo que en esta parte quisieron. Quedaron los Aragoneses muy contentos, pareciendoles haver vencido lo mas y que ya le faltava al Rey el unico recursso que tenia en aquel Reyno. Desde este dia fue postrandose la autoridad y mucha estimacion que la Inquisicion tenia en Aragon, excediendo en esta parte á otros, pues tal vez miraban á un Inquisidor con mas veneracion que al Arçobispo y Virrey y oy se vee lo contrario y aun se oye que algunos dicen ya se acabo la Inquisicion. Experimentase esto cada dia en los ministros de ella, pues, siendo conforme á las hordinaciones del Reyno que ningun vecino aloje en su casa mas que un soldado, no excediendo el numero de ellos al de los vecinos, no solo le hechan al familiar el que le podia tocar sino tuviese exempcion alguna, pero porque es familiar le hechan dos o tres.

Muchos se an quejado de este agravio al Tribunal, y por escusar enpeños ó lo que podia resultar y se a tomado por expediente suabe escrivir al Comisario de la villa ó lugar donde se hace el agravio, hable con el Justicia ó Jurados de el, y que con buen modo les de á entender que no se deve hacer ni pasar por aquello, y aunque algunos an tenido atencion á ello á otros les a faltado, y tal vez ó los mas a sido necesario no darse el Tribunal por entendido ó tolerado, mirando al estado en que se alla, y tanvien á los ahogos que tiene el Reyno con los alojamientos. Hacen contribuyr á los familiares en los Vagajes y repartimientos concejiles y que no son concejiles, y ultimamente se vee y toca con las manos que en todo lo que no es negocio de fee tiene postradas las fuerzas antiguas el Tribunal de Aragon.

XIX.

Decree of Philip III on Quarrels between Bishops and Inquisitors.

(Archivo de Simancas, Inquisicion, Libro 29, fol. 177).
(See p. 497).

He mandado escribir estas cartas que aqui decis, pero, porque se ha visto y vee cada dia que las Inquisiciones particulares se meten en cossas que derechamente no tocan a la fe ni al Santo Oficio sino solo a estender y ampliar su jurisdiccion por fines particulares de que han resultado todas las dificultades y encuentros que ha avido entre las Inquisiciones y los perlados y entretanto que esto no se remediare nunca dejara de averlas. Sera bien y assi os lo encargo que procureis componer esto de manera que los Inquisidores no se metan en mas de lo que les toca y que al mismo tiempo que yo mandare escribir a los obispos escribais vos a las Inquisiciones que por ningun casso se metan en cossa que derechamente no les toque, apercibiendoles que no solamente no lo consentireis pero que castigareis á los que hicieren lo contrario con demonstracion de rigor, y si excedieren no os contenteis con reprehenderlos blandamente sino que con effecto los castigueis, porque con esto se justificara lo que yo escribiere á los perlados y ellos se acomodaran á lo que fuere justo, y de otra manera tendran ocasion de acudir á mi por el remedio de sus agravios, lo cual es necesario que se escuse.

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A HISTORY

OF THE

INQUISITION OF SPAIN

BY

HENRY CHARLES LEA, LL.D.

IN FOUR VOLUMES

VOLUME II.

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THE INQUISITION OF SPAIN.

BOOK III.

JURISDICTION.

CHAPTER I.

HERESY.

THE Inquisition was organized for the eradication of heresy and the enforcement of uniformity of belief. We shall have occasion to see hereafter how elastic became the definition of heresy, and we have seen how far afield its extinction led the operations of the Holy Office but, to the last, the suppression of unorthodox belief remained the ostensible object of its existence.

It is not easy at the present day, for those accustomed to universal toleration, to realize the importance attached by statesmen in the past to unity of belief, or the popular abhorrence for any deviation from the standard of dogma. These convictions were part of the mental and moral fibre of the community and were the outcome of the assiduous teachings of the Church for centuries, until it was classed with the primal truths that it was the highest duty of the sovereign to crush out dissidence at whatever cost, and that hatred of the heretic was enjoined on every Christian by both divine and human law. The heretic was a venomous reptile, spreading contagion with his very breath and the safety of the land required his extermination as a source of pestilence.[1]

[1] Hæreticus animal pestilentissimum est: quamobrem punire debet antequam virus impietatis evomat, forasque projiciat.—Simancæ de Cathol. Institt., Tit. II, n. 17.

In the earlier periods of the Inquisition, moreover, when the hierarchy was filled with New Christians of doubtful orthodoxy, it was essential to know that the sacraments necessary to salvation were not vitiated by the apostasy of the ministrant, for his intention is indispensable to their validity. No man could tell how many priests there were like Andrés González, parish priest of San Martin de Talavera, who, on his trial at Toledo, in 1486, confessed that for fourteen years he had secretly been a Jew, that he had no intention when he celebrated mass, nor had he granted absolution to the penitents confessing to him. There was also a classical story, widely circulated, of Fray Garcia de Zapata, prior of the Geronimite monastery of Toledo, who, when elevating the Host, used to say "Get up, little Peter, and let the people look at you" and who always turned his back on the penitent to whom he pretended to grant absolution.[1]

The merciless zeal of the Holy Office might gradually relieve the people of this danger, but it intensified by its methods the unreasoning abhorrence of heresy. The honest cavalier Oviedo, about the middle of the sixteenth century, merely phrases the current opinion of the time when he says that all possible punishments prescribed by the canons and admitted by the laws should be visited on the persons and property of heretics; they eat the bread of the good, they render the land infamous, by their conversation they lead souls to perdition and, with their marriages and kinships, they corrupt the blood of good houses.[2] As time wore on this increased rather than diminished. Galceran Albanell, Archbishop of Granada, who had been tutor of Philip IV, wrote to his former pupil April 12, 1621, to express his horror at learning that the English ambassador had been allowed to have divine service performed in his house, after the rites of his sect. The king should not allow it; it is the greatest of sins and unless it is remedied we shall all perish. It is an accursed reason to allege that that accursed king permits the Spanish ambassador to have mass celebrated in London. The English ambassador should be dismissed and the English king can send away the Spanish ambassador; if the Council of State interferes, let Philip show them the way of God. The Licenciado de Angulo should have a bishopric because he resigned his office as fiscal of the

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 153, n. 331.—Burriel, Vidas de los Arzobispos de Toledo (Bibl. nacional, MSS. Ff, 194, fol. 8).

[2] Las Quinquagenas, I, 342 (Madrid, 1880).

Council rather than affix his name to a paper in which the English king was styled Defender of the Faith and Albanell declares his readiness to resign his own see in Angulo's favor.[1] To a population sedulously trained in such sentiments the awful ceremonies of the auto de fe were a triumph of the faith, of which they felt proud, and they were filled with pious exultation when the flames of the *brasero* consumed the bodies of heretics who passed through temporal to eternal fire. It was a vindication of the honor of God, and it is necessary to understand and bear in mind this temper when considering the performance by the Inquisition of its allotted task.

The jurisdiction of the Holy Office over heresy was confined to the baptized, for baptism is a condition precedent to heresy; the unbaptized are outside of the Church and it has no spiritual authority over them. In the auto de fe of 1623, at Valladolid, a woman taken out to be relaxed for Judaism, declared that she was not baptized, whereupon the proceedings respecting her were stopped and she was remanded for investigation.[2] Although baptism can be validly administered by a heretic, yet in the trial of foreign Protestants, minute inquiry was made as to the details of their baptism in their sects, so as to be assured that they were truly baptized; in the case of Jacques Pinzon, at Toledo, in 1598, his advocate ingeniously but vainly argued that this could not be assumed, because it could not be proved that the minister had the proper intention, without which the rite was invalid.[3]

Age placed slender limits on inquisitorial jurisdiction. Children were considered capable of committing heresy as soon as they were *doli capaces*, at six or seven years, but were not held responsible until they reached years of discretion. This was fixed by Torquemada at twelve for girls and fourteen for boys, below which they were not to be made to abjure in public,[4] but the limit was frequently infringed. In 1501, Inesita, daughter of Marcos Garcia, between nine and ten years old and Isabel, daughter of Alvaro Ortolano, aged ten, were sentenced to appear in an auto de fe. They had confessed to fasting once or twice and the latter

[1] Revista crítica de Historia y Literatura, V, 148.
[2] Archivo de Simancas, Inquisicion, Leg. 522, fol. 2.
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.
[4] Instrucciones de 1484, § 12 (Arguello, fol. 4).

had been told by her father not to eat pork.[1] In 1660, at Valladolid, Joseph Rodríguez, aged eight, accused of Judaism, was regularly tried, with all the complicated formalities of procedure, occupying a year, and was made to give evidence against his father and brother; he was absolved secretly and placed in the penitential prison for instruction.[2] Of course there was no maximum limit of age. In 1638, at Valladolid, María Díaz, a hundred years old, was thrown into the secret prison for Judaism and her trial went forward.[3]

Responsibility to the Inquisition varied with the grade of heresy, which was carefully classified by the theologians. Material heresy is error in a baptized person arising from ignorance and, if the ignorance is inculpable, it is scarce to be considered as true heresy deserving of punishment.[4] Formal or mixed heresy is voluntary and pertinacious error, pertinacity being adherence to what is known to be contrary to the teachings of the Church. This formal heresy is again distinguished into internal, or mental, and external. Internal, or mental, heresy is that which is secretly entertained and is not manifested by either word or act. External heresy is subdivided into occult and public. Occult external is that which is manifested by words or signs, either in secret or to one or two persons only—as though a man in the solitude of his chamber should say "There is no God," or should utter his thought in the presence of another. Public external is that which is manifested openly, either in public or to more than two persons.[5] The bearing of these distinctions on the work of the Inquisition will be apparent hereafter.

There was still another definition of even greater importance. Heresy was both a sin and a crime. As a sin it was subject to the *forum internum*, or forum of conscience; as a crime, to the *forum externum* or judicial forum. A penitent in sacramental confession, admitting heretical belief, might receive sacramental absolution and be pardoned in the sight of God, but the crime, like

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[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 158, n. 431, 435.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 44.

[3] Ibidem, fol. 23.

[4] Still, Protestant sailors arriving in Spanish ports, when not protected by treaty, and even prisoners of war in the American colonies, as we shall see hereafter, were claimed by the Inquisition.

[5] Ferraris, Prompta Bibliotheca, s. v. *Hæresis*, n. 1–10.—Avila de Censuris ecclesiasticis, P. I, Dub. 10 (Lugduni, 1609).—Páramo, p. 570.

that of murder or any other violation of human laws, would still remain to be punished in the judicial forum. We shall see that in the Inquisition the penitent, who confessed and repented and received absolution, was still subject to penalties ranging, according to circumstances, from slight penance to death.

Prior to the organization of the Inquisition in the thirteenth century, the cognizance of heresy was a natural attribute of the episcopal office. The duty of persecution was negligently performed and, when the Catharan and Waldensian heresies threatened the predominance of the Latin Church and the Albigensian Crusades left it master of the situation, the Inquisition gradually sprang up as an assistance to the bishops. There was some rivalry, but the bishops, as a rule, did not share in the confiscations and, as few of them had persecuting zeal sufficient to induce them to perform this gratuitous service, the field was virtually abandoned to the new organization, in the lands where it was introduced. Still the episcopal rights were undisputed. Jurisdiction over heresy was recognized to be cumulative—that is, it was enjoyed by both tribunals, either of which was entitled to any case in which it had taken prior action. Finally, in 1312, the Council of Vienne, in response to complaints of the cruelty of inquisitors, formulated a settlement under which the combined action of both jurisdictions was required in all commitments to harsh detentive prison, in all sentences to torture and in all final sentences, unless the one called upon to coöperate failed to come within eight days.[1] This, embodied in the acts of the council, technically known as the Clementines, remained the law of the Church. The bishops, however, remained indifferent and rarely took independent action. The inquisitorial districts were large, comprehending a number of dioceses; the episcopal jurisdiction was limited to the subjects of a single diocese. It was impossible for the bishops to assemble at the seat of the tribunal, and when an auto de fe was in preparation they would usually delegate their Ordinaries to represent them or commission an inquisitor to act.

Such was the somewhat cumbrous combination of episcopal and inquisitorial jurisdiction which the founding of the Holy Office brought into Spain. Independent action by bishops still

[1] Cap. 1, § 1, Clement. v, iii.

continued occasionally, of which we have seen example (Vol. I, p. 167) and it was recognized, though subordinated to the inquisitorial jurisdiction, in a brief of Innocent VIII, September 25, 1487, conferring on Torquemada appellate power in cases before episcopal courts, whether they were acting separately or in conjunction with inquisitors, provided appeal was made before sentence was rendered.[1] The popes of the period, moreover, were careful to maintain the assertion of episcopal participation in inquisitorial proceedings, as is manifested in the superscription of their letters addressed "Ordinariis et Inquisitoribus," or assuming that inquisitors acted under episcopal as well as papal authority.[2] Theoretically, this continued throughout the sixteenth century. The writers of highest authority treat bishops and inquisitors as possessing cumulative jurisdiction, so that both could prosecute, either separately or conjointly and the old canons were still cited threatening with deposition the bishop who was negligent in purifying his diocese of heresy.[3]

Thus there was no legislation depriving the episcopal order of its traditional jurisdiction over heresy, yet the Inquisition claimed, and made good the claim, that its cognizance was exclusive and that the Clementines merely gave to the bishops a consultative privilege in the three sentences specified. No such privative right was conferred in the papal commissions to the inquisitors-general and the only source of such right is to be looked for in Ferdinand's masterful determination that nothing should interfere with the swift operation of his favorite institution, and no claim be admitted to a share in its pecuniary results. It was natural that he should favor the Inquisition, for procedure in the spiritual courts was public and was much less likely to result in conviction than the secrecy of the tribunals, and by 1500 he seems to have established the matter to his satisfaction for, in a letter of August 19th of that year to the Archbishop of Cagliari, he expresses surprise that the prelate, without

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[1] Bibl. nacional, MSS., X, 157, fol. 244.

[2] Boletin, XV, 579, 594.

[3] Mich. Alberti Repert. Inquisit. s. v. *Episcopus.*—Arn. Albertini de agnoscendis Assertionibus Catholicis, Q. XI, n. 1 (Valentiæ, 1534).—Simancæ de Cath. Institt. Tit. XXV, n. 2, 3, 4.—Pegnæ Comment. LIV in Eymerici Direct. P. III.—Páramo, p. 536.

Rojas (De Hæret. P. I, n. 442–3) appears to be the only writer who assumes that the Clementines render episcopal jurisdiction merely consultative.

his licence, or a commission from the inquisitor-general, should have meddled with matters belonging to the Inquisition and have collected certain pecuniary penances, although he had already been forbidden to do so. This prohibition is now emphatically repeated; he is to have nothing to do with the affairs of the Inquisition, except to aid the inquisitor when called upon, and he is at once to hand over his collections to the receiver, Pedro López, who is going to Sardinia.[1] Nothing can be more peremptory in tone than this missive, although the Sardinian tribunal was thoroughly disorganized and was about to be reconstructed by sending a full corps of officials. We may assume from this that if there had been any resistance on the part of the Castilian episcopate it had by this time been overcome.

That this concentration of exclusive jurisdiction in the Inquisition was the work of the royal power and was not universally admitted, even by the middle of the sixteenth century, is manifest from the remark of Bishop Simancas, himself an experienced inquisitor, when he says that it is the duty of bishops to enquire into cases of heresy, but they ought to send the prisoner and the testimony to the inquisitor, for otherwise their inexperience is apt to result in failure, as he had often found; there ought to be a papal decree prescribing this and, in default of it, the king is accustomed to order it of the bishops.[2] Of this we have an example, in 1527, when the vicar-general of the Archbishop of Toledo was required by Inquisitor-general Manrique to surrender a cleric whom he had arrested and was prosecuting.[3]

Simancas still recognizes the duty of the bishop to make preliminary inquiries into heresy, but even this had long before been forbidden, although there was a prolonged struggle before it was surrendered. In 1532 the Ordinary of Huesca issued an Edict of Faith, modelled on that of the Inquisition, calling for denunciation of heretics, for which the empress-regent sharply rebuked him, in a letter of March 23d, calling it an innovation unknown since the Inquisition had been introduced, and threatening him with fitting measures for the repetition of such intrusion on the jurisdiction of the Inquisition.[4] In spite of this, Archbishop

[1] Archivo de Simancas, Inquisicion, Libro 1.
[2] Simancæ de Cath. Institt., Tit. xxv, n. 5.
[3] Llorente, Añales, II, 335.
[4] Archivo de Simancas, Inquisicion, Lib. 926, fol. 139.

Ayala of Valencia, in 1565, and his successor the Blessed Juan de Ribera, in 1576, and another bishop in 1567 repeated the indiscretion for which they were promptly called to account. When, in 1583, the Bishop of Tortosa committed the same offence, the Suprema wrote, January 14, 1584, that the popes had given the Inquisition exclusive jurisdiction over heresy and had prohibited its cognizance by others and that he must not in future intervene in such matters.[1] Undeterred by this, the Council of Tarragona, in 1591, reasserted the ancient episcopal jurisdiction by ordering all bishops to be vigilant in watching their flocks and, if they found any disseminators of heresy, to see to their condign punishment according to the canons.[2] How completely justified was the council in this and how false was the assertion of the Suprema, was manifested in 1595, when the Archbishop of Granada complained to Clement VIII that the inquisitors had forbidden him to issue an edict on the subject of heresy and the pope forthwith wrote to the inquisitor-general that this must not be allowed, for the faculties delegated to inquisitors in no way abridged episcopal jurisdiction.[3]

After this, at least, the Suprema could not plead ignorance and yet it persisted in the assertion that it knew to be false. A savage quarrel broke out in Guatimala between the bishop, Juan Ramírez, and the commissioner of the Inquisition, Phelipe Rúiz del Carral, who was also dean of the chapter. Ramírez imprisoned him and undertook to organize a sort of inquisitorial tribunal of his own, whereupon, in 1609, the Suprema presented to Philip III for signature a letter which it describes as drawn in the form customary for cases where bishops interfere in matters concerning the faith. This describes how the pope, in instituting the Inqui-

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[1] Archivo de Simancas, Inquisicion, Libro 688, fol. 228, 517; Libro 939, fol. 69.

[2] Concil. Tarraconens. ann. 1591, Lib. v, Tit. vi, Cap. 2 (Aguirre, VI, 319).

[3] Decreta Sac. Congr. S. Officii, p. 284 (R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Offizio, vol. 3).

The policy of the Roman Inquisition was wholly different. It recognized the traditional jurisdiction of the bishops and invited their coöperation. The bishop issued edicts at his discretion and could initiate prosecutions. Concurrence of course was necessary in sentences of torture and final judgement, but, if the bishop were the prosecutor, the inquisitor went to the episcopal palace for the consultations and also in other cases when the bishop acted personally and not by his Ordinary. It was all in accordance with the Clementines, except that all definitive sentences required confirmation by the Congregation.—Ibid. pp. 174–5, 177, 266–8, 272–3.

sition, evoked to himself all cases connected with heresy and committed them to the inquisitor-general and his deputies, inhibiting all judges and Ordinaries from intervening in them, in consequence of which they have ceased to take cognizance of such matters and have referred to the inquisitors whatever came to their knowledge. As the bishop has laid his hand on things beyond his jurisdiction, he is ordered in future not to meddle with anything touching the Inquisition, as otherwise fitting measures will be taken.[1] The only foundation for this mendacious assertion was, as we shall see hereafter, that, in the struggle made by Ferdinand and Charles V to prevent appeals to Rome from the Inquisition, briefs were sometimes obtained from popes evoking to themselves all cases pending in the tribunals and committing them to the inquisitor-general, with inhibition to any one, including cardinals and officials of the curia, to entertain appeals from him. In this there is absolutely nothing that relates to original jurisdiction and nothing to limit the traditional functions of the episcopate, but the Suprema held the records and could assert what it pleased concerning them.

Still the bishops did not wholly abandon their rights and cases continued occasionally to occur, in which of course they were worsted. They were frequent enough to justify, in a Formulary of 1645, the insertion of a formula framed to meet them. It is addressed to the provisor of Badajoz and recites that the fiscal complains of him as having commenced proceedings against a certain party for heretical propositions; as this is a matter pertaining exclusively to the Inquisition, he is commanded to surrender it under the customary penalties of excommunication and fine. The fiscal also demands that the provisor be prosecuted so that in future neither he nor any one else shall dare to usurp the jurisdiction of the Inquisition and the document ends with a statement that the prosecution has been commenced.[2] Such methods were not easily resisted. When, in 1666, the Barcelona tribunal learned that the Bishop of Solsona, on a visitation, had taken considerable testimony against some parties in a matter of faith, it at once claimed the papers, which he promptly surrendered. It had the audacity to propose to prosecute him, but the Suprema wisely ordered it to take no action against him.[3]

[1] Archivo de Simancas, Inquisicion, Lib. 45, fol. 168.

[2] Modo de Proceder, fol. 107 (Bibl. nacional, MSS., D, 122).

[3] Libro XIII de Cartas (MSS. of Am. Philos. Society).

Yet Benedict XIV repeated the assertion of Clement VIII that the popes, in delegating powers to inquisitors, had never intended to interfere with episcopal jurisdiction or to relieve bishops from responsibility.[1]

Not content with thus depriving the episcopate of its immemorial jurisdiction over heresy, inquisitors sought to obtain cognizance of a class of cases clearly belonging to the spiritual courts, on the ground of inferential heresy—bigamy, disregard of church observances, infractions of discipline and the like. In 1536 the tribunal of Valencia created much excitement by including in its Edict of Faith a number of matters of the kind but, on complaint from the vicar-general, the Suprema ordered the omission of everything not in the old edicts.[2] The attempts continued and, in 1552, a decision was required from the Suprema that eating pork on Saturdays was not a case for the Inquisition,[3] and the Concordia of 1568 contains a clause prohibiting inquisitors from entertaining cases belonging to the Ordinaries.

In a carta acordada of November 23, 1612, the Suprema made an attempt to define the boundaries of the rival jurisdictions, in which it allowed to the spiritual courts exclusive jurisdiction only over ecclesiastics in matters touching their duties as pastors, the ministry of the Church, simony and cases relating to Orders, benefices and spiritual affairs, while it admitted cumulative jurisdiction in usury, gambling and incontinence.[4] Restricted as were these admissions, the Suprema itself did not observe them. In 1637, Sebastian de los Rios, cura of Tombrio de Arriba, who met with one or two accidents in handling the sacrament and feared accusation, by his enemies, of irreverence, denounced himself to the provisor of Astorga and was fined in four thousand maravedís. In spite of this he was prosecuted, in 1640, by the tribunal of Valladolid; he vainly pleaded his previous trial; the Suprema assumed its invalidity in ordering his incarceration in the secret prison, where he died.[5] This process of encroachment continued and towards the end, when there was little real heresy to occupy its energies, its records are full of cases which, even under its own definitions, belonged unquestionably to the spiritual

[1] Benedicti PP. XIV de Synodo diœcesana, Lib. IX, cap. iv, n. 3.
[2] Archivo de Simancas, Lib. 78, fol. 80.
[3] Ibidem, Lib. 83, fol. 106.
[4] MSS. of Royal Library of Copenhagen, 218b, p. 232.
[5] Archivo de Simancas, Inquisicion, Leg. 552, fol. 28.

courts—inobservance of ecclesiastical precepts of all kinds, irregularities in the celebration of mass, taking communion after eating, eating flesh on fast days, working and inattendance at mass on feast days and other miscellaneous business, wholly foreign to its original functions.[1] It does not argue favorably for the Spanish episcopate that they seem to have welcomed this relief from their duties and strenuously resisted the abolition of the Inquisition in 1813, which restored to them, under limitations, their original functions. After the Restoration, the Archbishop of Seville, in 1818, gathered evidence to show that the cura of San Marcos had not confessed for many years and then, in place of punishing him, handed the papers over to the tribunal. This was probably fortunate for the peccant priest, as the Suprema ordered that nothing should be done except to keep him under surveillance and that the archbishop should be warmly thanked and assured that the necessary steps had been taken.[2]

There was one formality preserved which recognized the episcopal jurisdiction over heresy. We have seen that, in the Clementines, the concurrence of both bishop and inquisitor was requisite in ordering severe detentive incarceration, in sentencing to torture and in the final sentence. No allusion was made to this in the bull of Sixtus IV authorizing the appointment of inquisitors for Castile. No allusion, in fact, was necessary, as it had been for nearly two centuries a matter of course in inquisitorial procedure, but the earliest inquisitors took no count of it and Sixtus, in his brief of February 11, 1482, called forth by complaints of their cruelty, insisted on the concurrence of episcopal officials in all judgements.[3] Ferdinand was indisposed to anything that threatened interference with the autonomy of the Inquisition and his experience in Valencia with the representatives of Rodrigo Borgia, the absent archbishop, showed him how this episcopal right could be exercised to obstruct proceedings and compel division of the spoils. He doubtless represented to Sixtus that there were many of Jewish blood among the bishops and their officials, whom it would not be safe to trust, for Sixtus, with Borgia behind him, met such objection with a brief of May 25,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 100.
[2] Archivo de Simancas, Inquisicion, Lib. 435[2]; Lib. 890.
[3] Páramo, p. 136.—Boletin, XV, 462.

1483, addressed to all the Spanish archbishops. In this he ordered them to warn any of their suffragans of Jewish extraction not to meddle with the business of the Inquisition but to appoint an Old Christian, approved by the archbishop, who should have exclusive powers over all such matters. In case this was not done the archbishop was to make the appointment for each diocese and the appointee was to be wholly independent of the bishop.[1] Then a question arose whether Torquemada's appellate jurisdiction, as inquisitor-general, could override judgements in which bishops participated, but this was settled in Torquemada's favor by a brief of Innocent VIII, September 25, 1487, thus completely subordinating episcopal to inquisitorial jurisdiction.[2]

Ferdinand was not satisfied, but he had to acquiesce and adopt the device of the bishops delegating one of the inquisitors as their representative—an expedient for which precedents can be found in the early Inquisition of Languedoc. That this soon became common is indicated in the Instructions of 1484, which warns the inquisitor holding the commission that he is not to deem himself superior to his colleagues.[3] Another plan was to require the bishops to issue a commission as vicar-general to whomsoever the inquisitors might designate, as Ferdinand ordered the bishops of Aragon to do, in a letter of January 27, 1484. The individual thus selected became an official of the tribunal and was borne on its pay-roll for a salary to be paid out of the confiscations for which he might vote. Of this we have examples in Martin Navarro thus serving at Teruel, in 1486, on a yearly stipend of two thousand sueldos and in Martin Garcia, included as vicar-general at a salary of three thousand sueldos, in the Saragossa pay-roll of the same year.[4]

It is possible that the bishops grew restive under this absorption of their powers and that they remonstrated with the Holy See for, in 1494, when Alexander VI issued commissions to the four new inquisitors-general there appeared a new condition requiring them to exercise their functions in conjunction with the Ordinaries of the sees or their vicars or officials, or other persons deputized by the Ordinaries.[5] Ferdinand, however, was

[1] Boletin, XV, 475. [2] Bulario de la Orden de Santiago, I, 37.

[3] Instrucciones de 1484, § 26 (Arguello, fol. 8).

[4] Archivo gen. de la C. de Aragon, Registro 3684, fol. 76, 92, 97.

[5] Bulario de la Orden de Santiago, Lib. I de copias, fol. 3.—No such clause appears in later commissions.

not accustomed to brook opposition to his will. The most efficient and economical expedient was the episcopal delegation to an inquisitor and this he enforced by whatever pressure was necessary. Thus when, in 1498, the Bishop of Tarazona demurred to do this, Ferdinand, in a letter of November 21st, brushed aside his reasons and imperatively ordered the delegation to be sent at once. Still the bishop recalcitrated and Ferdinand wrote, January 4, 1499, that he must do so at once; no excuse would be admitted and nothing would change his determined purpose, but it was not until March that he learned the bishop's submission. In this same year, 1499, he broke down, in similar rude fashion, the resistance of two other bishops and when, in 1501, the Archbishop of Tarragona notified the tribunal of Barcelona not to hear, without his participation, certain cases committed to them on appeal, Ferdinand expressed his indignant surprise; the archbishop must remove the obstruction at once and not await a second command.[1]

Ferdinand's resolve was to render episcopal concurrence a mere perfunctory form and, when bishops presumed to act or their vicars-general were distasteful to him, there are various cases which attest his imperious methods of dealing with them. He had some trouble, on this account, with his son, Alfonso Archbishop of Saragossa, who, in 1511, obtained the perpetual administratorship of Valencia and who persisted in retaining as his delegate the vicar-general of Valencia, Micer Soler, against the commands of his father, so that in 1512 and again in 1513, there was delay in the celebration of autos de fe, greatly to Ferdinand's annoyance.[2] These occasional obstructions explain why, as he wrote November 27, 1512, he endeavored to reduce it to a rule that the Ordinary should confer his powers on the inquisitors and should not be allowed to see the cases.[3]

The people did not view the matter in the same light and regarded the participation of the bishop or his representative as some guarantee against the arbitrary proceedings of the inquisitors. Among the complaints of the prisoners of Jaen, in 1506, to Philip and Juana, is one reciting that the inquisitors act independently of the episcopal provisor and communicate nothing to him,

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[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Ibidem, Lib. 3, fol. 27, 28, 62, 63, 72, 73, 186, 204, 242, 336.
[3] Ibidem, Lib. 939, fol. 69.

so as to be able to work their wicked will without interference.[1] Similarly the Córtes of Monzon, in 1512, included among the abuses requiring redress the royal letters concerning episcopal concurrence, the delegation of powers to inquisitors and other methods by which the participation of the bishops was evaded, and when Leo X, in 1516, confirmed the Concordia, he ordered that the Ordinaries should resume their functions.[2] It was the same in Castile, where, as we have seen (Vol. I, p. 217) one of the petitions of the Córtes of Valladolid, in 1518, was that the episcopal Ordinaries should take part in the judgements.

While the petitions of Valladolid for the most part received scant attention, this one at least bore fruit for, with the removal of Ferdinand's pressure, the bishops had an opportunity to reassert themselves. In 1520, a decision of Cardinal Adrian required the presence of both inquisitors and Ordinary at abjurations and confessions under Edicts of Grace and, in 1527, Manrique and the Suprema declared that the Ordinary concurred in the cases required by the law—an ambiguous phrase which seems to have been variously construed.[3] This was not conducive to harmony, the inquisitors grudging any intrusion on their jurisdiction and the Ordinaries insisting on their rights under the Clementines. In 1529, when the Suprema chanced to be at Toledo, the matter was brought before it by Diego Artiz de Angulo, fiscal of the local tribunal, in a memorial arguing that to require the presence of the Ordinary would entail great delay, as he often could not attend when summoned; besides, he was always in contradiction with the tribunal, as was notorious to all connected with the trials, objecting to pecuniary and light penalties and endeavoring to acquire jurisdiction at the expense of the Holy Office. At Angulo's request, the Suprema had a number of witnesses examined, of whom the most important was Martin Ximenes, who had been occupied for forty years in the tribunals of Barcelona, Toledo, and Seville. He testified that the Ordinaries were only called in for the three acts specified in the Clementines, but in explaining details he showed that the inquisitors construed them in a fashion to

[1] Archivo de Simancas, Patronato real, Inquisicion, Leg. único, fol. 43.

[2] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1; Capitols concedits, § 26; Ibidem, cap. 2 (Barcelona, 1569, pp. 16, 19).—Bulario de la Orden de Santiago, Lib. I de copias, fol. 219.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 69, 118.

exclude the Ordinary from much of his functions, for, in place of participating in all sentences, he was allowed to join only in convictions for heresy and bore no part in the lighter cases, the object being to prevent his claiming a share in the pecuniary penalties, although he was summoned to the *consulta de fe* in which they were voted on. Other witnesses bore the same testimony and it is not difficult to understand why the Ordinaries took little interest in the exercise of the jurisdiction thus arbitrarily limited.[1] It was probably owing to this discussion that the Suprema, January 25, 1530, told the tribunals that differences with the Ordinary must be avoided. In the same year it notified Valencia that all cases sent up to it must have been voted on by him and, in 1532, it sent similar orders to Barcelona, adding that the presence of the Ordinary was requisite at all abjurations.[2] Evidently the tribunals were jealous, the Ordinaries were rebuffed and discouraged, and the coöperation of the two jurisdictions was little more than a formal recognition of a virtually obsolete right.

The routine practice and its working are exemplified in the report of a summons served, August 8, 1534, on Blas Ortiz, then vicar-general of Toledo. It cited him to come and assist in despatching the accumulation of cases since the last auto de fe, held nearly four years before. He was to lay aside all other business and present himself daily at the morning audience to witness the torture in nine specified cases and, at the afternoon audience, to vote on ten of which the trials had been completed. He was notified that, if he did not come, the inquisitors, after the delay specified by law (eight days) would proceed without him. The summons was borne by the fiscal, accompanied by a notary, who made a formal act of the service. When the fiscal stated his errand, Blas Ortiz negligently told him that there was no necessity of reading the paper; he was not well but, if he were able, he would be present at all the cases; if he did not come he committed his powers to the two inquisitors, or to either of them who was willing to accept the commission.[3] Apparently Ortiz did not come, for in several sentences rendered this year at Toledo the inquisitors styled themselves "apostolic inquisitors holding the powers of the Ordinary."[4]

[1] Bibl. pública de Toledo, Sala 5, Estante 11, Tab. 3.

[2] Archivo de Simancas, Inquisicion, Lib. 76, fol. 360; Lib. 77, fol. 30; Lib. 939, fol. 104.

[3] Bibl. pública de Toledo, *loc. cit.*

[4] MSS. *penes me.*

From some motive, not clearly apparent, a custom arose to some extent of appointing episcopal Ordinaries or provisors as inquisitors. This was frequent enough to lead the Córtes of Madrid, in 1552, to complain of the combination of the two offices, because when a provisor arrested a layman, which he could not do legally, he claimed that he acted as inquisitor, with the result that many persons were subjected to infamy. They therefore petitioned that no provisor should also be inquisitor, to which the answer was returned that in such cases royal cédulas had been issued and that this would be continued.[1] Discouraging as was this reply, the petition seems to have made an impression for, in 1556, both Charles V and Philip II rebuked Inquisitor-general Valdés, who was also Archbishop of Seville, because his provisor was also inquisitor in that tribunal. His defence was that this had been the case in Seville for half a century, owing to the poverty of the tribunal, which paid only one-third the customary salaries and that he himself defrayed the stipend of the provisor.[2]

During the remainder of the century we generally find the participation of the Ordinary carefully recorded, whether it was by a special representative or by delegation to the inquisitors. In 1561, Inquisitor Cervantes takes the Barcelona tribunal to task for not keeping record of this and he orders the fiscal to observe it sedulously for, without the concurrence of the Ordinary, the sentence is invalid.[3] A carta acordada of October 15, 1574, reminds the tribunals that he must sign all sentences of torture and all final sentences on which he has a vote, but there was a rule that he did not sign sentences of acquittal, even though he had voted on them.[4] Yet how purely perfunctory was his participation appears in the case of Fray Hieronimo de la Madre de Dios, at Toledo, in 1618. In the consulta de fe, Melgoso, the provisor, agreed with one of the inquisitors and a consultor on a certain punishment; another inquisitor voted for a heavier penalty and, when the matter was submitted to the

[1] Córtes de Madrid del año de MDLII, Pet. lix (Valladolid, 1558, fol. xiv).

[2] Archivo de Simancas, Patronato real, Inquisicion, Leg. único, fol. 76.

[3] Ibidem, Visitos de Barcelona, Leg. 15, fol. 2.

[4] MSS. of Library of Univ. of Halle, Yc, 20, Tom. III, XI.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 69.

Yet the Ordinary's signature is appended to the sentence of acquittal of Fray Joseph de Sigüenza, in 1592.—MSS. of Halle, Yc, 20, Tom. IV.

Suprema, it adopted the latter, but Melgoso obediently signed the sentence.[1] The inquisitorial jurisdiction, for all practical purposes, had absorbed the episcopal.

As the inquisitorial districts usually embraced several dioceses and it was impossible for the bishop or provisor of those at a distance from a tribunal to be personally present when their subjects were tortured or sentenced, it became customary for them to delegate their powers to some resident of the city which was the seat of the tribunal. That they were not always careful in their selection would appear when the tribunal of Sicily was obliged, in 1574, to notify an archbishop that he must appoint ecclesiastics and not laymen to sit in judgement on matters of faith.[2] Taking advantage of this carelessness the Inquisition undertook to control the character of appointees and it issued, August 17, 1637, instructions to bishops that their provisors must be graduates in canon law but, as canonists proved to be scarce, it was obliged, October 12, to modify this and permit the appointment of theologians. In accordance with this there is an entry by the tribunal of Valencia, that it will recognize Don Luis Crispi as Ordinary of Tortosa, although he is a theologian.[3]

Thus a further encroachment was made on episcopal jurisdiction by the Inquisition in claiming and exercising the right to determine whom it would recognize as a fit representative of the bishop. How offensively this was sometimes used was manifested in 1752, in Lima, when the inquisitors Amusquibar and Rodríguez were involved in a prolonged quarrel with the secular and ecclesiastical organizations. To annoy the inquisitors, Archbishop Barroeta notified them that in view of their bitter competencia with the viceroy, he withdrew the faculty of Don Fernando de la Sota as his representative and appointed Padre Francisco Larreta, S. J. To this they replied that they recognized his right to withdraw the faculty, but as for Larreta he was incapacitated by his profession from exercising the functions; if the archbishop would appoint some one in accordance with the statutes of the Holy Office and possessing the necessary qualifications, he would be received. The assumption that they

[1] MSS. of Library of Univ. of Halle, Yc, 20, Tom. VII.

[2] Archivo de Simancas, Inquisicion, Lib. 82, fol. 93.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 261, 275; Leg. 9, n. 2, fol. 342.

would recognize only whom they pleased staggered the archbishop and he asked them to explain the disqualification of Larreta, to which they insolently replied that they had already stated what was sufficient for his guidance. He submitted and appointed the Franciscan Thomas de la Concha, who was accepted, but when the archbishop transmitted the correspondence to Inquisitor-general Prado y Cuesta and asked for reparation he obtained none.[1]

Episcopal concurrence had never been more than a bare formality in recognition of the immemorial jurisdiction of bishops over heresy and, as time wore on, the Inquisition became careless even of this. In a number of trials by the tribunal of Madrid, between 1703 and 1710, the inquisitors are recorded as acting sometimes with and sometimes without the episcopal representatives and, in the latter half of the century, a writer informs us that the concurrence of the Ordinary is unusual; it depends on the will of the inquisitors, who sometimes summon him and sometimes do not.[2] Still there were some bishops, zealous for the claims of their order, who persisted in asserting this remnant of jurisdiction. Antonio Tavira, Bishop of Canaries, and subsequently of Salamanca, expressed their feelings when, in 1792, he complained to Carlos IV of the treatment of the episcopal order by the Inquisition, saying that they had ceased to vote in cases of faith in order to escape the humiliation and degradation to which they were exposed; they sent their vicars, although this was indecorous and wholly useless, but they felt that they must preserve this little shadow of a jurisdiction which was rightly theirs.[3]

Under the Restoration greater attention seems to have been paid to episcopal concurrence and the adherence to strict formalities is shown in a duplicate trial of Juan Antonio Manzano, a physician of Lumbrales in the diocese of Ciudad-Rodrigo and inquisitorial district of Llerena. In 1817 he was tried for heretical propositions by the tribunal of Logroño, which inquired of the Suprema whether the Ordinary of its own diocese could act and was told that the authority of the culprit's own bishop was imperative and that the Bishop of Ciudad-Rodrigo must appoint

[1] Archivo de Simancas, Inquisicion, Sala 39, Leg. 52, fol. 2.

[2] Ibidem, Lib. 876, fol. 1, 17, 30, 41, 42, 46.—Archivo de Alcalá, Estado, Leg. 2843.

[3] Discusion del Proyecto sobre la Inquisicion, p. 449 (Cadiz, 1813).

a representative. The next year Manzano was again arrested, for the same offence, by the tribunal of Llerena and was transferred to Seville because Llerena had no prison. April 17, 1819, the Seville tribunal asked whether its own Ordinary could join in the sentence and received the same answer—that it must apply to the Bishop of Ciudad-Rodrigo to make an appointment.[1] It was all the merest technicality, for by this time the Suprema decided all cases, irrespective of how the consulta de fe might vote and thus the incontestable episcopal jurisdiction over heresy was practically abolished.

As regards the internal forum, or forum of conscience, the Inquisition claimed and enjoyed a still more absolute jurisdiction than in the external forum for which it had been primarily instituted. While in a formal and perfunctory manner it recognized the episcopal claims in the judicial forum, it so employed its delegated papal authority as to vindicate with the utmost jealousy exclusive control over the forum of conscience in matters of heresy. Bishops, in fact, had long before been ousted from this by the invention of papal reserved cases—cases in which sacramental absolution could only be had from the Holy See, thus creating a profitable market for its indulgences, confessional letters and the absolutions of its Penitentiary. Heresy was the chief sin anathematized in the early form of the bull, subsequently known as *in Cœna Domini*, from its annual publication on Holy Thursday and, in 1364, Urban V placed all the offences enumerated in it under the jurisdiction of the papal chamberlain.[2] The papacy thus assumed exclusive control over the sin of heresy, for which no absolution could be granted save by papal delegation, and Paul II, in 1469, and Sixtus IV, in 1478, issued further decrees to the effect that special licence was necessary for this, as no general commissions were held to cover it.[3] The Council of Trent, in 1563, timidly endeavored to revendicate a fraction of episcopal rights by asserting that bishops, in the forum of conscience only, could personally absolve for secret or occult heresy, but the Roman Inquisition, by repeated decisions based on the utterances of St. Pius V and Gregory XIII, overrode the conciliar

[1] Archivo de Simancas, Inquisicion, Libros 559, 890.
[2] Urbani PP. V, Bull. *Apostolatus* (Bullar. Roman. I, 261).
[3] Cap. 3, 4, Extrav. Commun. Lib. v, Tit. ix.

decree and deprived them of that slender remnant of their functions.[1]

This strict reservation of the sin of heresy was imperfectly understood in Spain and so little was known of the laws of persecution that at first the New Christians, who apprehended arrest, endeavored to escape by sacramental confession and absolution, ignorant that already in the thirteenth century it had been decided that the pardon of the sin, in the forum of conscience, did not cover the crime in the judicial forum. This method of evasion could not be allowed and yet the Inquisition was uncertain how to act. A brief was therefore procured, November 10, 1487, from Innocent VIII, addressed to all the inquisitors and Ordinaries in Spain, reciting their doubts about proceeding against those who assert that they have secretly confessed and abjured to their confessors. To overcome this it was asserted that the decrees of the fathers required such abjurations to be accompanied by an oath, taken before an Ordinary, in presence of a notary and witnesses, never to return to the abjured heresy, wherefore the inquisitors were empowered to proceed against all who had not observed this rule.[2] If such a rule had ever existed, which is doubtful, it had long been forgotten and was wholly unknown in Spain, so that all who had had recourse to this device were brought under the jurisdiction of the Inquisition.

The New Christians were not long in realizing the futility of such attempts and we hear little of them in the later periods. Yet there were cases of occult heresy concerning which the functions of the Inquisition seem to have varied. In the earlier times the Edicts of Grace brought these to the tribunals and the Instructions of 1484 permit the inquisitor to admit them to secret reconciliation and abjuration and do not contemplate his delegating his power to another.[3] There must have been doubts as to his faculties for this, since, in 1530, Clement VII delegated powers to inquisitors to absolve and reconcile for occult heresy, with the imposition of appropriate penance.[4] This evidently

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[1] Concil. Trident. Sess. xxiv, De Reform. cap. 6.—Pegnæ Comment cxlv in Eymerici Director. P. III.

[2] Bulario de la Orden de Santiago, Lib. I, fol. 92.—Archivo de Simancas. Inquisicion, Lib. 926, fol. 260.

[3] Instrucciones de 1484, § 5 (Arguello, fol. 4).

[4] Clement. PP. VII, Bull. *Cum sicut* (Pegnæ Append. ad Eymerici Director.).

contemplates his administering sacramental absolution and yet not long afterwards he was told that he was judge in the external and not in the internal forum and that it was not his business to hear sacramental confessions.[1] In fact, the inquisitor was by no means necessarily in priests' orders and, when acting in his judicial capacity, sentencing a culprit and hearing his abjuration, he simply granted licence to any approved confessor to absolve him from excommunication and to impose salutary penance.[2]

There was, however, a class of cases, by no means infrequent, demanding sacramental rather than judicial ministration, which gave rise to some debate before their treatment was settled. These consisted of good Christians, who were assailed by secret doubts or indulged in erroneous speculations and who brought their spiritual troubles to the confessional. Over these, priest and bishop had been deprived of jurisdiction, and to make sure of this there was a clause in the annual Edict of Faith prohibiting confessors from granting absolution in any case touching the Inquisition and ordering the penitent to be sent to the tribunal.[3] If he refused to go, the only alternative was for the confessor to obtain from the inquisitor a licence to absolve him, for the confession was covered by the seal and prosecution was out of the question, but as to this, even in the middle of the sixteenth century, there were doubts. Bishop Simancas says that the power of the inquisitor to grant licences is doubtful and he can only suggest reference of each case to the Suprema.[4] A body of practice, of uncertain date, asserts that when a confessor reports that a penitent has confessed heresies and asks for a licence to absolve him, it cannot be given. He must be ordered to induce the penitent to come to the tribunal; in case of necessity, or of persons in high station, the inquisitor may go with a notary to receive the confession, which is examined in the tribunal and the consequent absolution or abjuration is performed in secret. In

[1] Eymerici Director. P. III, n. 59 cum Pegnæ Comment. xii.—Locati Opus Judiciale, s. v. *Absolvere* n. 7 (Romæ, 1570).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.—"Por la presente damos licencia a qualquiera sacerdote secular ó regular para que en forma de la santa Madre Iglesia pueda absolver y absuelve á F. de la excomunion por nos puesta á pedimiento de F., imponiendole penitencia saludable á su anima y conciencia."

[3] MSS. of Royal Library of Copenhagen, 214 fol.—MSS. of Bodleian Library, Arch Seld A, Subt. 15.

[4] Simancæ de Cath. Institt., Tit. III, n. 5.

the case of nuns, who could not be induced to discharge their consciences before a commissioner and a notary, there was a concession that the confessor might reduce the confession to writing and send it to the tribunal which would consult the Suprema, and frailes were to be compelled to seek the tribunal, where they were treated as *espontaneados*, or spontaneous self-denouncers and were absolved or reconciled secretly with spiritual penances.[1]

The indisposition to license confessors to absolve for heresy in the forum of conscience is easily explicable. By compelling the penitent to come to the tribunal, a record was made for use in case of relapse; if he had accomplices he could be forced to reveal them and their prosecution followed, and there was an opportunity of inflicting pecuniary penances, although confiscation was waived in such cases.[2] These same reasons operated in a contrary sense with the penitent, besides the horror which all men felt as to falling into the hands of the Inquisition. When he was obstinate, the tribunal was powerless, for the seal of confession shielded his identity; it finally yielded the point and no longer pretended that licences could not be given to confessors. In 1562 a case was referred to the Suprema of a person who had confessed sacramentally to certain heresies, without having been taught them by any one, when the inquisitor-general empowered the inquisitors to absolve him in such way as they thought best and they empowered the confessor.[3] Finally it became the rule that the confessor sought to induce the penitent to apply to the Inquisition; if he resolutely refused the confessor applied for a faculty, which was granted or not, according to the temper of the tribunal.[4]

A case in 1754 shows the Inquisition in a favorable light and has interest also as illustrating the tortures of a soul which rejects belief and yet holds belief to be essential to salvation. Fray Thomas de Sos reported to the Toledo tribunal that, while on a mission at Ajofrin, a penitent had asked him to obtain a commission to absolve her for heresies internal and external, which yet were occult, as she had never expressed them except to her aunt. She said that, on a previous occasion, a confessor had done this for her and she wished to avoid the disgrace of per-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.
[2] Simancæ de Cath. Institt., Tit. XIII, n. 22.
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 126.
[4] Corella, Praxis confessionale, P. I, Tract. i, Cap. 1, n. 8.

sonal appearance before the Inquisition. He was ordered to ascertain all details and reported that the penitent was a poor woman named María Lara, living with an aunt aged eighty. Her heresies were only of a few months' standing, occasioned by intense grief at the ingratitude of one whom she had benefited; she disbelieved in the Trinity, the Incarnation, the Law of God, the Virgin, hell and the devil and at the same time felt herself lost beyond the hope of salvation. She could not say how much of this she had uttered to herself or before her aunt and the importance attached to this point indicates the weight attributed to the distinction between internal and external heresy. The aunt was examined, the cura of Ajofrin was called in, the registers were searched and finally, after six weeks had been consumed, a commission was issued which the good fraile, eager to heal a despairing soul, at an hour's notice bore to Ajofrin and absolved her.[1]

These cases gave the Inquisition considerable concern and, in 1772, the Suprema called upon all the tribunals to report what was their practice. After carefully weighing their answers, it issued, November 9, 1772, instructions that, when a confessor reported such a case, he was to be ordered to use every effort to induce the penitent to denounce himself, assuring him of merciful treatment and showing him that he would thus be saved in case of denunciation by others. He could make this denunciation to the tribunal or to a commissioner, or could even authorize the confessor to denounce him, giving all details under oath. If, however, the penitent obstinately refused, then the confessor could absolve him, explaining that it was only in the forum of conscience.[2] If we may believe Lorenzo Villanueva, however, this liberal concession was by no means put in practice, at least by all tribunals.[3]

Confession of formal heresy was not so leniently treated and, as it inferred accomplices, every effort was made to secure their denunciation. The confessor was ordered to persuade, if possible, the penitent to come to the Inquisition and confess as to himself and others, promising secret absolution without confiscation. This was virtually the offer made to those who came forward under an Edict of Grace and did not exclude arbitrary pecuniary

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 111, n. 42.

[2] Ibidem, Inquisicion de Valencia, Leg. 15, n. 11, fol. 17.

[3] Discusion del Proyecto sobre la Inquisicion, p. 446 (Cadiz, 1863).

penance; it was not likely to attract self-denunciation, especially as it included betraying kindred and friends, although power to absolve was not granted in case of refusal. This led to a deadlock and possibly in such cases the confessor was expected to violate the seal of confession under the old rule that it did not cover heresy. At least this may be inferred from a case occurring in Lima about 1580, when Padre Luis López, S. J. reported that a penitent in confession had admitted to have Judaized and on being told to go to the Inquisition had refused. The matter was regarded as so grave that it was referred to the Suprema which sent orders to deliver López to the viceroy for shipment to Spain —apparently one who would not violate the seal was too dangerous to be left in Peru.[1] Simancas, however, characterized this as a most pernicious doctrine and argues that infraction of the seal is much worse than allowing a heretic to escape punishment.[2]

When the Inquisition was re-established in 1814, under the Restoration, it recognized the impossibility of investigating and punishing the innumerable heresies disseminated in the licence of years of warfare and exposure to foreign armies. In its zeal for the salvation of souls it therefore, by edict of January 2, 1815, granted for a year, to all confessors, faculties to absolve for heresy external or mixed. The confessor, in fact, was made a quasi-inquisitor and the procedure formidably resembled that of the tribunals. The penitent had a pledge of secrecy, but his confession had to be minute and comprehensive; it was reduced to writing, signed and sworn to, and was then forwarded to the tribunal to be filed among its records. This relieved him from prosecution in case of denunciation by others, while, if he refused to do this, he was to be absolved, but only in the forum of conscience; he was to be reported to the tribunal and remained liable to the external forum.[3]

In view of the recognized principle that sacramental absolution does not affect the external forum, it shows the watchful jealousy with which the Inquisition guarded its jurisdiction that it remonstrated against the papal indulgences of the Santa Cruzada and the jubilee. The former granted an *indulgentia plenissima;* it was

[1] MSS. Bibl. nacional de Lima, Protocolo 223, Expediente 5270.

[2] Simancæ de Cath. Institt., Tit. XLII, n. 14.

[3] Archivo de Simancas, Inquisicion, Libro 559.

a state affair, managed by the Government and bringing in a large revenue of which a portion accrued to the Holy See; its sale was pushed in every quarter with the utmost vigor and the Inquisition punished severely any utterances calculated to diminish the demand. Only extreme sensitiveness as to its jurisdiction could have led the Inquisition to cast any doubt as to the unlimited efficacy of the indulgence but, when St. Pius V, in 1571, after an interval of five years, renewed the concession of the Cruzada, it took the alarm. In cartas acordadas of May 30 and June 13, 1572, the Suprema informs the tribunals that in some places it is asserted that the Cruzada bulls grant faculties for the absolution of heresy; this is not the case and, if it were, the pope would be asked to withdraw them; the assertion must be contradicted everywhere and the prelates are to be asked to give corresponding instructions to confessors.[1] A more effective step was taken, in 1576, by procuring from Gregory XIII a brief declaring that it never was the papal intention that the indulgence should include heresy and to make this known he authorized the Commissioner of the Cruzada to translate the brief into the vernacular and publish it wherever the Cruzada was preached. The Suprema did not trust the Commissioner, but sent copies of the brief to all the tribunals, with instructions to notify the Ordinaries and the prelates of the Orders, so that confessors might be duly informed. A month later, in January, 1577, it ordered the brief to be published in all the churches.[2] Eventually, however, its anxieties were removed by a clause in the *bulas* of the Cruzada specifically excepting heresy from the faculties granted to confessors, a form which they have retained to the present day, long after the extinction of the Holy Office.[3]

The Cruzada indulgence was a special financial favor to the Spanish monarchy which it could virtually control, but it was otherwise with the jubilee indulgences which, about this period, the popes began to publish—plenary remissions of sins such as were obtainable by pilgrimage to Rome at the jubilees celebrated every twenty-five years. St. Pius V set the example of this, on his accession in 1566, which has since been followed by

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[1] Archivo de Simancas, Lib. 82, fol. 89; Lib. 939, fol. 126.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 464.—Archivo de Simancas, Inquisicion, Lib. 83, fol. 30; Lib. 939, fol. 126; Lib. 941, fol. 3.

[3] See the Author's "History of Auricular Confession and Indulgences," Appendix to Vol. III.

his successors, together with special jubilees decreed at decreasing intervals. The jubilee published in 1572, on the accession of Gregory XIII, excepted heretics and readers of prohibited books and added a positive declaration that in it and all that might be subsequently issued the absolution was only in the forum of conscience and did not affect the judicial forum.[1] Taking advantage of this, when another jubilee indulgence appeared, in 1578, the Suprema ordered it to be published with the omission of all that concerned the Inquisition, in accordance with the declarations of Gregory.[2] Subsequent jubilees, however, of 1589, 1592 and 1595 included heresy and called forth unavailing protests from Spain until finally, in the latter year, preachers were ordered to declare, as of their own motion, that, under the general clause of the jubilee, absolution could not be had for heresy.[3] While the Roman Inquisition made no protest against these indulgences, the Spanish persistently objected to them and it seemed impossible to harmonize the conflict. When Alexander VII, on his accession, in 1655, published a jubilee, it contained the obnoxious clause; Cabrera, the agent of the Suprema in Rome, warmly remonstrated with him and he promised in future to except heresy; this did not satisfy Cabrera who asked for a constitution excepting heresy from all jubilees. Alexander promised to investigate the matter, but apparently his investigations were resultless for the subject continued till the end of the century to furnish occasion for repeated discussion.[4]

Heresy was an elastic term and the Inquisition stretched it to extend its exclusive jurisdiction in all directions. It did the same to shield itself from investigation and restraint. We are told that, in the numerous cases of appeal to the throne for injustice suffered at its hands, if the king ordered the inquisitor-general to report on the subject so that it might be submitted to a junta composed of members of the Suprema and Royal Council, the first business of the Suprema was to examine

[1] Pegnæ Comment. xxv in Eymerici Director. P. II.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 126.

[3] Hinojosa, Los Despachos de la Diplomacia Pontificia, I, 330.—Danvila y Collado, La Expulsion de los Moriscos, p. 223.—Bibl. nacional, MSS, D, 118, fol. 243.—Archivo de Simancas, Inquisicion, Lib. 940, fol. 12.

[4] Archivo de Simancas, Inquisicion, Lib. 54, fol. 176.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 39, 40, 52, 75, 114, 118.

whether the question arose from a matter of faith, or was in any way dependent upon faith, or concerned the free exercise of the duties of the Holy Office. There were not many things that could not be brought within this charmed circle and then a consulta was addressed to the monarch protesting that he could not refer it to a junta, because its nature precluded its consideration by laymen and it would be a violation of the secrecy of the Inquisition, so that it had to be submitted to the Suprema alone, which would make a verbal report to him. It was on record that, in a case of this kind, Philip II pledged his royal word that he and Don Cristóval de Mocera alone should be admitted to the confidence and, in 1645, Philip IV could only obtain from Arce y Reynoso a verbal explanation.[1] Thus between exclusive cognizance and inviolable secrecy the Inquisition realized the ideal of spiritual jurisdiction—it judged all and was judged by none.

[1] MSS. of Royal Library of Copenhagen, 218b, pp. 326–7, 337.

CHAPTER II.

THE REGULAR ORDERS.

OVER the laity the jurisdiction of the Inquisition was complete. No one was so high-placed as to be exempt, for heresy was a universal leveller. Theoretically the king himself was subject to it, for it was based on the principle of the supremacy of the spiritual over the temporal power. The piety of the Spanish monarchs prevented occasion for putting this to the test, for we may safely reject as fables the stories concerning Juana la loca and Don Carlos, but no station exempted him who was suspect in the faith from prosecution and from punishment if he was found guilty. In Valencia, nobles who sought to protect their Morisco vassals from the raids of the Inquisition were tried as fautors of heresy, the most conspicuous of these being Don Sancho de Córdova, Admiral of Aragon and allied to the noblest blood of Spain. At the age of 73 he was compelled to abjure for light suspicion of heresy, he was fined and confined in a convent, where he died.[1] We shall have occasion to consider in detail the still more remarkable case of Don Gerónimo de Villanueva, Prothonotary of Aragon and favorite of both Olivares and of Philip IV and, even when the Inquisition was far gone in its decline, we shall see how it took steps to assail Don Manuel de Godoy, Prince of the Peace and all powerful favorite of Carlos IV.

With the exception of bishops, of whom more hereafter, the secular clergy were equally at the mercy of the Holy Office. Even when, as we have seen, in the bitter quarrels between the tribunal of Majorca and the clergy of the islands, the latter obtained the protection of special papal briefs, these exempted them only from the royal jurisdiction of the Inquisition and did not affect their liability in matters of faith, against which they raised no protest. The regular clergy, however—the members of the religious Orders—made long and persistent struggles to escape subjection, preferring the milder discipline of their own

[1] Danvila y Collado, La Expulsion de los Moriscos, pp. 126, 129, 181, 183, 194.

prelates. In the twelfth and thirteenth centuries, the monastic establishments had, for the most part, obtained exemption from episcopal jurisdiction and were amenable only to the Holy See. When the Mendicant Orders were organized, in the thirteenth century, they were likewise subject immediately to the pope. It is true that, in 1184, Lucius III, in his Verona decree, had abolished this immunity in matters of faith and had remanded, in so far, the regulars back to episcopal jurisdiction, for as yet the Inquisition had not been thought of,[1] but, when the Mendicants claimed that this did not apply to their subsequently founded Orders, Innocent IV, in 1254, subjected them to the Inquisition, which by that time was in full operation. Boniface VIII emphatically confirmed this, even declaring that for heresy they were to be punished more severely than laymen, as the Spiritual Franciscans found to their cost under John XXII.[2] As inquisitors acted under delegation from the pope, there would be no question as to their jurisdiction over the regulars, but, in the case of the Dominican Master Eckart, tried, in 1327, by the Archbishop of Cologne, it was settled that the episcopal Inquisition also had cognizance.[3] Yet, about 1460, Pius II granted to the Franciscans the privilege of being tried only by the vicar-general of their Order and, in 1479, Sixtus IV, in view of the inveterate hostility between Franciscans and Dominicans, from which Orders nearly all inquisitors were drawn, prohibited those of one Order from prosecuting members of the other.[4]

Such was the situation when the Spanish Inquisition was founded. Conversos were numerous in the Orders and many were prosecuted. Under Torquemada, himself a Dominican, the inquisitors were largely Dominicans and the Franciscans naturally claimed the privileges of the papal decrees of 1460 and 1479; when, in 1487, some Observantine Franciscans were prosecuted, Innocent VIII ordered their release and repeated the provisions of 1479.[5] In the following year, however, by a *motu proprio* of May 17, 1488, he declared that none of the Orders were exempt

[1] Lucii PP. III Epist. 171 (Migne's Patrol., CCI, 1299).

[2] Ripoll, Bullar. Ord. Prædic. I, 252.—Eymerici Director. Inquis. P. III, Q, xxviii.—Hist. of Inquisition of Middle Ages, III, 71 *sqq.*

[3] Raynald. Annal. ann. 1329, n. 70–2.

[4] Pegnæ Comment. LXXVII in Eymerici Director. P. III.—Bullar. Roman. I, 420.

[5] Ripoll, Bullar., IV, 22.—Wadding, Annal. Minor. ann. 1487, n. 8.

and specially mentioned the Cistercians, Dominicans and Franciscans.[1] Even before this, Torquemada had treated the regulars as under his jurisdiction for, though he had granted to the Geronimite prelates power to try some of their frailes he revoked this, May 3, 1488, and commissioned the inquisitors of Toledo to prosecute them.[2] In Rome the influence of the regular Orders was great; that of the growing Spanish power was steadily increasing, and the contest between these opposing forces is seen in the fluctuating policy of the Holy See. The *motu proprio* of 1488 remained in force for a considerable time, but, after the death of Ferdinand, the Franciscans in 1517 obtained from Leo X the renewal of their old privileges, which probably also included the Dominicans.[3] The Augustinians soon followed, for a letter of the Suprema, May 7, 1521, directs the tribunals, in view of their privileges to be tried by their prelates, to obtain from the superiors delegated power to act in their cases, or to get a fraile assigned to sit as assessor, or to remit the cases to the Suprema as they may deem best.[4] Apparently these exemptions were not always respected, for Clement VII, by a brief of January 18, 1524, emphatically confirmed the Franciscan privileges and ordered all their cases pending in the tribunals to be transferred within six days to the prelates of the accused.[5] So when, in a brief of March 19, 1525, he prohibited descendants of Jews and heretics from acquiring dignities in the Observantine branch of the Order, he gave as a reason that the provincials are judges of their subjects.[6]

It required but a few months to change all this. The Inquisition was restive under this restriction on its jurisdiction. Inquisitor-general Manrique, in a letter of June 30, 1524, asserted that a revocation of the Augustinian privileges would be procured and he proved a true prophet.[7] The services of Charles V in stemming

[1] Bulario de la Orden de Santiago, Lib. I, fol. 94.—Archivio Vaticano, Innocent. VIII, Regist. 686, fol. 103.—Boletin, XV, 582.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 106.

[3] Wadding, *op. cit.* T. VIII, Regest., n. xxi.

I have not met with any special attribution of exemption to Dominicans, but a brief of Leo X, May 14, 1517, confirming all their privileges without exception, may have been construed as covering this.—Ripoll, IV, 343.

[4] Archivo de Simancas, *ubi sup.*

[5] Wadding, ann. 1524, n. xxiii.

[6] Bulario de la Orden de Santiago, Lib. I de copias, fol. 115.

[7] Archivo de Simancas, *ubi sup.*

the tide of the Lutheran revolt were indispensable and his demands could not be refused. A brief of April 13, 1525, subjected the frailes again to the Inquisition, but softened the blow by providing that the provincials should appoint assessors to sit with the tribunals in their cases. This did not satisfy Spain and, two months later, a brief of June 16th subjected them absolutely to the inquisitor-general.[1] That the Inquisition thus obtained and exercised jurisdiction over the regulars is seen in an order by the Suprema, July 18, 1534, requiring that it should be consulted and the testimony be submitted to it, before proceedings were instituted against a fraile—an order repeated, June 10, 1555, and subsequently extended to all ecclesiastics.[2]

In issuing this the Suprema evidently was unaware that some three weeks earlier there had occurred another shifting of the scales. The frailes had not been idle; the Franciscans, and presumably the other Orders, had won a victory. A brief of Clement VII, June 23, 1534, recites the various exemptions granted by preceding popes to the Franciscans, while numerous complaints showed that some inquisitors continued to prosecute them, to their great perturbation and scandal, wherefore it was ordered that whenever any of the frailes were suspected of heresy they must be remitted to their superiors for punishment, notwithstanding all privileges granted to the Holy Office. Confirmation of this was procured from Paul III, November 8th of the same year, but apparently these commands received slender attention, for another confirmation was obtained, December 15, 1537, with the addition that all cases pending in the Inquisition must be surrendered to the superiors of the Order within six days and all sentences in derogation of this were declared invalid.[3] Even this did not keep the Inquisition in check and Paul issued, March 6, 1542, another decree reciting cases in contempt of his orders, wherefore all inquisitors, in every part of the world, were commanded, under penalty of excommunication, deprivation of benefice and disability for preferment, not to proceed against the frailes and to deliver up any who might be imprisoned. All

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 79, 96.—Páramo, p. 607.

This was extended to Italy, by a brief of Jan. 15, 1530.—Clem. PP. VII, Bull. *cum sicut* (Pegnæ Append. ad Eymerici Director. p. 107).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 106.

[3] Wadding, *op. cit.*, Tom. VIII, Regest. pp. 225-6.

bishops and prelates were made executors of the brief, with power to invoke the aid of the secular arm.[1]

The rigor of these provisions is the measure of the resistance encountered and, in singular contrast to them is the fact that, but a fortnight later, Paul, by a brief of March 21st, annulled all the exemptions of the Mendicant Orders in Upper Italy and the Island of Chios, and subjected their members, with the exception of bishops, to the Inquisition, in matters of faith.[2] This put the Spanish Inquisition at a disadvantage in comparison with the newly organized Roman Congregation, although its order of June 10, 1555, above referred to, would indicate that it paid but little attention to the papal utterances. It fully recovered its lost ground, however, when the Holy See recognized that it was the only tribunal that could be relied upon to check the prevalent vice of "solicitation" or seduction in the confessional—the principal offenders being frailes. When, as an experiment, Paul IV, in 1559, empowered the tribunal of Granada to prosecute these cases, he withdrew all privileges and exemptions, not only in this offence but in all heretical crimes; he authorized the inquisitors to degrade the culprits and to deliver them to the secular arm for execution and the provisions of this brief were extended by Pius IV, in 1561, to all the tribunals in the Spanish dominions.[3] This rendered the Inquisition master of the situation, while, at the same time, the inclusion of solicitation among heretical crimes made the regular Orders still more solicitous to escape from its jurisdiction.

The development of the Society of Jesus and the unbounded favor which it enjoyed with the Holy See introduced a new factor in the struggle. In 1587 the Inquisition discovered that the Jesuits claimed exemption. The Compendium of their privileges stated that Gregory XIII, *vivæ vocis oraculo*, on March 18, 1584, had conferred on their General, with power of subdelegation, faculty for absolving his subjects from heresy, even in cases of relapse; any one knowing the heresy of another was therefore to denounce him to his superior and not to the Inquisition and it was broadly asserted that the members were subject to no judge, episcopal or inquisitorial.[4] It was impossible for the Inquisition

[1] Fontana, Documenti Vaticani contro l'Eresia Luterana, p. 122 (Roma, 1892).

[2] Pauli PP. III Bull. *In Apostolici*, 21 Mart. 1592 (Pegnæ Append. ad Eymerici Director. p. 109).

[3] Pauli PP. IV Bull. *Cum sicut nuper*, 16 Apl. 1559 (Bullar. Roman. II, 48).

[4] Bibl. Vaticana, MS. Ottoboniano Lat. 495, p. 7.

to overlook such denial of its authority and it promptly ordered the suppression of the Compendium and of all regulations incompatible with its jurisdiction, giving rise to considerable correspondence with Rome.[1]

The case which led to this proceeding is too suggestive not to deserve relation in some detail. Solicitation being subjected to the exclusive jurisdiction of the Inquisition it became, under the Edict of Faith, the duty of every one, under heavy penalties, to denounce to the nearest tribunal any case coming to his knowledge. In 1583, the Jesuits of the college of Monterey, in Galicia, learned that one of their number, the Padre Sebastian de Briviesca, had been guilty of it with certain *beatas* and also of some Illuminist practices. Padre Diego Hernández was sent to Segovia to report the matter to Antonio Marcen, the Provincial of Castile. To avert from the Society the disgrace of the prosecution of a member, Hernández was ordered to return and get the evidence in legal shape, so that Briviesca could be secretly tried and punished, but Marcen warned him that all consultation and action must be under pretext of confession, so as to be covered by the seal. Hernández went back to Monterey and consulted with Padres Francisco Larata and Juan López, who said it was a dangerous business; the case belonged to the Inquisition and but for the seal of confession, they would be bound to denounce Briviesca, however damaging it might be to the Society. Profound secrecy was enjoined on the beatas; Hernández took the evidence to Marcen, gave it to him under the seal and was sent with it to Salamanca, where it was submitted, without names, to the theologians of the Jesuit college. They reported that the culprit must be denounced to the Inquisition and that the beatas could not be absolved unless they denounced him but, on being told that the Society was involved, they reversed their opinions. Hernández was sent to Monterey, where he absolved the beatas, while Marcen imprisoned Briviesca, obtained a partial confession, gave him dismissory letters and the habit of a secular priest, and sent him with a companion to Barcelona, where he was shipped to Italy. He had previously been guilty at Avila of the same practices.

Hernández had dutifully obeyed orders, but he was becoming thoroughly frightened. He begged Marcen to allow him to denounce the matter to the Inquisition and was told that if

[1] Hinojosa, Los Despachos de la Diplomacia Pontificia, I, 326, 332.

through him harm came to the Society he would be imprisoned for life in chains. He persisted and then reports were spread that he was insane and possessed by the devil; he was sent to the college at Oviedo, where there was no Inquisition and no means of communicating by post, and for a year he was unable to discharge his conscience, for the confessors were forbidden to absolve him unless he pledged submission to his superiors. Then promises were tried and he was told that whatever he asked for would be obtained for him from the General, and he was further informed that the beatas had retracted their testimony.

How the Inquisition obtained knowledge of the affair is not stated, but it was probably through the garrulousness of the beatas who could not be kept from talking. As soon as it obtained sufficient evidence it acted vigorously. Marcen, Larata and López were imprisoned and put on trial, in 1585; in the progress of the case it was found that this was by no means the first time that Marcen had defrauded the Inquisition of its culprits. Padre Cristóbal de Trugillo had been guilty of the same offence and Marcen had simply dismissed him from the Society. Also Padre Francisco de Ribera had repeatedly uttered heretical propositions for which some of the brethren demanded that he should be denounced to the Inquisition, but Marcen dismissed him from the Society and gave him money to betake himself to Italy, for all of which his defence was that he only obeyed the orders of the General.[1]

The case was a clear one; Marcen and his colleagues were convicted, but the Inquisition had not the satisfaction of punishing them. The Society did not venture to question the jurisdiction of the Inquisition, but its influence at Rome was great and it probably had little difficulty in convincing Sixtus V that the interests of religion required the suppression of the scandal, for which he had only to exercise his right of evoking the case to himself. He did so, in 1587, and when the Suprema tried its usual dilatory tactics, the impetuous pontiff notified Cardinal Quiroga that, if the prisoners and the papers were not surrendered forthwith, he would be deprived of both the cardinalate and the inquisitor-generalship. Sixtus was not a man to be trifled with and the surrender was made.[2] The treatment of

[1] Bibl. Vaticana, MS. Ottoboniano Lat. 495, fol. 50.

[2] Archivo de Simancas, Inquisicion, Lib. 53, fol. 20; Gracia y Justicia, Leg. 621, fol. 116.

Briviesca, Trugillo and Ribera serve to explain why the frailes were so anxious to avoid the inquisitorial jurisdiction of which the familiars were so eager to avail themselves.

The ascription to the Inquisition of the crime of solicitation naturally stimulated the desire of the frailes to recover their exemption and Marcen's case rendered the Jesuits especially active. A prolonged agitation in Rome was the result, which finally took the shape of submitting to the Congregation of the Inquisition the question whether, in this crime, the jurisdiction of the Holy Office was exclusive or whether it was cumulative with that of the prelate, depending on the first possession of a case. The decision was made, December 3, 1592, in the presence of Clement VIII, declaring that the jurisdiction of the Inquisition was exclusive, that the prelates could not exercise it and that all members of the Orders were bound to denounce offenders to the tribunals. The victory of the Inquisition was complete, but the pope expressed to the Suprema, through a cardinal, his desire that the inquisitors would exercise their functions with the prudence, circumspection and moderation that would preserve the cult due to the sacrament of penitence and, at the same time, the good repute of the frailes.[1]

Still the regulars could not be brought to submit to the jurisdiction of the Inquisition and Paul V, by a brief of September 1, 1606, evoked to himself all pending cases and committed them to it, at the same time decreeing that it should have exclusive jurisdiction in all cases of suspected heresy; whenever, during a visitation, any member of an Order was found to be suspected he was at once to be denounced and any superior refusing obedience was threatened with deprivation and perpetual disability. Moreover this decree was to be read in all chapters of the Orders. Even this was deemed insufficient and was supplemented, November 7th, with another prohibiting superiors, under any pretext or custom, from receiving denunciations or taking cognizance in any way of cases pertaining to the Inquisition. Every member, whether superior or subject, was required, without consulting any one, to denounce to the Inquisition or to the Ordinary all who were suspected, however lightly, of heresy.[2]

Some details in this would seem to point to the Society of Jesus as the chief recalcitrant and this is confirmed by a brief of

[1] Bulario de la Orden de Santiago, Lib. IV, fol. 109, 111.—Páramo, p. 885.

[2] Bulario de la Orden de Santiago, Lib. IV, fol. 149; Lib. V, fol. 77.

Alexander VII, July 8, 1660, which condemns, as pernicious and rash, opinions calling in doubt the obligation to denounce and the pretexts employed of fraternal correction to prevent denunciation. Even the Company of Jesus is ordered to obey the constitution of Paul V; no superiors are to molest or oppress their subjects for performing this duty but must exhort them to it. Disobedience is threatened not only with the penalties provided by Paul V but with deprivation of office, the right of voting and being voted for, perpetual disability and other punishments at the discretion of the pope and removable only by him. The decree is to be read annually on March 1st at the public table and notarial attestation of the fact is to be sent to the nearest tribunal or to Rome and a copy is to be posted where all can read it. The Inquisition lost no time in publishing this and the decree of November 7, 1606, in an edict commanding their observance and pointing out that the alternative of denunciation to the Ordinary was invalid in Spain, where the Inquisition had exclusive jurisdiction. It further ordered that in all books where contrary opinions were taught there should be noted in the margin "This opinion is condemned as pernicious and rash by our Holy Father, Alexander VII."[1]

No further papal utterances seem to have been asked for; indeed there was nothing that the Holy See could add to these comprehensive decrees. In time, however, they seem to have been conveniently forgotten for, in 1732, Inquisitor-general Juan de Camargo reissued them in an edict saying that some persons were ignorant, or affected ignorance, of the doctrines expressed in them, wherefore he ordered them to be posted in the sacristies of all churches, with the announcement that all contraventions would be punished with the utmost rigor.[2] Of course it is impossible to say how many frailes may have escaped prosecution through the indisposition of the Orders to recognize the jurisdiction of the Inquisition, but, from the numbers who appear in the registers of the tribunals, it is charitable to assume that evasion in this way was exceptional.

The completeness of the domination assumed by the Inquisition over the religious Orders is illustrated by its intervention in a matter which would appear wholly beyond any possible defini-

[1] Bulario de la Orden de Santiago, Libro V, fol. 73, 77.
[2] Ibidem, Lib. V, fol. 78.

tion of its jurisdiction. The internecine strife between the different bodies had long been an inextinguishable scandal. The old hatred between Franciscans and Dominicans was inflamed to white heat by the quarrel over the Immaculate Conception. The immense success of the Jesuits brought upon them the virulent enmity of the older communities, which regarded them as upstarts and were repaid with interest. The new Moral Philosophy of the Probabilists was a fresh source of active discord. These mutual antagonisms found free expression in the press, the pulpit and the professorial chair, where the rivals derided and insulted each other, to the grief of the faithful and the amusement of the godless. The Inquisition appeared to be the only authority that could restrain the expression of the mutual wrath of the good fathers, though it might not be easy to define on what grounds it could claim authority on such a matter. Scruples as to this, however, rarely gave it concern and it undertook to effect what popes had repeatedly failed to accomplish.

March 9, 1634, the Suprema issued a decree which it printed and sent to all superiors with instructions to publish and make it known. This recited the evils arising from the discord and rivalry between the Orders, scandalous to the Christian people and dangerous as arising from the difference in the manners and customs of the various organizations. To bring about peace and concord the inquisitor-general proposed to assemble a council of the superiors of all the Orders and meanwhile rigorous proceedings were threatened against all who should provoke or foment these discords. Any religious who, by writing or words or in sermons or lectures, should insult another Order, or any of its members, would incur major excommunication and be recluded in a convent in another district, for a time proportioned to the gravity of the offence and moreover be incapable of holding any position in the Holy Office. Superiors were charged to expurgate all offensive expressions in books written by their subjects, before according the necessary licence to print or, if they had not authority to do this, they must refer the objectionable matter to the Suprema, and this was binding on those deputed to examine the MSS. The decree closed with a threat of rigorous punishment for all contravention of its provisions.[1]

Whether the council indicated was ever assembled or whether

[1] A copy of this edict, printed as a broadside, is in the Bodleian Library, Arch. S, 130.

any offender was ever punished under this decree does not appear, but any effect which it may have produced was transient. The old passions and hatreds remained as vehement as ever and the controversy over the claims of the Carmelites to have been founded by Elijah furnished fresh material for acrimonious debate. In spite of this failure, the Inquisition maintained its claim to intervene and Inquisitor-general Valladares, June 24, 1688, issued another edict, incorporating that of 1634 and deploring that the old quarrels had become more virulent than ever. It was doubtful, he said, whether the previous utterances had been communicated to the Orders outside of Madrid, so a copy was ordered to be sent to every convent in Spain, with orders to be posted in a conspicuous place and the threat that it would be rigidly enforced. The belligerent ebullitions of the holy men were as little checked by this as by its predecessor and Inquisitor-general Rocaberti, October 19, 1698, took a further step by an edict in which he reprinted the previous ones and sent it to the tribunals with orders to publish it in all towns and have it posted on all church doors, thus taking the public into confidence and proclaiming to it not only the disreputable conduct of the frailes but the powerlessness of the Inquisition to reduce them to order and decency.[1] In fact, the Inquisition eradicated Judaism, it virtually expelled the Moriscos, it preserved Spain from the missionary zeal of Protestantism, but it failed ignominiously when it undertook to restrain the expression of aversion and contempt mutually entertained by Dominican and Franciscan, Jesuit and Carmelite.

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 4, fol. 148.

CHAPTER III.

BISHOPS.

THERE was, in Spain, but one class over which the Inquisition had no jurisdiction. Boniface VIII, at the close of the thirteenth century, had decreed that, when a bishop was suspect of heresy, the inquisitor could not prosecute. The most that he could do was to gather evidence and send it to the Holy See, which reserved to itself judgement on the episcopal Order.[1] This was embodied in the canon law and remained in force, although of course the pope could delegate his power or could enlarge inquisitorial commissions, as when, in 1451, Nicholas V responded to the request of Juan II and included bishops among those subjected to the inquisitors whom he appointed.[2] During the middle ages the question was one of scarce more than academic interest, but in Spain, where the conversos had attained so many lofty positions in the Church and where all of Jewish blood were regarded with suspicion, it might at any moment become of practical importance.[3] The influence and power of the Inquisition would manifestly be increased if it should be granted faculties to prosecute bishops and Torquemada seems to have applied for this, in 1487, intimating that there were suspects among the bishops. Innocent VIII, however, was not disposed to subject the whole episcopate of Spain to the Holy Office and replied, September 25th, reciting the decree of Boniface and telling him to examine carefully all the evidence collected by the inquisitors and, if in it he found what incriminated prelates or showed that they were defamed or suspected of heresy, he should send it in legal shape and care-

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[1] Cap. 16 in Sexto, V, 3.—Mich. Alberti Repertor. Inquisit. s. v. *Episcopus.*

[2] See Vol. I, p. 147.

[3] Among the leading bishops of Jewish descent, at the time, Amador de los Rios enumerates (*op. cit.* III, 241) Alonso of Burgos, Juan de Malvenda of Coria, Alfonso de Valladolid of Valladolid, Alonso de Palenzuela of Ciudad-Rodrigo, Pedro de Aranda of Calahorra, Juan Arias Dávila of Segovia and Hernando de Talavera of Granada.

fully sealed to Rome, where it would be duly weighed and proper action be taken.[1]

If Torquemada failed in obtaining the desired jurisdiction over the Spanish episcopate, he could at least strike terror by accusing some of them to the Holy See, where their condemnation would be followed by that of their ancestors and large confiscations would result. Two of those of Jewish blood, Dávila of Segovia and Aranda of Calahorra, were selected for attack. In the existing popular temper it could not have been difficult to collect evidence that they were regarded as suspect and were defamed for heresy. Presumably this was sent to Rome and the matter was regarded as of sufficient moment to induce the despatch of Antoniotto Pallavicini, then Bishop of Tournay, as a special nuncio to confer with Torquemada.[2] He returned to Rome with evidence deemed sufficient to justify their summons thither. In 1490, Dávila went to Rome, in his eightieth year. Since 1461 he had been Bishop of Segovia and, in spite of Jewish descent, his family was one of the most influential in Castile, intermarried with its noblest blood.[3] He had given ample proof of pitiless orthodoxy, in 1468, when, at Sepúlveda, the rabbi, Solomon Pico and the leaders of the synagogue were accused of crucifying a Christian boy during Holy Week. Bishop Dávila promptly arrested sixteen of those most deeply implicated, of whom seven were burnt and the rest were hanged, except a boy who begged to be baptized—although this did not satisfy the pious Sepúlvedans, who slew some of the remaining Jews and drove the rest away.[4] He had given cause of offence, however, for, when the Inquisition was introduced in Segovia, he drove the inquisitors from his diocese and remonstrated boldly with the sovereigns and, when this proved fruitless, it was in evidence that he dug up at night, from the cemetery of the convent of la Merced, the bones of his ancestors and concealed them, in order to destroy the proof of their interment in the Jewish fashion.[5] In Rome he seems to have found favor with Alexander VI who, in 1494, sent him to Naples in company with his nephew, the Cardinal of Monreale. His case was protracted and he died in Rome, October

[1] Bulario de la Orden de Santiago, Lib. I, fol. 36.—Archivo de Simancas, Inquisicion, Lib. 930, fol. 18.

[2] Páramo, p. 151.

[3] Amador de los Rios, III, 129–30.

[4] Colmenares, Historia de Segovia, cap. xxxiii, § 2; cap. xxxv, §§ 7, 13.

[5] Bergenroth, Calendar of Spanish State Papers, I, xlv.

28, 1497; the result is not positively known, but it must have been favorable as otherwise his pious legacies would have been fruitless and Colmenares, the historian of Segovia, would not have dared to call him one of the most useful prelates that the see had enjoyed, nor would Galindez de Carvajal have said that his errand to Rome was merely to defend the bones of his father.[1]

Pedro de Aranda of Calahorra was a man of equal mark who, in 1482, acquired the high position of President of the Council of Castile. His father, Gonzalo Alonso, had been baptized with the famous Pablo de Santa María and had been ennobled. The Valladolid tribunal prosecuted his memory, with the result of a *discordia*, or disagreement, and the bishop went to Rome in 1493, where he gained papal favor and procured a brief transferring the case to the Bishop of Córdova and the Benedictine Prior of Valladolid. He remained in Rome, when Alexander VI, in 1494, sent him to Venice as ambassador and subsequently made him Master of the Sacred Palace. Since 1488, however, Torquemada had been collecting evidence against him. It was sent to Rome and, on the night of April 21, 1498, he was ordered to keep his room in the palace as a prison; on the 26th he was brought before the pope and had a hearing, after which he was taken to other rooms and kept under guard until September. Meanwhile Alexander seized his property and Sanuto intimates that his real crime was his abundance of ready money, while Burchard tells us that he was accused of heresy and *marrania* and that he had many enemies. Three bishops of the curia were commissioned as his judges; they heard many witnesses presented by the fiscal and a hundred and one by the accused, but all of these testified against him. The points against him were that he said the Mosaic Law had one principle, the Christian three; in praying he said *Gloria Patri*, omitting *Filio et Spiritui Sancto;* he celebrated mass after eating; he ate meat on Good Friday and other prohibited days; he declared that indulgences were useless and had been invented by the Fathers for gain; that there was neither hell nor purgatory but only paradise, and much more of the same nature. On November 16th the judges laid the evidence before the pope in secret consistory when, by the advice of the cardinals, Aranda was deposed and degraded from Orders; he was confined

[1] Coleccion de Documentos, XVIII, 290.

in the Castle of Sant' Angelo, where he was given a good room and he died there, apparently in 1500.[1]

Pope Alexander seems to have felt that it was necessary to guard his jurisdiction against the encroaching tendencies of the Spanish Inquisition, for in granting to the Bishop of Avila appellate powers, in his brief of November 4, 1594 (Vol. I, p. 179), he was careful to except the venerable brethren, the archbishops and bishops, whose cases by law were reserved to the Holy See.[2] It was well understood by this time, however and, in the case of Archbishop Talavera of Granada, it will be remembered that Lucero made no attempt to do more than gather evidence to be sent to Rome and, when papal authority was obtained, it was granted not to the Inquisition but to prelates specially commissioned.[3]

Half a century was to elapse before there was another case involving the episcopal Order. It has been sometimes thought that the Inquisition was concerned in the trial and execution of Antonio de Acuña, Bishop of Zamora, but such was not the fact, although the case illustrates the difficulty of holding a bishop accountable for his misdeeds. That turbulent prelate, somewhat absurdly styled a second Luther by Leo X, was an active leader in the Comunidades, who, after the defeat at Villalar, April 21, 1521, fled in disguise but was caught at Villamediana, on the Castilian border. Episcopal immunity rendered him a doubtful prize; Charles V was resolved on his death, but there was considerable doubt as to how he was to be punished. The Inquisition was not brought into play but, after some negotiation, Leo X was induced to issue a commission to Cardinal Adrian and the nuncio to take testimony and forward it for judgement by the

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[1] Llorente, Añales, I, 212, 242.—Boletin, XV, 578, 590.—Burchardi Diarium, II, 409, 459, 494-5; III, 13 (Ed. Thuasne).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 22.

[3] There is a somewhat mysterious case of a summons issued, in 1516, to the "Bishop of Daroca," then in Burgos, to present himself to Ximenes, within fifteen days, under pain of loss of temporalities and citizenship. It was enclosed to the corregidor of Burgos with instructions to serve it in presence of a notary and, if the bishop did not obey, he was to be sent to the court under secure guard. Daroca is a town near Saragossa, which never was the seat of an episcopate, but the summons was signed by Cardinal Adrian, then Inquisitor-general of Aragon, and by Calcena in the name of the governors and was countersigned by the members of the Suprema.—Archivo de Simancas, Inquisicion, Lib. III, fol. 448.

pope in consistory. On Adrian's accession to the papacy he transferred the commission to the Archbishop of Granada and the Bishop of Ciudad-Rodrigo, but gave no authority to employ torture. Then Clement VII, by a brief of March 27, 1524, granted faculties to proceed to extremities, under which the trial went on, but apparently died out when carried to Rome. Wearied with five years' confinement in the castle of Simancas, Acuña made a fruitless attempt to escape, in which he killed the alcaide, Mendo Noguerol. Charles then sent to Simancas his alcalde de casa y corte, Rodrigo Ronquillo, with instructions to torture Acuña and put him to death—instructions faithfully executed, March 23, 1526. This violation of the immunities of the Church caused no little scandal. Charles speedily obtained for himself, from Clement, absolution from the *ipso facto* excommunication incurred, but that which he had promised to procure for his subordinates was granted with difficulty and only after delay of more than a year, the final ceremony not taking place until September 8, 1527. At Valladolid a tradition was long current that Ronquillo came to an evil end, being carried off by demons.[1]

As the Lutheran revolt grew more threatening and the dread of its extending to Spain increased, a certain limited jurisdiction over bishops was conferred on Cardinal Manrique by a brief of Clement VII, July 15, 1531. He was empowered to inquire against them if suspected of favoring Lutheran doctrines or of aiding those who held them; he was not permitted, however, to arrest and imprison, although he could punish them according to the canons and he was granted the fullest faculties of absolving and rehabilitating those who abandoned their errors and asked for forgiveness.[2] It is not likely that any occasion arose for the exercise of these faculties, but if there was it has left no trace.

This evidently was a personal delegation, expiring with Manrique, for no reference to it was made in the next case—that of Bartolomé de Carranza, Archbishop of Toledo. This was, perhaps, the most important affair during the career of the Inquisition. It attracted the attention of all Catholic Europe and illus-

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[1] Dormer, Añales de Aragon, Lib. I, cap. xxvii; Lib. II, cap. xx.—Bulario de la Orden de Santiago, Lib. III, fol. 521.—Gachard, Correspondance de Charles-quint et d'Adrian VI, p. 171.—Ferrer del Rio, Comunidades de Castilla, pp. 300–2, 393, 397, 399.—Constantin v. Höfler, Don Antonio de Acuña, p. 79.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 98.—Archivo de Simancas, Inquisicion, Libro 930, fol. 98.

trates in so many ways, not only inquisitorial methods but the conflict between orthodoxy and reform that it merits consideration in some detail.[1]

Inquisitor-general Valdés, who was also Archbishop of Seville and whose name often comes before us, was perilously near disgrace in 1557. Philip II was in desperate straits for money; the glories of Saint-Quentin and Gravelines were not acquired cheaply and the war forced upon him by Paul IV was exhausting his Italian possessions. From Flanders he sent Count Melito to Spain with orders to raise forced loans from nobles and prelates, and the Princess Juana, then Governor, called among others on Valdés for a hundred and fifty thousand ducats. The Bishop of Córdova when approached, promptly furnished a hundred thousand and promised more if he could raise it; the Archbishop of Saragossa, who was asked for a hundred thousand, only gave twenty thousand. Valdés was even more niggardly, and supplied nothing, although it was observed about this time that six loads of money reached Valladolid for him. Charles V, from his retirement of Yuste, wrote to him, May 18th, expressing surprise that he, the creature of imperial favor, should hesitate to repay the benefits conferred, especially as he could have what security he desired for the loan. This letter, with one from Juana, was conveyed to him by Hernando de Ochoa, whose report to Charles, May 28th, of the interview, showed how little respect was felt for the man. Ochoa reproached him with having promised to see what he could do, in place of which he had gone into hiding at San Martin de la Fuente, fourteen leagues from the court at Valladolid, where he had lain for two months, hoping that the matter would blow over. "He said to me, before a consecrated host, that the devils could fly away with him if ever he had 100,000 or 80,000, or 60,000, or 30,000 ducats, for he had always spent much

[1] The documents of the trial of Carranza, covering some forty thousand pages, are preserved in twenty-two folio volumes in the library of the Real Academia de la Historia and even from these there is a volume missing. The only writers whose accounts are based on these original sources are Llorente (Hist. crít. cap. xxxii–iv) and Menéndez Pelayo (Heterodoxos españoles, II, 359–415)—the one a defender of the accused and the other of the Holy Office. I have not had the opportunity of consulting these documents, but many of the more important have been printed and there are sources, aside from the inquisitorial records, which throw light on the motives which occasioned and controlled the events. These were not accessible to Llorente and appear to have escaped the attention of Menéndez Pelayo.

in charities and had made dotations amounting to 150,000." Ochoa pressed him hard; he admitted that his archbishopric, which he had held since 1546, was worth 60,000 ducats a year and Ochoa showed that, admitting his claims for charities and expenses, he had laid aside at least 30,000 a year "which you cannot possibly have spent, for you never have any one to dine in your house and you do not accumulate silver plate, like other gentlemen; all this is notorious, and the whole court knows it. . . . This embarrassed him, but he repeated with great oaths that he had no money, that it was not well thus to oppress prelates, nor would money thus obtained be lucky for war; God would help the king and what would Christendom say about it." The honest Ochoa still urged him to return to the court and save his honor, intimating that the king might take action that would be highly unpleasant, but it was to no purpose. Valdés was obdurate and clung resolutely to his shekels.[1]

Philip had sent instructions as to the treatment of recalcitrants —probably relegating bishops to their sees and nobles to their estates—but there was hesitation felt as to banishing Valdés from the court, although the continued pressure of Charles and Juana only extorted a promise of fifty thousand ducats. Yet it was desired to remove him and plans were tried to offer him a pretext for going. In March, 1588, Juana ordered him to accompany the body of Queen Juana la loca to Granada for interment, from which place he could visit his Seville church; he made excuses but promised to go shortly. Then, when she repeated the order, he offered many reasons for evading it, including the heresies recently discovered in Seville and Murcia; the translation of the body could wait until September and everybody, he said, was trying to drive him from the court. She referred the matter to the Royal Council, which decided that his excuses were insufficient and that, even if the interment were postponed he could properly be ordered to reside in his see.[2]

It was evident to Valdés that something was necessary to strengthen his position and he skilfully utilized the discovery of a few Protestants in Valladolid, of whom some were eminent clerics, like Augustin Cazalla and Fray Domingo de Rojas, and others were persons of quality, like Luis de Rojas and Doña Ana Enríquez. We shall have occasion to note hereafter the extraor-

[1] Gachard, Retraite et Mort de Charles-quint, II, 187, 188, 191, 202.
[2] Gachard, *op. cit.*, II, 195, 199, 354.

dinary excitement caused by the revelation that Protestantism was making inroads in court circles, the extent of which was readily exaggerated, and it was stimulated and exploited by Valdés, who magnified his zeal in combating the danger and conjured, at least for the moment, the storm that was brewing. Philip wrote from Flanders, June 5, 1558, to send him to his see without delay; if he still made excuses he was to be excluded from the Council of State and this would answer until his approaching return to Spain, when he would take whatever action was necessary. Ten days later, on receiving letters from Valdés enumerating the prisoners and describing the efforts made to avert the danger, he countermanded the orders.[1] Still, this was only a respite; we chance to hear of a meeting of the Council of State, in August or September, in which Juan de Vega characterized as a great scandal the disobedience of a vassal to the royal commands, in a matter so just as residence in his see, and he suggested that, when the court moved, no quarters should be assigned to Valdés, to which Archbishop Carranza replied that it was no wonder that the orders of the king were unable to effect what the commandments of God and the Church could not accomplish.[2]

Something further was necessary to render him indispensable —something that could be prolonged indefinitely and if, at the same time, it would afford substantial relief to the treasury, he might be forgiven the niggardness that had resisted the appeals of the sovereign. He had for some time been preparing a scheme for this, which was nothing less than the prosecution of the Primate of the Spanish Church, the income of whose see was rated at from 150,000 to 200,000 ducats. To measure the full audacity of this it is necessary to appreciate the standing of Archbishop Carranza.

Bartolomé de Carranza y Miranda was born in 1503. At the age of 12 he entered the university of Alcalá; at 18 he took the final vows of the Dominican Order and was sent to study theology in the college of San Gregorio at Valladolid, where, in 1530, he was made professor of arts, in 1533 junior professor of theology and, in 1534, chief professor as well as consultor of the tribunal of Valladolid. In 1540 he was sent as representative of his Order to the General Chapter held in Rome, where he distinguished

[1] Gachard, *op. cit.*, pp. 417, 418.

[2] Menéndez Pelayo, Heterodoxos, II, 395.

himself and was honored with the doctorate, while Paul III granted him a licence to read prohibited heretic books. On his return to Spain his reputation was national; he was largely employed by the Suprema in the censorship of books, especially of foreign Bibles, while the Councils of Indies and Castile frequently submitted intricate questions for his judgement. In 1542 he was offered the see of Cuzco, esteemed the wealthiest in the colonies, when he replied that he would willingly go to the Indies on the emperor's service but not to undertake the cure of souls.[1] On the convocation of the Council of Trent, in 1545, Charles V selected him as one of the delegates and, during his three years' service there, he earned the reputation throughout Christendom of a profound theologian. When, in 1548, Prince Philip went to join his father in Flanders, they both offered him the position of confessor which he declined, as he did the see of Canaries which was tendered to him in 1550. In this latter year he was elected provincial of his Order for Castile and, in 1551, he was sent to the second convocation of the Council of Trent by Charles and also as the representative of Siliceo, Archbishop of Toledo. As usual, he played a prominent part in the Council and, after its hasty dissolution, he remained there for some time employed in the duty of examining and condemning heretical books. In 1553 he returned to his professorship at Valladolid and when, in 1554, Prince Philip sailed for England to marry Queen Mary and restore the island to the unity of the Church, he took Carranza with him as the fittest instrument for the work.[2]

Carranza subsequently boasted that, during his three years' stay in England, he had burnt, reconciled, or driven from the land thirty thousand heretics and had brought two million souls back to the Church. If we may believe his admiring biographers he was the heart and soul of the Marian persecution and Philip did nothing in religious matters without his advice. When, in September, 1555, Philip rejoined his father in Flanders, he left Carranza as Mary's religious adviser, in which capacity he

[1] In 1608 the see of Cuzco was estimated to be worth 40,000 ducats per annum. —Cabrera, Relaciones, p. 346.

[2] Salazar de Mendoza, Vida de Fray D. Bartolomé de Carranza y de Miranda, cap. I–VII.—Salazar was a penitentiary of the cathedral of Toledo and wrote this work at the request of Carranza's successor, the Inquisitor-general Quiroga. It was not printed until Valladares issued an edition in 1788. This I have not seen and my references are to a MS. copy.

remained until 1557. Regarded by the heretics as the chief cause of their sufferings he barely escaped from repeated attempts on his life by poison or violence.[1] It is true that English authorities of the period make little mention of him, but the continued confidence of Philip is ample evidence that his persecuting zeal was sufficient to satisfy that exacting monarch.

When, in 1557, Carranza rejoined Philip in Flanders he was probably engrossed in the preparation and printing of his large work on the Catechism, of which more hereafter, but he still found time to investigate and impede the clandestine trade of sending heretic books to Spain.[2] That he had completely won Philip's esteem and confidence was seen when Siliceo of Toledo died, May 1, 1557, and Philip appointed him as successor in the archbishopric. He refused the splendid prize and suggested three men as better fitted for the place. Philip persisted; he was going to a neighboring convent to confess and commune prior to the opening of the campaign and ordered Carranza to obey on his return. When he came back he sent the presentation written in his own hand; Carranza yielded, but on condition that, as the war with the pope would delay the issue of the bulls, the king in the interval could make another selection. This effort to avoid the fatal gift was fruitless. On his return from the campaign, Philip in an autograph letter summoned him to fulfil his promise and made the appointment public. So high was Carranza's reputation that, when the presentation was laid before the consistory in Rome, on December 6th, it was at once confirmed, without observing the preconization, or the customary inquiry into the fitness of the appointee, or a constitution which prohibited final action on the same day.[3]

The elevation of a simple friar to the highest place in the Spanish Church was a blow to numerous ambitions that could scarce fail to arouse hostility. Valdés himself was said to have aspirations for the position and to be bitterly disappointed. Pedro de Castro, Bishop of Cuenca, had also cherished hopes and was eager for revenge. Carranza, moreover, was not popular with the hierarchy. He was that unwelcome character, a reformer within the Church and, while everyone acknowledged the necessity of reform, no one looked with favor on a reformer who assailed

[1] Bzovii Annal. Eccles. ann. 1566, n. 89.—Salazar, *op. cit.*, cap. VIII–X.

[2] Salazar, cap. XI.—Coleccion de Documentos, V, 528.

[3] Salazar, cap. XII.

his profitable abuses. As far back as 1547, while in attendance on the Council of Trent, Carranza had preached a sermon on one of the most crying evils of the time, the non-residence of bishops and beneficiaries, and had embodied his views in a tractate as severe as a Lutheran would have written on this abuse and the kindred one of pluralities, to which possibly the stringent Tridentine provisions on the subject may be attributed.[1] Such an outburst was not calculated to win favor, seeing that the splendor of the curia was largely supported by the prelacies and benefices showered upon its members and that in Spain there was scarce an inquisitor or a fiscal who was not a non-resident beneficiary of some preferment.

Carranza had, moreover, a peculiarly dangerous enemy in a brother Dominican, Melchor Cano, perhaps the leading Spanish theologian of the time when Spanish theology was beginning to dominate the Church. Learned, able, keen-witted and not particularly scrupulous, he was in intellect vastly superior to Carranza; there had been early rivalry, when both were professors of theology, and causes of strife in the internal politics of the Order had arisen, so that Cano could scarce view without bitterness the sudden elevation of his brother fraile.[2] His position at the time was somewhat precarious. When, in 1556, Paul IV forced war on Philip II, that pious prince sought the advice of theologians as to the propriety of engaging in hostilities with the Vicegerent of God, and the *parecer*, or opinion which Cano drew up, was an able state paper that attracted wide attention. He defended uncompromisingly the royal prerogatives, he virtually justified the German revolt when the *Centum Gravamina* of the Diet of Nürnberg, in 1522, were unredressed and he described the corruption of Rome as a disease of such long standing as to be incurable.[3] This hardy defiance irritated Paul in the highest degree. April 21, 1556 he issued a brief summoning that son of perdition, Melchor Cano, to appear before him within sixty days for trial and sentence, but the brief was suppressed by the Royal

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[1] Controversia de necessaria Residentia personali Episcoporum et aliorum inferiorum Pastorum. Lugduni, 1550. The first edition was of Venice, 1547; there was a third, Antwerp, 1554, and a reprint as late as 1767, in Madrid.

[2] Caballero, Vida de Fray Melchor Cano, p. 624 (Madrid, 1871).

[3] Philip's *consulta* and Cano's *parecer* were printed by Usoz y Rio in his "Reformistas antiguos españoles" (Dos Informaziones, Append. p. 27, Madrid, 1857) and more recently by Caballero, Vida de Melchor Cano, p. 512.

Council and Cano was ordered not to leave the kingdom. The Spanish Dominicans rallied to his defence; in the chapter of 1558 he was elected provincial and deputy to the general chapter to be held in Rome, but Paul ordered the election to be annulled and Cano to be deprived of his priorate of San Esteban. Cano complained of lukewarmness in his defence on the part of both Philip and Carranza and it is easy to understand that, feeling keenly the disgrace inflicted on him, he was in a temper to attack any one more fortunate than himself.[1]

At this inauspicious moment Carranza presented himself as a fair object of attack by all who, from different motives, might desire to assail him. If we may judge from his writings, he must have been impulsive and inconsiderate in his speech, given to uttering extreme views which made an impression and then qualifying them with restrictions that were forgotten. He was earnestly desirous of restoring the Church to its ancient purity and by no means reticent in exposing its weaknesses and corruption. He had been trained at a time before the Tridentine definitions had settled points of faith which, since the twelfth century, had been the subjects of debate in the schools, and even in his maturity the Council of Trent had not yet been clothed with the awful authority subsequently accorded to it, for the inglorious exit of its first two convocations, in 1547 and 1552, gave little promise of what lay in the future. The echo of the fierce Lutheran controversies had scarce penetrated into Spain and comparatively little was there known of the debates which were shaking to its centre the venerable structure of the Church. Carranza's very labors in condemning heretic books and converting heretics had acquainted him with their doctrines and modes of expression; he was a confused thinker and his impulsive utterances were liable to be construed in a sense which he did not anticipate. As early as 1530 he had been denounced to the Inquisition by Fray Juan de Villamartin as a defender of Erasmus, especially in the matter of confession and the authorship of the Apocalypse and, during his persecuting career in England, he more than once gave opportunity, in his sermons, to unfavorable comment.[2] It was also in evidence that when in Rome, in 1539, he had written to Juan de Valdés in Naples, asking what authors should be studied for

[1] Caballero, pp. 502, 507, 508, 527–9, 530–2, 534–5.

[2] Llorente, Hist. crít. cap. xxxii, Art. 1, n. 3.—Salazar, cap. viii.—Menéndez Pelayo, II, 378.

understanding Scripture, as he would have to teach that subject, and that Valdés replied in a letter which Carranza circulated among his students in Valladolid—a letter highly heretical in its teachings which Valdés subsequently included in his "One hundred and ten Divine Considerations."[1] It is true that, in 1539, Juan de Valdés was not reckoned a heretic, but, if the letter was correctly identified with the "Consideration" in question its circulation was highly imprudent, for it asserted that the guides for the study of Scripture are prayer inspired by God and meditation based on spiritual experience, thus discarding tradition for private interpretation, and it further dwelt upon the confidence which the soul should feel in justification through Christ. In the death-struggle with Protestantism the time had passed for easy-going latitude of opinion and, in the intricate mazes of scholastic theology, it was necessary to walk warily, for acute censorship could discover heresy in any unguarded expression. The great services rendered by Cardinal Morone and Cardinal Pole did not save them from the prosecuting zeal of Paul IV and Contarini and Sadoleto were both suspect of heresy.[2] Under such conditions a rambling inconsequential thinker like Carranza was peculiarly open to attack.

He had unquestionably been more or less intimate with some of the prominent personages whose arrest for Lutheranism, in the spring of 1558, produced so immense a sensation. It was not unnatural that, on their trials, they should seek to shield themselves behind his honored name, but the detached fragments of conversation which were cited in support of vague general assertions, even if correctly reported, amount to nothing in the face of the emphatic testimony by Fray Domingo de Rojas, for the discharge of his conscience, a few hours before his execution, that he had never seen in Carranza anything that was not Catholic in regard to the Roman Church and all its councils, definitions and

[1] Schäfer, Beiträge zur Geschichte des spanischen Protestantismus, III, 785–88, 791.

The Consideration in question is not, as there stated, No. 65, but No. 54, in both the original Basle edition of "Le cento e dieci divine Considerazioni" (1550) and in the Spanish version of 1558, printed by Usoz y Rio. The mistake is probably that of a copyist, confusing LIV and LXV. The Spanish version seems to have circulated among the little group of heretics in Valladolid.

[2] Döllinger, Beiträge zur politischen, Kirchlichen u. Cultur-Geschichte, I, 574.—Pallavicini, Hist. Conc. Trident. Lib. XIV, cap. lii, n. 4–6.—Bzovii Annal. ann. 1566, n. 90.

laws and that when Lutherans were alluded to he said their opinions were crafty and deceiving; they had sprung from hell and the incautious could easily be deceived by them.[1] The credence due to the evidence of the Lutherans, on which so much stress was laid, can be gauged by a subsequent case illustrative of the tendency to render Carranza responsible for all aberrations of belief. A certain Gil Tibobil (de Bonneville) on trial in 1564 for Lutheranism, in Toledo, sought to palliate his guilt by asserting that he had heard Carranza preach, in the church of San Agustin, against candles and images and that confession was to be made to God and not to the priest. This was too crude to be accepted and he was sternly told that it cast doubt on the rest of his confession for, if Carranza had thus preached publicly, it would have come to the knowledge of the Inquisition and he would have been punished.[2]

Whether the testimony acquired in the trials of the Lutherans was important or not, Inquisitor-general Valdés lost no time in using it to discredit Carranza in the opinion of the sovereigns. As early as May 12, 1588, in a report to Charles V at Yuste, his assistance is asked in obtaining the arrest of a fugitive, whose capture would be exceedingly important; he had been traced to Castro de Urdiales, where he was to embark for Flanders to find refuge with Carranza or with his companion Fray Juan de Villagarcia, where he was sure of being well received. That the real motive was to injure Carranza with Charles appears from Valdés repeating the story to him in a report of June 2, adding that the fugitive had escaped and that information had been sent to Philip in order that he might be captured.[3] It is reasonable to assume that whatever incriminating evidence could be obtained from the prisoners was promptly brought to the notice of the sovereigns and that inferences were unscrupulously asserted as facts.

At this critical juncture, Carranza delivered himself into the hands of his enemies. In England and Flanders he had employed the intervals of persecution in composing a work which should

[1] Schäfer, Beiträge, III, 792.—See in general pp. 727–812.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 64, fol. 2.

[3] Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 228.—Gachard, Retraite et Mort, II, 422.

The personage in question was a certain Juan Sánchez, of no special importance. He was arrested in Flanders, in May, 1559, and burnt alive as an impenitent in the auto of October 8, 1559.—Schäfer, *op. cit.*, I, 254, 307, 313–14; III, 796–803.

set forth the irrefragable truths of the Catholic faith and guard the people from the insidious poison of heretical doctrine. This was a task for which, at such a time, he was peculiarly unfitted. He was not only a loose thinker but a looser writer, diffuse, rambling and discursive, setting down whatever idea chanced to occur to him and wandering off to whatever subjects the idea might suggest. Moreover he was earnest as a reformer within the Church, realizing abuses and exposing them fearlessly—in fact, he declared in the Prologue that his object was to restore the purity and soundness of the primitive Church, which was precisely what the heretics professed as their aim and precisely what the ruling hierarchy most dreaded.[1] Worst of all, he did this in the vulgar tongue, unmindful of the extreme reserve which sought to keep from the people all knowledge of the errors and arguments of the heretics and of the contrast between apostolic simplicity and the splendid sacerdotalism of a wealthy and worldly establishment.[2] This he cast into the form of Commentaries on the Catechism, occupying a folio of nine hundred pages, full of impulsive assertions which, taken by themselves, were of dangerous import, but which were qualified or limited, or contradicted in the next sentence, or the next page, or, perhaps, in the following section.

No one, I think, can dispassionately examine the Commentaries without reaching the conviction that Carranza was a sincere and zealous Catholic, however reckless may seem many of his isolated utterances. Nor was his orthodoxy merely academic. He belonged to the Church Militant and his hatred of heresy and heretics breaks out continually, in season and out of season, whether apposite or not to his immediate subject. Heretic arguments are not worthy of confutation—it is enough to say that a doctrine is condemned by the Church and therefore it is heretical. The first duty of the king is to preserve his dominions in the true

[1] Comentarios, Prologo, fol. 2b.

[2] The policy of the Spanish Church is forcibly expressed by the Council of Salamanca, in 1565. "The very name of heretics should be so hateful to the faithful that it should never pass our lips if it can possibly be avoided. Preachers should propound the doctrines of the faith and give the reasons and authorities for them, but should never allude to the sects of the heretics or to their arguments. In scholastic disputations no heretical, or dangerous, or erroneous assertions should be introduced, even for the purpose of exercise, but only those approved by the customs of each university."—Concil. Salmanticens. ann. 1655, Decr. xxxii (Aguirre, V, 453).

faith and to chastise those who sin against it. Even if heretics should perform miracles, their disorderly lives and corrupted morals would be sufficient to guard the people from listening to them or believing them. If they do not admit their errors they are to be condemned to death; this is the best theology that a Christian can learn and it was not more necessary in the time of Moses than it is at present.[1]

Even in that age, when theology was so favorite a topic, few could be expected to wade through so enormous a mass of confused thinking and disjointed writing, and it was easy for Carranza's enemies to garble isolated sentences by which he could be represented to the sovereigns as being at least suspect in the faith, and suspicion of heresy was quite sufficient to require prosecution. Carranza himself, after his book was printed, seems to have felt apprehension and to have proceeded cautiously in giving it to the public. A set of the sheets was sent to the Marchioness of Alcañizes and a dozen or more copies were allowed to reach Spain, where they were received in March, 1558. Pedro de Castro, Bishop of Cuenca, obtained one and speedily wrote to Valdés, denouncing the writer as guilty of heretical opinions. Valdés grasped the opportunity and ordered Melchor Cano to examine the work. Cano took as a colleague Fray Domingo de Cuevas and had no difficulty in discovering a hundred and one passages of heretical import. The preliminaries to a formal trial were now fairly under way, the result of which could scarce be doubtful under inquisitorial methods, if the royal and papal assent could be obtained, necessary even to the Inquisition before it could openly attack the Primate of the Spanish Church.

Despite the profound secrecy enveloping the operations of the Inquisition, it was impossible that, in an affair of such moment, there should not be indiscretions and Carranza in Flanders was advised of what was on foot. His friends urged him not to return to Spain but to take refuge in Rome under papal protection, but he knew that this would irrevocably cost him the favor of Philip, for exaggerated jealousy of papal interference with the Inquisition was traditional since the time of Ferdinand and Isabella, and he virtually surrendered his case at once by instructing his printer, Martin Nucio, not to sell copies of the Commentaries without his express orders, thus withdrawing it from circulation.[2]

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[1] Comentarios, fol. 219a, 162a.

[2] Bzovii Annal. ann. 1566, n. 89.—Coleccion de Documentos, V, 518.

But little adverse impression seems as yet to have been made on Philip. When Carranza was about to leave Flanders, the king gave him detailed instructions which manifest unbounded confidence. He was to go directly to Valladolid and represent the extreme need of money; then he was to see Queen Mary of Hungary, Charles' sister, and persuade her to come to Flanders; then he was to hasten to Yuste where Philip, through him, unbosomed himself to his father, revealing all his necessities and desires in family as well as in state affairs. In short, Carranza was still one whom he could safely entrust with his most secret thoughts.[1]

Carranza, with his customary lack of worldly wisdom, threw away all the advantages of his position. Landing at Laredo on August 1st, he passed through Burgos, where he was involved in an unseemly squabble with the archbishop over his assumed right to carry his archiepiscopal cross in public. He did not reach Valladolid until the 13th and there he tarried, busied ostensibly with a suit between his see and the Marquis of Camarasa over the valuable Adelantamiento of Cazorla, but doubtless occupied also with efforts to counteract the intrigues of Valdés. Then he performed his mission to Mary of Hungary and it was not until the middle of September that he set out on a leisurely journey to Yuste. Valdés had taken care to forestall his visit. An autograph letter of the Princess Juana to Charles, August 8th, says that Valdés had asked her to warn him to be cautious in dealing with Carranza, for he had been implicated by the Lutheran prisoners and would already have been arrested had he been anyone else. Charles was naturally impatient to see him, not only to obtain explanations as to this, but also to receive the messages expected from Philip, for which he was waiting before writing to Flanders. Carranza's delay, in spite of repeated urgency from Yuste, could not but create a sinister impression and all chance of justification was lost, for Charles was prostrated by his fatal illness before Carranza left Valladolid and the end was near when he reached Yuste about noon on September 20th. Charles expired the next morning at half-past two, Carranza administering to him the last consolations, his method in which formed one of the charges against him on his trial. He had thrown away his last chance and the unexpected death of

[1] Gachard, *op. cit.*, II, 427.

Charles deprived him of one who might possibly have stood between him and his fate.[1]

The plans of Valdés were now sufficiently advanced for him to seek the papal authorization which alone was lacking, and his method to obtain this was characteristically insidious. The Suprema addressed, September 9th, to Paul IV a relation of its labors in discovering and prosecuting the Lutheran heretics. There was skilful exaggeration of the danger impending from a movement, the extent of which could not be known, and it was pointed out that sympathy with the sectaries might be entertained by officials of the Inquisition itself, by the Ordinaries and the consultors; so that extraordinary powers were asked to arrest and judge and relax those suspected or guilty, even though they were persons holding a secular or pontifical and ecclesiastical dignity or belonging to any religious or other Order.[2] As the Inquisition already had jurisdiction over all but bishops (it had not hesitated to arrest and try the Dominican Fray Domingo de Rojas) the self-evident object of this was to obtain surreptitiously, under cover of the word "pontifical," some general expression that might be used to deprive Carranza of his right to trial by the pope. The Dean of Oviedo, a nephew of Valdés, was sent to Rome as a special agent to procure the desired brief; whether royal sanction for this application was obtained does not appear, but it probably was not, at least at this stage.

Carranza meanwhile had been vainly endeavoring to get copies of the censures on his book in order to answer them. He appealed earnestly to his friends in Philip's court and in Rome but, without awaiting their replies, he pursued his policy of submission and, on September 21st, the day of Charles's death, he wrote to Sancho López de Otálora, a member of the Suprema, that he consented to the prohibition of his work, provided this was confined to Spain and that his name was not mentioned.[3] In this and what followed he has been accused of weakness, but it is difficult to see what other course lay open to him. He doubtless still con-

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[1] Salazar, cap. xiv, xv.—Gachard, I, 319, 321, 344, 348, 355, 356, 364, 374, 381, 385, 387, 389, 406, 410; II, 43–5, 469, 475, 477, 484, 491, 492, 494.—Sandoval, Carlos V en Juste, § xvi.—Coleccion de Documentos, V, 423.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 232.—"Aunque fuesen personas constituidas en qualquier dignidad seglar ó pontifical y eclesiastica y de qualquier orden, habito y religion y estado."

[3] Llorente, Hist. crít. cap. xxxii, Art. iii, n. 12.—Menéndez Pelayo, II, 386.

sidered his episcopal consecration a guarantee for his personal safety, while his reputation for orthodoxy could best be conserved by not entering into a fruitless contest with a power irresistible in its chosen field of action—a contest, moreover, which would have cost him the royal favor that was his main reliance.

In pursuance of this policy he even descended to attempting to propitiate Melchor Cano by offering to do whatever he would recommend. Cano subsequently asserted, with customary mendacity, that Carranza would have averted his fate had he adopted any of the means which he devised and advised to save him, but it is difficult to imagine what more he could have done.[1] Towards the close of November he wrote to Valdés and the Suprema and to other influential persons professing his submission. He explained the reasons which had led him to write his book in the vernacular after commencing it in Latin; it could readily be suppressed for, on reaching Valladolid, he had withdrawn the edition from the printer; there were no copies in the bookshops and what he had brought with him he would surrender, while the dozen or so that had been sent to Spain could easily be called in as the recipients were all known. Then, on December 9th, he proposed to the Suprema that the book should be prohibited in Spanish and be returned to him for correction and translation into Latin.[2] Had the real object of Valdés been the ostensible one of preserving the faith, this would have amply sufficed; the book would have been suppressed and the public humiliation of the Archbishop of Toledo, so distinguished for his services to religion, would have been an amply deterrent warning to all indiscreet theologians. It was a not unnatural burst of indignation when, in a letter to Domingo de Soto, November 14th, he bitterly pointed out how the heretics would rejoice to know that Fray Bartolomé de Miranda was treated in Spain as he had treated them in England and Flanders and that, after he had burnt them to enforce the doctrines of his book, it was pronounced in Spain unfit to be read.[3] Carranza's submission brought no result save to encourage his enemies, who put him off with vague replies while awaiting the success of their application to the pope.

Meanwhile he had reached Toledo, October 13th, and had applied himself actively to his duties. He was rigid in the per-

[1] Caballero, p. 651.

[2] Llorente, *loc. cit.*—Coleccion de Documentos, V, 518.

[3] Caballero, p. 627.

formance of divine service, he visited prisons, hospitals and convents, he put an end to the sale of offices and charging fees for licences, he revised the fee-bill of his court, he enforced the residence of parish priests and was especially careful in the distribution of preferment—in short he was a practical as well as theoretical reformer. His charity also was boundless, for he used to say that all he needed was a Dominican habit and that whatever God gave him was for the poor. Thus during his ten months of incumbency, he distributed more than eighty thousand ducats in marrying orphans, redeeming captives, supporting widows, sending students to universities and in gifts to hospitals.[1] He was a model bishop, and the resolute fidelity with which the chapter of Toledo supported his cause to the end shows the impression made on a body which, in Spanish churches, was usually at odds with its prelate.

He had likewise not been idle in obtaining favorable opinions of his book from theologians of distinction. In view of the rumors of inquisitorial action, there was risk in praising it, yet nearly all those prominent in Spanish theology bore testimony in its favor. The general view accorded virtually with that of Pedro Guerrero, Archbishop of Granada, than whom no one in the Spanish hierarchy stood higher for learning and piety. The book, he said, was without error and, being in Castilian, was especially useful for parish priests unfamiliar with Latin, wherefore it should be extensively circulated. It was true that there were occasional expressions which, taken by themselves, might on their face seem to be erroneous, but elsewhere it was seen that they must be construed in a Catholic sense. To this effect recorded themselves Domingo and Pedro de Soto, men of the highest reputation, Garrionero Bishop of Almería, Blanco of Orense, Cuesta of Leon, Delgado of Lugo and numerous others.[2] If some of these men belied themselves subsequently and aided in giving the finishing blow to their persecuted brother, we can estimate the pressure brought to bear on them.

Valdés speedily utilized the power of the Inquisition to check these appreciations of the Commentaries. When, at the University of Alcalá, the rector, the chancellor, and twenty-two doctors united in declaring the work to be without error or suspicion of error, save that some incautious expressions, disconnected from

[1] Salazar, cap. xvii, xviii, xxxvi.

[2] Coleccion de Documentos, V, 508–17.

the context, might be mistaken by hasty readers, Valdés muzzled it and all other learned bodies and individuals by a letter saying that it had come to his notice that learned men of the university had been examining books and giving their opinions. As this produced confusion and contradiction respecting the Index which the Inquisition was preparing, all persons, colleges and universities were forbidden to censure or give an opinion concerning any book without first submitting it to the Suprema, and this under pain of excommunication and a fine of two hundred ducats on each and every one concerned.[1] It was impossible to contend with an adversary armed with such weapons. Not content with this, the rector of the university, Diego Sobaños, was prosecuted by the tribunal of Valladolid for the part he had taken in the matter; he was reprimanded, fined and absolved *ad cautelam*. Similar action was taken against the more prominent of those who had expressed themselves favorably and who, for the most part, were forced to retract.[2] The Inquisition played with loaded dice.

Dean Valdés of Oviedo meanwhile had succeeded in his mission to Rome, aided, as Raynaldus assures us, by the express request of Philip, though this is more than doubtful. The brief was dated January 7, 1559; it was addressed to Valdés and recited that, as there were in Spain some prelates suspected of Lutheranism, he was empowered for two years from the receipt of the brief, with the advice of the Suprema, to make investigation and, if sufficient proof were found against any one and there was good reason to apprehend his flight, to arrest and keep him in safe custody, but as soon as possible the pope was to be informed of it and the prisoner was to be sent to him with all the evidence and papers in the case.[3] With the exception of the provision against expected flight, this was merely in accordance with the received practice in the case of bishops, but it was the entering wedge and we shall see how its limitations were disregarded.

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[1] Coleccion de Documentos, V, 515, 521.

[2] Llorente, Hist. crít. cap. XXV, Art. i, n. 11, 31, 57, 66, 77, 78, 95, 103; Art. ii, n. 13; cap. XXIX, Art. i, n. 4, 6, 8, 11, 12.—Cf. Danvila y Collado, Expulsion de los Moriscos, p. 156.

[3] Raynald. Annal. ann. 1559, n. 19.—It is worthy of note that a copy of this brief in the archives of the Inquisition (Simancas, Lib. 930, fol. 24) extends the term of two years to three and adds to the condition of expected flight the phrase "aut alias tibí videtur expedire," thus giving Valdés full discretion to arrest. These frauds were requisite to justify his action. As Raynaldus drew from the papal registers, his version of the brief is of course correct.

The brief was received April 8th. In place of complying with it and sending Carranza to Rome with the evidence that had been collecting for nearly a year, a formal trial was secretly commenced. The fiscal presented a *clamosa* or indictment, on May 6th, asking for Carranza's arrest and the sequestration of his property, "for having preached, written and dogmatized many errors of Luther." The evidence was duly laid before *calificadores*, or censors, who reported accordingly and, on the 13th, there was drawn up a summons to appear and answer to the demand of the fiscal. Before proceeding further, in an affair of such magnitude, it was felt that the assent was required of Philip, who was still in Flanders.[1] As recently as April 4th he had replied encouragingly to an appeal from the persecuted prelate. "I have not wanted to go forward in the matter of your book, about which you wrote to me, until the person whom you were sending should arrive; he has spoken with me today. I had already done something of what is proper in this business. Not to detain the courier who goes with the good news of the conclusion of peace, I do not wish to enlarge in replying to you, but I shall do so shortly and meanwhile I earnestly ask you to make no change in what you have done hitherto and to have recourse to no one but to me, for it would be in the highest degree disadvantageous."[2] Philip evidently thought that only Carranza's book and not his person was concerned, that the affair was of no great importance and his solicitude was chiefly to prevent any appeal to Rome, a matter in which he fully shared the intense feeling of his predecessors. When Carranza ordered his envoy to Flanders, Fray Hernando de San Ambrosio, to proceed to Rome and secure an approbation of the Commentaries, he replied, April 19th, that all his friends at the court earnestly counselled against; it had been necessary to assure Philip of the falsity of the reports that he had done so, whereupon the king had expressed his satisfaction and had said that any other course would have displeased him.[3]

Advantage, for which Carranza foolishly offered the opportunity, was taken of this extreme jealousy to win him over. When the Dominican chapter met, in April, 1559, there was open strife between him and Cano, over a report that Cano had styled him a greater heretic than Luther and that he favored Cazalla and the other prisoners. Carranza demanded his punishment

[1] Menéndez Pelayo, II, 386.

[2] Coleccion de Documentos, V, 522.

[3] Ibidem, p. 504.

for the slander and sought to defeat his candidacy for the provincialate. In this he failed. Cano's assertion that he had been misunderstood was accepted; he was again elected provincial and Carranza unwisely carried his complaint to Rome.[1] There it became mixed up with the question of Cano's confirmation, for Paul IV naturally resented the repeated presentation of that "son of iniquity." Philip, on the other hand, could not abandon the protection of one whose fault, in papal eyes, was his vindication of the royal prerogative, and he interested himself actively in pressing the confirmation. Paul equivocated and lied and sought some subterfuge which was found in Cano's consecration, in 1552, as Bishop of Canaries (a post which he had resigned in 1553) which was held to render him ineligible to any position in his Order, and a general decree to that effect was issued in July.[2]

All this was skilfully used to prejudice Philip against Carranza. In letters of May 16th to him and of May 22nd and 25th to his confessor Bernardo de Fresneda, Cano with great adroitness and small respect for veracity represented himself as subjected to severe persecution. He had always been Carranza's friend; he had withheld for seven months his censure of the Commentaries and had yielded only to a threat of excommunication and now Carranza was repaying him by intriguing against the confirmation in Rome—the truth being that it was not until the end of June that Carranza's agent reached there. It was a terrible thing, Cano added, if the archbishop, through his Italian General, could thus wrong him and he could not defend himself. He was resolved to suffer in silence, but the persecution was so bitter that if the king did not speedily come to Spain he would have to seek refuge in Flanders.[3] What, in reality, were his sufferings and what the friendly work on which he was engaged, are indicated by a commission issued to him, May 29th, granting him the extraordinary powers of a substitute inquisitor-general and sending him forth on a roving expedition to gather evidence, compelling everyone whom he might summon to answer whatever questions he might ask.[4] The Suprema and Valdés, moreover, in letters of May 13th and 16th to Philip, adopted the same tone; Cano's labors throughout the affair had been great and it was hoped that the king would not permit his persecution for the services ren-

[1] Caballero, pp. 617–18. [2] Ibidem, pp. 616, 618, 619, 621, 624–7.
[3] Ibidem, pp. 620, 621, 624.
[4] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 234.

dered to God and his majesty; there need be no fear of injustice to Carranza, for the investigation was impartial and dispassionate.[1]

Philip had already been informed by Cardinal Pacheco, February 24th and again May 13th, that Carranza had sent to the pope copies of the favorable opinions of his book, asking that it be judged in Rome and that his episcopal privilege of papal jurisdiction be preserved.[2] Whatever intentions he had of befriending Carranza were not proof against the assertions that to his intrigues was attributable the papal interference with Cano's election. On June 26th he wrote to Cano, expressing his satisfaction and assuring him of his support in Rome and, on the same day, to the Suprema approving its actions as to the Commentaries and expressing his confidence that it would do what was right.[3] In thus authorizing the prosecution he ordered the archbishop's dignity to be respected and he wrote to the Princess Juana that, to avoid scandal, she should invite him to Valladolid to consult on important matters, so that the trial could proceed without attracting attention.[4]

Philip's letters were received July 10th, but there was still hesitation and it was not until August 3d that the princess wrote, summoning Carranza in haste to Valladolid, where she would have lodgings prepared for him. This she sent, with secret instructions, by the hands of Rodrigo de Castro, a member of the Suprema.[5] Carranza was at Alcalá de Henares, whither Diego Ramírez, inquisitor of Toledo, was also despatched, under pretext of publishing the Edict of Faith. Carranza, who suspected a snare, was desirous of postponing his arrival at Valladolid until Philip, on whose protection he still relied, should reach Spain. Accordingly he converted the journey into a visitation, leaving

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[1] Döllinger, Beiträge, I, 256.
[2] Ibidem, p. 254.—Caballero, p. 615.
[3] Caballero, pp. 624, 625.
[4] Menéndez Pelayo, II, 387.
[5] The details of the arrest of Carranza are contained in an official narrative by Ambrosio de Morales, chronicler of Philip II, drawn up by order of the king to be deposited in the library of the Escorial. A recension of this, so modernized as not wholly to be trustworthy, is printed in the Coleccion de Documentos, V, 465 *sqq.* I have preferred to use a MS. in Bibl. nacional, Mm, 475. It will be referred to as "Morales."

Rodrigo de Castro was the son of the Count of Lemos. He proved useful and was rewarded successively with the bishopries of Zamora and Cuenca and the archbishopric of Seville. He was made a cardinal in 1583 and died full of honors in 1600.

Alcalá on the 16th and passing through Fuente el Saz and Talamanca to Torrelaguna, which he reached on the 20th. On the road he received intimations of what was in store and at Torrelaguna Fray Pedro de Soto came with the news that emissaries had already started to arrest him, which elicited from him a despairing and beseeching letter to Fresneda, the royal confessor.[1]

De Soto's report was true. Valdés dreaded as much as Carranza desired Philip's arrival; the delay on the road risked this if the device of the invitation to Valladolid was to be carried out. For his plans it was essential that an irrevocable step should be taken in the king's absence—a step which should compromise Carranza and commit the Inquisition so fully that Philip could not revoke it without damaging the Holy Office in a way that to him was impossible. To allow Carranza to be at liberty while investigating the suspicion of his heresy, as Philip had ordered, would leave the door open to royal or papal intervention; to seize and imprison him would leave Philip no alternative but to urge forward his destruction, while his dilatory progress could be assumed to cover preparations for flight. Accordingly, on August 17th the Suprema issued a commission, under the papal brief of January 7th, to Rodrigo de Castro to act with other inquisitors in the case, while, as justice required Carranza's arrest, Valdés commissioned de Castro, Diego Ramírez and Diego González, inquisitor of Valladolid, to seize the person of the archbishop and convey him to such prison as should be designated, at the same time sequestrating all his property, real and personal and all his papers and writings. Simultaneously Joan Cebrian, alguazil mayor of the Suprema, was ordered to coöperate with the inquisitors in the arrest and sequestration.[2]

Cebrian started the same day for Torrelaguna, where he kept his bed through the day and worked at night. The inquisitors came together; a force of familiars and others was secretly collected and, by day-break on the 22nd the governor, the alcalde and the alguaziles of Torrelaguna were seized and held under guard, the house where Carranza lodged was surrounded, de Castro, Ramírez, Cebrian and a dozen men ascended the stairs and knocked at the door of the antechamber. Fray Antonio de Utrilla asked who was there and the dread response came "Open to the Holy Office!" It was the same at the door of Carranza's

[1] Morales, *loc. cit.*—Salazar, cap. XXIII.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 239.

chamber; de Castro knelt at the bed-side, where Carranza had drawn the curtains and raised himself on his elbow; he begged Carranza's pardon with tears in his eyes and said his face would show his reluctance in performing his duty. Cebrian was called in and read the order of arrest. Carranza replied "These señores do not know that they are not my judges, as I am subject directly to the pope." Then de Castro produced the papal brief from the bosom of his gown and read it. Some say that Carranza fell back on his pillow, others that he remained imperturbable. He ordered out all the rest and remained for a considerable time alone with de Castro and Ramírez.[1]

He was at once secluded in the most rigid manner, all his people being excluded, except Fray Domingo Ximenes, who was required to assist in the sequestration and inventory. At table he was served by de Castro and Ramírez, who treated him with the utmost respect and endeavored to console him, for by this time his fortitude had given way and he was overwhelmed. His attendants were all dismissed and given money to find their way whither they chose and their grief we are told moved every one to compassion. Only the cook and steward and a muleteer were retained to serve the party. At nine in the evening proclamation was made throughout the town that until daylight no one was to leave his house or look out of a window. At midnight Cebrian assembled forty horsemen; de Castro and Ramírez brought Carranza down and stationed themselves on either side of his mule as the cavalcade rode forth in the darkness and then Salinas, the owner of the house, was allowed to come out to close his door. The heat was overpowering and when, by ten in the morning they reached Lozoya, they rested for a day and a night. On the 27th they arrived at Laguna del Duero, near Valladolid, where de Castro and Ramírez left the party and rode forward for instructions, returning the same day and, at two in the morning of the 28th, Carranza was brought to the city and lodged in the house of Pedro González de Leon, in the suburb of San Pedro beyond the walls, which had been taken by the Inquisition.[2]

Carranza thus disappeared from human sight as completely as though swallowed by the earth. It is a forcible illustration of

[1] Morales says that Carranza heard his name in the brief. If so, it must have been interpolated, for the warrant was issued under that of January 7th, which was general in its terms.

[2] Morales, *op. cit.*—Salazar, cap. xxi.

inquisitorial methods, but conspicuous only by reason of the dignity of the victim, for it rested with the discretion of the officials whether thus to spirit away and conceal their prisoners or to cast them publicly into the secret prison. Morales tells us that it was years before the place of Carranza's incarceration was known, although every one said that he had been seized by the Holy Office. Even to say this, however, was not unattended with danger, for, in the trial, in September, by the tribunal of Toledo, of Rodrigo Alvárez, one of the charges against him was that, about September 5th, he had remarked to a casual fellow-traveller, that he came from Valladolid and was quite certain that the archbishop was imprisoned.[1]

There could be no doubt about it in Toledo, where the news of the arrest was received on the 24th. On the 26th the chapter assembled in sorrow to take what measures they could, in aid of their beloved prelate, but they were powerless save to delegate two of their number to reside in Valladolid and render such assistance as was possible. It amounted to little save a testimony of sympathy, for no communication was allowed, but they advised with his counsel and performed what service they were able. This faithful watch was kept up during the long and weary years of the trial and when it was adjourned to Rome they went thither and remained to the end. The chapter also, almost monthly, sent memorials to Philip praying for a speedy and favorable end of the case. The great Dominican Order also felt keenly the disgrace inflicted on its distinguished member and exerted itself in his favor as far as it could. The Spanish episcopate also was greatly perturbed, not knowing where the next blow might fall and the scandal throughout the land was general.[2]

Philip had disembarked at Laredo on August 29th. Valdés evidently felt that some excuse was necessary for action so much more decisive than that prescribed by the king and, in a letter of September 9th, explained to him that Carranza was delaying his movements in order to meet him on his arrival at Laredo; that he was working in Rome to impede the matter; that the infamy of his position was daily spreading and that the auto de fe prepared for the Lutherans could not take place while he was at liberty. Seeing that the effort to entice him to Valladolid had failed, it was resolved to bring him there, which was done quietly

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 108, n. 3.

[2] Salazar, cap. XXV, XXVII.—Morales, *loc. cit.*

and without disturbance. He had been well treated and would continue to be so and the king might rely on the affair being conducted with all rectitude. An intimation, moreover, that all his property had been sequestrated indicates that the financial aspect of the matter was deemed worthy of being called to the royal attention and the whole tone of the letter shows that Carranza's imprisonment was predetermined. The allusion to his design of meeting the king at Laredo disposes of the plea that he was suspected of flight and the fact that the auto de fe of the Lutherans did not take place until October 8th is a test of the flimsiness of the reasons alleged.[1]

Carranza's treatment was vastly better than that of ordinary prisoners confined in the cells of the secret prison. He was asked to select his attendants, when he named six, but was allowed only two—his companion, Fray Alonso de Utrilla and his page, Jorje Gómez Muñoz de Carrascosa.[2] Two rooms were allotted to the party—rooms without provision for the needs of human nature, with windows padlocked and shutters closed, so that at times the stench became unendurable. The foul atmosphere brought on a dangerous illness in which Carranza nearly perished; the physicians ordered the apartment to be ventilated, morning and evening, but all that the Suprema would permit was a small grating in the door, though at times it was left ajar with a guard posted at it.[3] Communication with the outside world was so completely cut off that when, in 1561, a great conflagration ravaged Valladolid, raging for thirty hours, destroying four hundred houses and penetrating to the quarter where the prison stood, the prisoners knew nothing of it until after reaching Rome.[4] The inquisitorial rule that all consultation with counsel must be held in the presence of an inquisitor was rigidly observed and also that which denied to prisoners the consolation of the sacraments.

Diego González, one of the inquisitors of Valladolid, was assigned to the special charge of Carranza who, in a long and rambling memorial to the Suprema represents him as treating him without respect, insulting him, suppressing his communications with the Suprema, fabricating answers, throwing every impediment in the way of his defence and aggravating, with malicious ingenuity, the miseries of his position. Some details

[1] Salazar, cap. xxiv.

[2] Llorente, cap. xxxiii, Art. iii, n. 2.

[3] Coleccion de Documentos, V, 415.

[4] Salazar, cap. xxvi.

as to the parsimony with which he was treated are almost incredible when we reflect that the Inquisition and Philip were enjoying the enormous sequestrated revenues of their prisoner.[1]

Although the papal brief only authorized the collection of evidence and its transmission to Rome with the person of the accused, the trial was conducted as though the Inquisition had full jurisdiction. It was commenced September 4th; as Carranza could not be taken to the Inquisition, Valdés and the Suprema came to his place of confinement, administered the customary oath and, according to routine procedure, gave him the first monition to discharge his conscience and confess freely. He replied by recusing Valdés as his judge on the score of enmity, to whom he subsequently added two members of the Suprema, Andrés Pérez, Bishop of Ciudad-Rodrigo and Diego de Cobos, Bishop of Jaen.[2] This recusation excited no little debate. There were some who pronounced it frivolous, others that it should be referred to the pope and others again that it should be decided by arbitrators. The latter opinion prevailed; Carranza and the fiscal named their arbitrators who rendered a decision in Carranza's favor on February 23, 1560. A new judge thus became necessary; Carranza's friends and the Dominicans were busy in Rome to have the case transferred thither, but at that time Philip's will was substantially law to Pius IV and, on May 4th a brief was obtained authorizing the king to appoint one or more bishops, or other just and experienced ecclesiastics, to hear the case and bring it to a proper conclusion. This conferred full jurisdiction and placed Carranza in a worse position than before. Strenuous representations must have been made to Pius for, on July 3rd he issued another brief defining his intention to be that the judges should conduct the case up to the point of sentence and then send the papers under seal to Rome, where he, in secret consistory, would decide it as a matter specially reserved to the Holy See.[3] This revendicated the papal jurisdiction, but at the same time it confirmed the usurpation of Valdés in formally trying Carranza in lieu of merely collecting testimony for a trial in Rome.

Philip leisurely postponed for a year the nomination of new

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[1] Coleccion de Documentos, V, 533–53.

[2] Salazar, cap. XXI.—Menéndez Pelayo, II, 395.

[3] Raynald. Annal. ann. 1560, n. 22, 23.—Döllinger, Beiträge, I, 329, 335–6.

judges. It may seem harsh to attribute this to the repulsive motive of prolonging the trial in order to enjoy the benefit of the sequestrated revenues of Toledo, but his financial needs were extreme and the temptation was great. In violation of the rule of the Inquisition that sequestrations were held for the benefit of the owner, to be accounted for unless confiscation was imposed, Philip had appointed Tello Giron administrator of the archbishopric, had procured his confirmation from Pius IV, in spite of the earnest remonstrances of the chapter, and was quietly absorbing the revenues, except such portion as the Suprema claimed for the expenses of Carranza and of the trial.[1] We happen to have evidence of this in the promise of a pension of twelve thousand cruzados on the see of Toledo, by which he won over Cardinal Caraffa to the Spanish interest, during the long conclave which resulted in the election of Pius IV[2], and the acquiescence of that pope in his enjoyment of the revenues was probably purchased by the promise of a similar pension of twelve thousand crowns to his favorite nephew, St. Charles Borromeo—a promise which he neglected to fulfil although, in 1564, it was reckoned that he had already received from the see some eight hundred thousand crowns. When he quarrelled with Pius for deciding the question of precedence in favor of France, the pope threatened to make him disgorge, but without success.[3] It is therefore easy to understand why the case promised to be interminable. The two years of the original brief expired in April, 1561; Pius extended it for two years more; then, by a brief of April 4, 1563, he renewed it for another year, at the same time prescribing that Carranza should be more mercifully treated; then, August 12, 1564, it was extended until January 1, 1565, and for another year still before the matter passed into the sterner hands of St. Pius V.[4] These delays it was the fashion to impute to Carranza. Bishop Simancas, who hated him for the proverbial reason *odisse quem læseris*, asserts that he was constantly employing devices to prevent progress, but this is absurd.[5] It was Carranza's interest

[1] Bulario de la Orden de Santiago, Lib. III, fol. 72.—Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 236, 237, 239, 240, 242, 246.—Salazar, cap. xxvii.

[2] Corpo Diplomatico Portugues, VIII, 248, 252.

[3] Relazioni Venete, Serie I, T. V, pp. 94–5.

[4] Bibl. nacional, MSS., X, 157, fol. 244.—Archivio Vaticano, Nunziatura di Spagna, Tom. I, carte 6, 8.

[5] Adolfo de Castro, Protestantes españoles, p. 221.

to be released from his dreary incarceration and to be sent to Rome, where he felt confident of favor; the cumbrous *estilo* of the Inquisition enabled it to retard action at will, while the accused could do little either to hasten or to impede.

When Philip at last acted on the power to name Carranza's judges he appointed, March 13, 1561, Gaspar Zuñiga, Archbishop of Santiago who, on May 2nd, subdelegated the work to Bishops Valtodano and Simancas, both members of the Suprema and hostile to the prisoner. Carranza, as the result of his recusation, thus found himself practically remanded to Valdés, who was moreover shielded from direct responsibility. Carranza naturally recused his new judges, on the ground that they had voted for his arrest, but Philip airily dismissed the recusation, saying that if this were just cause no judge could try a culprit whose apprehension he had ordered.[1] In the following June Carranza was allowed to select counsel—a special favor for, as a rule, the accused was restricted to one or two lawyers who held appointments under the tribunal. He chose Martin de Azpilcueta and Alonso Delgado and also Doctors Santander and Morales, though of these latter we hear nothing subsequently. Azpilcueta, known also as Doctor Navarro, was one of the leading canonists of the time and a man of the highest reputation. He served faithfully to the end and probably thereby ruined his career in Spain, for he remained in Rome as a papal penitentiary.

After nearly two years of imprisonment the formal trial began July 30th and proceeded in most leisurely fashion. The rules of the Inquisition required three monitions to be given within ten days after arrest, but Valtodano and Simancas administered the first monition to discharge his conscience by confession on July 30th, the second on August 25th and the third on August 29th. He replied that for two years he had been desirous of learning the cause of his arrest and begging to be informed, which showed how ignorant he was of inquisitorial practice, for this was sedulously concealed from the accused, who was sternly ordered to search his conscience and earn mercy by confession. Then, on September 1st, the fiscal presented the accusation, in thirty-one articles, to each of which the accused was required to make answer on the spot. After this a copy was given to him on which to frame a more formal defence and for this he asked to have access to his

[1] Bibl. nacional, *loc. cit.*—Salazar, cap. xxv.

papers—a fruitless request, for it was not the style of the Inquisition to allow the accused to have means of justifying himself.[1]

The articles of accusation were drawn not only from the Commentaries but from the confessions of the Lutheran heretics, the gossip and hearsay evidence industriously collected, and from the mass of papers seized when he was arrested. Many of these were not his own, but essays of others. There were extracts from heretic books which he had made at Trent for the purpose of refuting them; there were essays written when as a youth he had entered the Dominican Order, forty years before; there were notes of sermons taken down for practice when he was a student, and sermons preached in the refectory as required by the Rule of his Order; scattered thoughts jotted down for consideration and development; memoranda made when examining heretic Bibles and their comments for the Inquisition—in short all the vast accumulation of a man who for forty years had been busily studying and teaching and preaching and writing and wrangling on theology.[2] All the intellectual sins of youth and manhood had been scrutinized by malevolent eyes and he was called upon to answer for them without being allowed to know from what sources the charges were brought. There was in this no special injustice inflicted on him—it was merely the regular inquisitorial routine.

Thus a year passed away and, on June 5, 1562, the fiscal presented a second accusation, for there was no limit to these successive charges, each of which could be made to consume time. These new articles were mostly based on rumors and vague expressions of opinion, for all who were inimical, secure in the suppression of their names, were free to depose as to what they thought or imagined and it was all received as evidence. These he answered as best he could and he succeeded in identifying the names of some of the adverse witnesses. Then he presented a defence, doubtless drawn up as customary by his counsel, for it was clear and cogent, bearing little trace of his discursive and inconclusive style. In support of this he handed in a long list of witnesses to be examined, including Philip II and the Princess Juana, but the fiscal, passing over the royalties, objected to the rest on the ground that they were friends of Carranza—hostile testimony was admitted from any source, but that which was suspected of favorable partiality was rejected. As a

[1] Coleccion de Documentos, V, 553–82.

[2] Ibidem, pp. 438, 443.—Menéndez y Pelayo, II, 402–3.

principle, this was recognized in inquisitorial practice, but it was not habitually applied with so much rigor.[1]

On August 31, 1562, Carranza addressed an earnest appeal to Philip, reminding him of his command, in April, 1559, to trust in him alone. Three years had passed in prison, his case had scarce more than begun and promised to be interminable. His judge, the Archbishop of Santiago, had not delegated full powers to Valtodano and Simancas; questions arose which they could not or would not decide and, when these were submitted to the archbishop, months elapsed before an answer was received. On January 19th his counsel had issued a requisition on the archbishop to come and hear the case personally or to grant full powers to his delegates, but up to the present time no reply had come. Never in the world, he said, was justice administered in this fashion, and he despairingly entreated Philip to expedite the case or to permit him to appeal to the pope.[2] Whether or not this cry from the depths reached Philip, it produced no effect.

By this time the affair had become a European scandal. The bishops assembled at the third convocation of the Council of Trent felt it acutely, both as an opprobrium to the Church and an attack on the immunities of their order. Philip was aware of this and, in letters of October 30th and December 15, 1562, to his representative at Trent, the Count of Luna, and to Vargas, his ambassador at Rome, he gave instructions to prevent its discussion and to ask the pope to order his legates to see that the Council kept its hands off from the Spanish Inquisition.[3] It was with difficulty that the council could be restrained. In the early months of 1563 the legates repeatedly reported that it ardently desired him to evoke the case and order the papers sent to Rome. In reply Pius earnestly disclaimed indifference; he had urged the matter until Philip's temper showed that further pressure would disrupt the concord so necessary to the universal good. This did not satisfy the bishops, who persisted till Pius assured them that he had seen the earlier papers in the case and could affirm that Carranza's imprisonment was not unjust; he promised that he would not permit delay beyond April, 1564, and that he would render a just judgement.[4] If the bishops could not help their captive brother, they could at least provide for their own safety and this

[1] Coleccion de Documentos, V, 424–38. [2] Ibidem, p. 523.
[3] Llorente, cap. XXXIV, Art. iv, n. 1.—Döllinger, Beiträge, I, 472.
[4] Pallavicini, Hist. Conc. Trident. Lib. XXI, cap. vii, n. 7.

they did by a decree which greatly strengthened a declaration adopted in 1551 concerning the exclusive papal jurisdiction over bishops.[1]

There was another way in which the council sought to aid Carranza. It had a standing congregation employed in compiling an Index of prohibited books. The Commentaries came legitimately before it and, after examination, it was pronounced, June 2, 1563, to be good and Catholic and most worthy to be read by all pious men. The secretary of the congregation, Fra Francesco Forerio, issued a certificate of this, conferring licence to print it, and Pius followed, June 23rd, with a papal licence to the same effect. The Count of Luna was greatly exercised at this and was aided by the celebrated scholar, Antonio Agustin, then Bishop of Lérida. Matters went so far that the Legate Morosini dreaded the disruption of the council and peace was only restored by withdrawing the certificate of approbation. A copy had been given to Carranza's friends which they were forced to surrender.[2] Philip's indignation at this, as expressed in a letter to Luna, of August 2nd, was too late to be of service and is important only from its statement that he considered the affair of Carranza to be the most momentous that he had in connection with the council.[3]

Meanwhile the case was dragging on, one series of charges being presented after another, until the aggregate was over four hundred, each of which furnished opportunity for discussion and procrastination.[4] Besides the financial motive for this delay, Philip was now engaged in a struggle with Rome to protect the Inquisition from the consequences of its own evil work. There was nothing in his eyes more important than to preserve and augment its privileges, and his jealousy of any attempt at interference by the Holy See was an overmastering passion. His secret object was to arrogate to it complete jurisdiction over bishops and prevent the final submission of the case to papal decision.

Pius IV, to do him justice, felt keenly the humiliating position

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[1] C. Trident. Sess. XIII, De Reform. cap. viii; Sess. XXIV, De Reform. cap. v.

[2] Lettere di Calini (Baluz. et Mansi, IV, 314).—Salazar, cap. XXII.—Simancas (Adolfo de Castro, *op. cit.*, pp. 214–15).—Raynald. Annal. ann. 1563, n. 137.—Bzovii Annal. ann. 1566, n. 91.—Coleccion de Documentos, V, 501.

[3] Llorente, cap. XXXIII, Art. iv, n. 9.

[4] Coleccion de Documentos, V, 495.—Archivo de Simancas, Inquisicion, Lib. 976, fol. 49.

in which he was placed by the overbearing determination of Philip, but each attempt at self-assertion only rendered more evident the contempt in which he was held. More than once he wrote to the Archbishop of Santiago rebuking him for the long delay which kept Carranza in prison while the case made no advance. He named January 1, 1564, as the limit of the archbishop's commission, after which the process, whether completed or not, was to be forwarded to Rome. The limit passed without obedience to his commands and he wrote again, expressing high displeasure at the contumacy which doomed such a man to grow old in the squalor of a prison without law or justice. Again he ordered the case, whether completed or not, to be sent to Rome; if there were delay, all concerned were *ipso facto* anathematized, deprived of all dignities and functions and rendered infamous and incapable of restoration; all letters granting jurisdiction were revoked and the case was evoked to Rome for decision. Carranza himself was to be delivered forthwith to the nuncio, who was empowered either to keep him in honorable custody or to liberate him on bail. These were brave words, but there was no heart to back them up with action and, when they were disregarded, he extended, on August 12th the Archbishop's commission until January, 1565, after which, as previously ordered, the case was to be transmitted to Rome, and there was a significant absence of the minatory tone so prominent in the previous briefs.[1]

Encouraged by this evidence of weakness, on November 24, 1564, Philip sent Rodrigo de Castro to Rome on a mission to have Carranza abandoned to the Inquisition, significantly instructing him not to disdain whatever means he might find necessary to win over everybody of influence. Even the unlimited bribery thus planned failed of success, although the secondary object of procrastination was effected. Castro commenced by demanding, in a private audience, that the case be abandoned to the Inquisition, but refused to put the demand in writing. Then he lowered his tone and the pope agreed to send a special legate to Spain to review the case and pronounce sentence, but Castro insisted that the Suprema and such prelates as the king might select should be adjoined to the legate. This the pope refused, but there was some misunderstanding about it, and when Castro

[1] Archivio Vaticano, Nunziatura di Spagna, T. I, carte 4, 5.

saw the commission drafted for the legate he was furious. He sought an audience and accused the pope of breaking his word; Pius lost his temper and said that in this whole business he had been treated like an ass; the affair was his and he would do as he pleased. Thus rebuffed, Castro poured forth his griefs to Cardinal Borromeo and declared that, if the legate went to Spain with such a commission, he would not get a real. This assertion may seem enigmatical to modern ears, but it is explained by the remark of the shrewd French ambassador, when reporting to Charles IX the arrival of the legate, that the case of Carranza and the use of his legatine faculties would bring him much money.[1]

The Holy See has rarely sent abroad a body so distinguished as this legation, predestined to failure. The special legate *a latere* was Cardinal Buoncompagni, afterwards Gregory XIII, accompanied by Archbishop Rossano, subsequently Urban VII, Fra Felice Perretti, afterwards Sixtus V and Giovanni Aldobrandini, subsequently cardinal and brother of Clement VIII. The legate had been given discretional power as to admitting Spanish associates, but he found on arrival at Madrid, in November, 1565, that the demand made on him was the impossible one which Pius had refused to Castro—the whole Suprema and prelates, amounting in all to fifteen Spaniards. He offered to admit two as against two of his associates, but he would do no more. As he wrote to Pius, the terror inspired by the Inquisition was beyond belief; to admit a majority of Spaniards would be to invite injustice, for the acquittal of Carranza would be the conviction of the Inquisition and any one who had the courage to bring this about would be exposed to lifelong persecution.[2] Of course Philip was firm, as his object was to baffle the legate, but discussion was cut short when the news came of the death of Pius IV, December 9th. Buoncompagni departed in haste to participate in the conclave; he was met at Avignon with the intelligence of the election of Pius V, January 7, 1566, in spite of which he continued his journey to Rome.[3]

Pius IV had carried to an extreme his subservience to Philip. Pedro de Avila, one of Philip's agents, wrote, August 23, 1565,

[1] Archivio Vaticano, Nunziatura di Spagna, T. I, carte 12, 13, 14, 15.—Dépêches de M. de Fourquevaux, I, 11 (Paris, 1896).

[2] Archivio Vaticano, Nunziatura di Spagna, T. I.

[3] Bibl. nacional, MSS., X, 157, fol. 244.—Salazar, cap. xxviii.—Menéndez Pelayo, II, 404.—Dépêches de Fourquevaux, I, 19, 37, 46.

that Cardinal Borromeo assured him that the pope had done and was doing more than he had power to do in order to gratify the king; he had gone against the canons, the councils and the cardinals and, when recently he thought himself to be dying, nothing weighed on his conscience more heavily than this.[1] His successor was a man of different stamp. To few popes does Catholicism owe more than to St. Pius V, for, while pitiless in his persecution of heresy, his recognition of the need of reform and his unbending resolution to effect it, regained for the Church much of the respect which it had forfeited. The Spanish agents speedily found that in the matter of Carranza he was incorruptible and intractable. As the ambassador Zuñiga plaintively reported to Philip, February 23, 1566, "He is certainly well-intentioned but, having no experience in affairs of state and no private interests, which are the two things that ordinarily make popes yielding, he fixes his eyes on what he deems just and is immovable."[2] As cardinal-inquisitor and Dominican he had been favorably inclined to Carranza, whose friends received with hope the news of his accession. They conveyed this by means of an arrow aimed at one of his window-shutters and he responded by casting out a paper, picked up by a person stationed for the purpose, in which he addressed the new pope in the words of Peter, "Lord, if it be thou, bid me come unto thee on the water" (Matt. xiv, 28).[3]

Pius did not need urging. One of his first acts was to despatch a messenger to Buoncompagni ordering him to remain and bring the affair to a conclusion, but the legate's Spanish experience did not incline him to return from Avignon. Doubtless his report brought conviction that justice was not to be expected in Spain, for Pius speedily made a demand for the person of Carranza and the papers so that he might decide the case. Accustomed to browbeat popes, Philip replied that the demand was offensive and contrary to the royal prerogative, as an attempt to change a matter unalterably fixed by the Holy See, and that it would not be entertained; the pope could commit the case to such persons as he pleased, provided they were Spaniards, otherwise, if Carranza should linger in prison until he died, the responsibility would not be with those who had offered every possible alterna-

[1] Döllinger, Beiträge, I, 628.
[2] Coleccion de Documentos, LXVIII, 456.
[3] Morales (Coleccion de Documentos, V, 478).—Salazar, cap. XXIX.

tive. This audacious answer only strengthened the determination of Pius, who summoned Zuñiga and told him to tell his master that he exposed himself to all the indignation of the Holy See, for the pope was resolved to carry the matter to a conclusion. Zuñiga was silenced and could only report to Philip the terrible earnestness of Pius, from which there was no hope of diverting him.[1]

That he was in deadly earnest is apparent in his brief of July 30th, which he caused to be privately printed and sent copies to the nuncio Rossano, with an autograph letter of August 3rd, commanding its rigid execution. After dwelling on the injustice and scandal of the treatment of Carranza, he deprived Valdés, the Suprema and all concerned of jurisdiction in the case. Under pain of excommunication and suspension of functions, Carranza was to be set at liberty and, after appointing a vicar for his see of Toledo, was at once to present himself to the pope for judgement. Under pain of the indignation of God and of the apostles Peter and Paul and of excommunication, all the papers in the case were to be delivered in Rome within three months, and any one impeding the execution of these commands incurred excommunication and suspension from office.[2]

By this time Pius was known as a man who was not to be trifled with, but Valdés and the Suprema were ready to risk a rupture with the Vicegerent of Christ rather than to remit their victim to his judgement. When Philip consulted them they urged him not to permit even a copy of the process to be sent to Rome, much less Carranza's person, lest he should impair his prerogatives. They asserted that the papal brief had given ample power both to prosecute and to sentence and that, having been granted, it could not be withdrawn; that, under the papal concessions to Ferdinand and Isabella, the Spanish Inquisition was wholly independent of Rome and that, if the episcopal character were successfully urged in this case, some other excuse would be found in other cases.[3]

Valdés might be willing to risk a schism, but Philip drew back; it was not to be thought of that the Catholic king should incur excommunication, and he recognized what strength the heretic

[1] Morales, *ubi sup.*

[2] Laderchii Annales, ann. 1566, n. 484.—Archivio Vaticano, Nunziatura di Spagna, T. I, carte 1.

[3] Morales (Coleccion de Documentos, V, 480).

cause throughout Europe would derive from such a quarrel in such a cause. Still he dallied, until Pius forced Valdés to resign and threatened to lay all Spain under interdict.[1] He had encountered a will stronger than his own and Antonio Tiepolo, the Venetian envoy, is doubtless correct in saying that no other pope but Pius could have carried his point.[2] The pressure became irresistible and he yielded. Carranza, under charge of the hated inquisitor Diego González and guarded by a body of troops, left Valladolid December 5th, reaching Cartagena on the 31st, where he was confined in the castle until April 27, 1567, awaiting the arrival of the voluminous papers of the case, when he was placed on the admiral's ship which was conveying the Duke of Alva on his fateful way to Flanders. Civita Vecchia was reached May 25th and Rome May 28th, where he was confined in the Castle of Sant' Angelo—a second imprisonment that was to last for nine years. It was much less harsh than the previous one; besides his two faithful attendants he was allowed two others; he was assigned apartments in the quarters reserved for archbishops, he was sometimes permitted to leave his room under guard and enjoy the landscape, and at the first jubilee he was admitted to confession, although communion was still denied.[3]

The case promised to be as interminable in Rome as it had been in Spain. The anxiety of Pius for a thorough investigation caused endless delays, which were skilfully improved by the agents of the Inquisition. The enormous mass of papers reached Rome in the utmost confusion and some portions were lacking which had to be sent for. Then they had to be translated, as well as the voluminous Commentaries, which consumed a year. Philip was frequently sending new opinions and statements and Pius ordered all of Carranza's writings, and even notes of his lectures taken by students, to be searched for and brought to Rome. He formed a special congregation of seventeen consultors, including four of the Spaniards who had been concerned in the case, with Ramírez as the fiscal. When all was ready the congregation met weekly under the presidency of the pope; the Spaniards insisted on his presence and, as his other duties frequently prevented this, the affair dragged on from year to year. Philip followed it with intense anxiety, as shown in his correspondence

[1] Menéndez Pelayo, II, 405.

[2] Relazioni Venete, Serie I, T. V, p. 144.

[3] Salazar, cap. XXVIIbis, XXIX.

with Zuñiga. Thus a long letter of instructions, June 6, 1570, tells the ambassador to assure the pope that everything had been done in Spain with the most minute deliberation; there is an almost childish insistence on the opinions of some obscure theologians as to Carranza's guilt, and it is pointed out that, if he is acquitted, he will teach and preach with greater authority than before and the whole prosecution will have been a blunder. All this, he says, should have weight with the pope, who is moreover to be threatened with what the king may find it necessary to do if the sentence is warped by personal considerations. Foolish communications of this kind were reiterated until, August 12, 1571, Pius, in an autograph letter, alluded to the repetition of these insinuations, which he declared to be groundless and, in dignified terms, warned Philip not to let his pious zeal get the better of his discretion.[1]

The Spanish tactics of delay were successful. Pius V died, May 1, 1572, without having published a sentence. Whether one was framed or not is a disputed question. Salazar tells us that it was drawn up, but that Pius, before publication, desired to submit it to Philip and sent it by his chief chamberlain, Alessandro Casale, who was detained by bad weather and other accidents until after the death of the pope. Llorente gives the details of the sentence as absolving Carranza of the charges but maintaining the prohibition of the Commentaries in the vernacular, with permission to translate it into Latin after removing the doubtful expressions. Simancas, who was one of the inquisitors employed on the case in Rome, says positively that Pius died without framing a sentence; that when Carranza's friends claimed that he had done so, and urged his successor, Gregory XIII, to publish it, the latter offered twenty thousand crowns to any one who would produce it and thus save him the task of reviewing the case.[2] However this may be, Pius was convinced of Carranza's innocence. He allowed the Commentaries to be publicly sold in Rome; when the fiscal Salgado petitioned for its suppression, he made no answer and, when Salgado insisted upon it in the congregation, he replied angrily that he did not consider it subject

[1] Coleccion de Documentos, LXVIII, 460–2.

[2] Salazar, cap. xxxi.—Llorente, cap. xxxiv, Art. 11, n. 1.—Adolfo de Castro, *op. cit.* p. 229.

Catena, in his semi-official life of Pius simply says "la [causa] condusse quasi à sentenza."—Vita del Papa Pio Quinto, p. 109 (Roma, 1587).

to suppression and that they had better not by persistence force him formally to approve it by a *motu proprio*.[1]

Gregory XIII was not liable to the reproach bestowed by Zuñiga on Pius V of indifference to personal and worldly considerations. He was quite accessible to them and realized fully the importance to the Holy See of keeping on good terms with the Spanish master of Italy. His experience as the Legate Buoncompagni had sufficiently acquainted him with Philip's temper and, when Carranza's friends naturally expected him to take the matter up where the death of Pius had left it, he insisted on going over it personally from the beginning. As he could give but fragmentary attention to it he was thus able to postpone committing himself for some years. This gave Philip opportunity to gather fresh testimony. By means not the most gentle, the survivors of Carranza's friends, who had approved of the Commentaries, were induced to retract. The three bishops, Guerrero, Blanco and Delgado condemned propositions by the hundred, drawn from works submitted to them as Carranza's and they exculpated themselves from their approval of the Commentaries by saying that they had not then seen his MS. writings and, in view of his reputation, they had sought to give a Catholic sense wherever possible. Other opinions were industriously collected; Gregory made a decent show of resistance to admitting fresh testimony at this late day, but yielded to Philip's threats of what he might find necessary to do in case his desires were thwarted, and thus excuses, if not reasons, were afforded for reaching a different conclusion from that of Pius V.[2]

As the time approached at which it was understood that the long protracted case would be terminated, Philip's anxiety increased. An autograph letter of February 16, 1575, to Pope Gregory, strongly urged Carranza's speedy condemnation, in view of the dangers which he had represented to Pius, and asked the fulfilment of a promise to communicate to him the sentence before publication. Whether such promise was made or not, Gregory refused to submit it to him, but intimation of what it was to be reached him and, on April 20th, he wrote vigorously

[1] Simancas (Adolfo de Castro, p. 227).

[2] Salazar, cap. XXXI.—Coleccion de Documentos, LXVIII, 465–71.—Archivo de Alcalá, Hacienda, Leg. 1049.—Bulario de la Orden de Santiago, Lib. III, fol. 158.—Llorente, cap. XXV, n. 11, 31; cap. XXIX, Art. 1, n. 4, 6, 7.—Menéndez Pelayo, II, 406.

to Zuñiga expressing surprise that the pope did not keep his word. As for Carranza, he was so thoroughly convicted of heresy that, according to inquisitorial routine, he ought to be burnt, or at least reconciled after abjuring all kinds of heresy. To allow him to abjure for vehement suspicion of heresy, with temporary suspension from his see, assumes that in time he will return to occupy the primatial church of Toledo, which would cause disturbance and scandal impossible to contemplate. The pope can well conceive the dangers which may follow, in Spain and elsewhere, by the mere example of such a criminal in such a position. Even if the suspension were perpetual yet, if God should remove his Holiness, a successor might lift the suspension unless Carranza is wholly deprived.[1]

This was passion and eloquence wasted, for the sentence had been pronounced six days before, on April 14, 1576. Whatever promise Gregory had made was kept to the letter but not to the spirit by announcing it to him on April 11th. Its provisions were shrewdly framed to turn the whole affair to the advantage of the Holy See, by keeping Carranza as a potential sword of Damocles hanging over Philip's head and meanwhile absorbing the revenues of the see of Toledo. The tenor of the articles was, as communicated to Philip:—

The Archbishop of Toledo will be declared vehemently suspect of sundry errors and as such will be required to abjure them.

He will be suspended and removed from the administration of his church for five years and subsequently at the pleasure of the pope and the Holy See.

During this time he will be recluded in a monastery in Orvieto, and not allowed to depart without special licence of the pope and the Holy See.

The pope will appoint an administrator of the church of Toledo, with disposition of all the fruits since the date of sequestration and during the suspension, which he will convert to the benefit of the Church and other pious uses, after deducting pensions, expenses and debts.

For the support of the archbishop there shall be assigned a monthly allowance of a thousand gold crowns.

Some salutary penances will be imposed on him.

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[1] Coleccion de Documentos, LXVIII, 472, 473.

His Catechism will be prohibited to be possessed, read, or printed.[1]

The errors of which he was declared vehemently suspect amounted to sixteen, professedly drawn from his writings. As they were merely the peg on which to hang the sentence they need not be recapitulated here and it suffices to say that on April 12th they were taken, with the abjuration, by Giantonio Fachinetti (afterwards Innocent XI) to the Castle of Sant' Angelo, where Carranza obediently signed the abjuration.[2]

The publication of the sentence was made with a solemnity befitting the conclusion of a case which, for seventeen years, had occupied the attention of Christendom. On April 14th, Carranza was brought from his prison to the Hall of Constantine, where Gregory occupied the papal throne under a canopy, the cardinals sat on benches and about a hundred other spectators stood around. After the opening formalities, Gregory handed a roll containing the sentence to Alonso Castellon, the secretary in the case, who read it aloud. It was very long, reciting the vicissitudes of the affair from the beginning and concluded with the articles as stated above. Then Carranza read his abjuration, as Simancas tells us, with impassive indifference, as though it related to another, after which he was led to the feet of the pope who expatiated on the mercy shown to him and told him he might expect more if he lived as he ought. He was then handed to the captain of the guard to be conveyed to the Dominican convent of Santa Maria sopra Minerva and, as he was led out, in passing Cardinal Gambara, he quietly asked him to have his effects transferred to the convent. Evidently there was no sense of guilt or humiliation.[3] It was a fitting end to Gregory's disgraceful part in the tragedy that when, on April 20th, he formally notified Philip and the chapter of Toledo of the result, he mournfully expressed his regret that he had been compelled to condemn in place of acquitting, as he had hoped.[4]

As a penance, the pope ordered Carranza to visit the seven churches on Saturday of Easter week (April 28th) and offered him his own litter and horses for his servants, which he declined.

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[1] Coleccion de Documentos, LXVIII, 478.

[2] Salazar, cap. XXXIII.—Morales (Coleccion de Doc. V, 490).—Archivo de Simancas, Lib. 976, fol. 52.

[3] Salazar, cap. XXXIII.—Adolfo de Castro, p. 233.

[4] Theiner, Annal. Ecclesiast. II, 244.

It was noised abroad and the whole population was stirred to accompany him, for the compassion felt for him was universal. To avoid such a demonstration Gregory changed the day to Monday the 23rd, but notwithstanding this the throng of coaches and crowds of people changed the penance into a triumph. In the churches he was received with all honor and at the Lateran he celebrated mass but, towards the end of the day, a strangury commenced and, on his return to the convent, he took to his bed, never to leave it. The disease made rapid progress, during which the pope repeatedly sent consolatory messages and, on April 30th, his apostolic benediction, with an indulgence *a poena et a culpa*. The same day Carranza made a solemn declaration before his secretaries, affirming his unbroken adhesion to the faith; he received with fervor the last consolations of religion and passed away at 3 A.M. on May 2nd. He had entered his prison a vigorous man of 56 and had left it to die, a broken old man of 73.[1]

That an autopsy should have been ordered indicates that immediately doubts had arisen whether the death had been natural. The physicians reported some slight ulcers in one kidney and three stones in the gall-bladder, but in a position to do no harm and they attributed the retention to some "carnosities."[2] If suspicions existed of poison, they found no public utterance that has reached us, yet, in an age when the removal of an impediment was a recognized resource of state policy, the opportune and sudden death of Carranza is at least suggestive. We have seen how energetically Philip remonstrated against his being left in a position in which his return to Toledo was possible. His resumption of his see would have inflicted an incurable wound on the authority and influence of the Inquisition and have covered the monarch with mortification; it would have led to complications which, in the temper of the age, would have been insoluble. The injustice meted out to Carranza had rendered his death a necessity, if he was not branded as a heretic or disqualified as a bishop. Philip and he could not exist together in Spain. Besides, so long as Carranza lived, he was a dangerous weapon, in the hands of the papacy, to thwart Spanish policy by threats of removing the suspension or to extort concessions as the price of maintaining it. To attribute his sudden death to the zeal of Spanish agents in Rome, or to secret orders sent in

[1] Salazar, cap. xxxiv.—Simancas (Adolfo de Castro, p. 234).

[2] Salazar, cap. xxxv.

advance, would do no injustice to a prince who did not shrink from the executions of Montigny and Lanuza or the assassinations of Escobedo and of William the Silent. It suited him, however, to accept it piously as a special dispensation of Providence. June 11th he replied to Gregory's letter of April 11th and 16th conveying copies of the sentence and abjuration. To persons, he said, of great learning and experience in Spain, the sentence was too lenient, but he recognized the pope's holy zeal and that God's hand had applied the proper remedy to avert greater evils.[1] Yet subsequently Morales, writing by Philip's order, concludes his account "They say that he apparently died as a saint, which I believe and that it was really so. . . . The Lord reserved him for the other life, a signal mercy which he grants to those whom it pleases him."[2]

In one respect the Inquisition was triumphant. The Commentaries, which had been approved by the Council of Trent and by Pius IV and Pius V, was condemned and prohibited with a callous disregard of consistency. The work remained in the successive issues of the Spanish Index until 1747, but was dropped in the latest one of 1790. Rome was even more persistent and retained it until 1899, though it disappeared, with much other antiquated lumber, in the recension of 1900. Yet Carranza's reputation as an orthodox champion of the Church seems to have suffered little from his prosecution and condemnation. Cardinal Quiroga, the inquisitor-general, who in 1577 succeeded him in the see of Toledo, caused his portrait to be placed with those of his predecessors, erected a tomb to his memory and, in June, 1578, performed solemn obsequies for him which lasted for a fortnight.[3] Odoricus Raynaldus, the official annalist of the Holy See, and Cardinal Pallavicini, the official historian of the Council of Trent, unite in saying that nothing serious was found against him, only vehement suspicion, and that on his death-bed he gave evidence not only of uncorrupted faith but of singular piety.[4] Nicholás Antonio tells us that for some mere presumptions, in the absence of legitimate proof of admitted impiety, he was ordered by abjuration to purge all suspicion of guilt.[5] Balmés, the champion of

[1] Coleccion de Documentos, LXVIII, 479.

[2] Bibl. nacional, MSS. Mm, 475.

[3] Salazar, cap. ult.

[4] Raynald. Annal. ann. 1560, n. 23.—Pallavicini Hist. Conc. Trident. Lib. XIV, cap. 12, n. 4.

[5] Bibliotheca nova, s. v. *Bartholomaus Carranza.*

Catholicism, while admitting that, on the delicate subject of justification, his expressions lacked clearness, asserts that beyond doubt, in his own conscience before God, he was wholly innocent.[1] The dispassionate judgement of posterity has condemned the Inquisition in acquitting its victim.

If Philip failed to blast the memory of Carranza he at least succeeded in one of his objects. For seventeen years he had wrongfully enjoyed Carranza's sequestrated revenues, which, allowing for all deductions, must have yielded him two or three millions of ducats. Much must have been spent in the endeavor to convict the rightful possessor but, when the case was concluded, outstanding engagements were repudiated. During the trial in Rome, Don Lope de Avellaneda had borrowed twenty-six thousand ducats to pay the salaries of the parties employed in the notoriously expensive litigation of the curia, but the bills of exchange drawn to satisfy the indebtedness were returned dishonored. The Roman bankers were too important an adjunct of the curia not to be efficiently protected; on April 10, 1577, Gregory wrote to the inquisitors (probably of Toledo) to collect the amount, with interest up to the date of payment, from the revenue of the archiepiscopal table of Toledo, enforcing the demand, if necessary, by excommunication, interdict and the invocation of the secular arm.[2] Philip evidently maintained his hold on the revenues until the consecration of Archbishop Quiroga, in December, 1577, and his administrator would allow no diversion of the funds. Gregory, in the sentence had endeavored to provide for an accounting to him of the accumulations, but the effort was a failure. Like Philippe le Bel, in the analogous case of the Templars, Philip had a grip on the spoils which nothing could loosen. When, in 1581, Gregory sought to stimulate him to undertake an expedition against Queen Elizabeth, and promised him financial assistance towards so pious an enterprise, it turned out that this aid was merely the mesne profits of the see of Toledo which he had collected and had long since consumed.[3]

[1] El Protestantismo comparado con el Catolicismo, II, 301, 306 (Barcelona, 1844). See also Tournon, Hommes illustres de l'Ordre de Saint Dominique, IV, 438. It should be added that Menéndez Pelayo (II, 376), after an examination of the testimony, asserts that it was sufficient to justify the prosecution. This may be so, according to inquisitorial methods, but not the persistent persecution that followed.

[2] Bulario de la Orden de Santiago, Lib. IV, fol. 66.

[3] Hinojosa, Los Despachos de la Diplomacia pontificia, I, 303.

The affair of Carranza seems to have been regarded as weakening the position of bishops and, with the customary audacity of the inquisitors in extending their jurisdiction, the tribunal of Cuenca boasted or threatened that it would arrest the bishop. The services of the incumbent, Pedro de Castro, in furnishing evidence against Carranza, had been too recent to permit him to be hoisted by his own petard and Valdés, in a letter of June 17, 1560, rebuked the tribunal for its superserviceable zeal.[1] We have seen how the bishops, at the Council of Trent, endeavored to protect themselves by reserving to the pope exclusive right to pronounce sentence, but this was of small avail when he assumed the right to delegate his power as he pleased. When Sixtus V, January 25, 1586, issued a commission to the Cardinal Archduke Albert of Austria, as inquisitor-general of Portugal, it specifically subjected archbishops, bishops and patriarchs to his jurisdiction and that of his subdelegates.[2] As Portugal was under the Spanish crown, this served as a precedent when in December, 1629, the Inquisition desired to prosecute Gavino Mallani, Archbishop of Oristano in Sardinia, against whom it had gathered evidence that, since his consecration, in 1627, he had never been to confession or had celebrated mass, that he was a blasphemer, that he had a familiar demon confined in a ring, etc. The Suprema submitted to Philip IV the Portuguese commission and asked him to instruct his ambassador to procure a similar one for Spain or, failing this, to obtain a special brief for the case of Mallani. Philip ordered the necessary letter to be drafted for his signature, but the effort failed. Mallani was probably sent to Rome with the evidence, for he was deposed, being succeeded, in 1635, by Pedro Vico, while he did not die until 1641.[3] In spite of this recognition of lack of jurisdiction over bishops, we have seen (Vol. I, p. 501) that, in the quarrel with Manjarre de Heredia, Bishop of Majorca, in 1668, Inquisitor-general Nithard claimed that the Inquisition could prosecute him criminally. He had the effrontery to assert, in a consulta of February 5, 1668, that its possession of this power was so notorious and so completely established in practice as to require neither argument nor demonstration, and the infatuated queen-regent sustained him in summoning the bishop to appear for trial. In spite of an adverse decision in

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 63.
[2] Bulario de la Orden de Santiago, Lib. IV, fol. 91.
[3] Archivo de Simancas, Inquisicion, Lib. 20, fol. 38; Lib. 52, fol. 21.

Rome, the Inquisition continued the prosecution, even after the expulsion of Nithard, and proceedings ceased only with the death of the bishop.[1]

The next case in which the Inquisition had to deal with a bishop was one which attracted much attention at the time—that of José Fernando de Toro, Bishop of Oviedo. We shall have to consider it hereafter in its relation with Illuminism and Molinism and need only say here that he was an adept in the dangerous mysticism which mistook the promptings of the senses for divine impulses and taught that union with God conferred impeccability. There was no doubt of his guilt, for he confessed freely when arraigned, and the Inquisition raised no question as to the exclusive papal jurisdiction. After elaborate investigation, Inquisitor-general Ibañez de la Riva Herrera put the mass of testimony into shape and sent it to Clement XI, November 27, 1709. On June 7, 1710, Clement authorized the imprisonment of Toro and the prosecution of the case, the results to be sent to him. After the death of Ibañez, a fresh commission was sent to his successor Giudice; in 1714 Clement granted permission to Toro to come to Rome, but this was not carried out until 1716, when he was confined in the Castle of Sant Angelo and his trial dragged on until 1719. Sentence was pronounced July 27th, with the same ceremonies as that of Carranza, the records of which were examined for the purpose.[2]

While the Inquisition thus freely admitted its incompetence to sit in judgement on bishops yet, in the next case that occurred, it asserted complete jurisdiction. Manual Abad Queipo was bishop-elect of Mechoacan (Valladolid) in Mexico where, although not consecrated, he was accepted by the chapter and governed the diocese as bishop, fulminating, in 1810, excommunication against Hidalgo and his followers, which was confirmed by the archbishop, Ligama y Beaumont.[3] He was thus fully recognized as bishop and it was probably the disturbed state of the land, during the rebellion of Hidalgo and Morelos, that prevented the

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[1] Archivo de Simancas, Lib. 25, fol. 66; Lib. 52, fol. 100, 125, 335.

[2] Bulario de la Orden de Santiago, Lib. V, fol. 141, 144, 150.—Archivo de Simancas, Inquisicion, Legajos 418, 419, 1577.

[3] Coleccion de los escritos mas importantes etc. de D. Manuel Abad Queipo, Obispo electo de Mechoacan, Mexico, 1813.—I have a copy of an edict issued by him October 8, 1810, as bishop-elect, in which he alludes to two previous ones excommunicating Hidalgo and his followers.

assembling of bishops for his consecration. In the turbulence of the period he made enemies and an anonymous denunciation was lodged against him with the Mexican tribunal. It collected evidence and forwarded it, August 31, 1814, to the Suprema which referred it to the Madrid tribunal for investigation and report.

The question as to the liability of bishops-elect is rather intricate, dependent on whether there has been presentation by the king or election by the chapter and confirmation by the pope,[1] but it would seem that Queipo was not subject to the Inquisition, nor were the charges matters of heresy. The Madrid tribunal recognized this in its report, October 27, 1814, saying that he should be cited to answer, provided his office did not stand in the way, at the same time admitting that the charges were the work of enmity and that at most he had been careless in conduct and ministration. Queipo returned to Spain and, on February 12, 1816, the Suprema ordered the tribunal to proceed. He refused to acknowledge the jurisdiction; the tribunal, May 16th, pronounced his reasons invalid and the Suprema, September 2nd took the high ground that no one could question its acts; when it has once declared itself a competent judge no private person could dispute it or impede the execution of its decrees. This could only be done by an authority feeling its jurisdiction invaded and, as there was none such in the kingdom, he was only prejudicing his case, which otherwise he could expedite and preserve the right of maintaining his claims by a protest which would be admitted. Queipo offered to answer the charges extra-judicially, but this was refused and he was told that if he did not present himself to answer them fully within three days, he would be prosecuted in contumacy. He yielded under protest and was spared the humiliation of appearing in the Inquisition, for Inquisitor Zorilla was ordered to conduct the audiences in the convent where he was residing, but during them he was ordered not to leave it and when they were over he was set at liberty, under command to present himself at the house of the fiscal whenever summoned. Thus, at the end of its career, the Inquisition successfully asserted its jurisdiction over a bishop, but he had his revenge. It was

[1] Simancæ de Cath. Institt. Tit. xxv, n. 11.—Trimarchi de Confessore abutente Sacramento Pœnit., p. 172 (Genuæ, 1636).—Coleccion de Documentos tocantes á la Persecucion del Obispo de Asuncion, I, ix (Madrid, 1768).—Cf. Recop. de las Indias, Lib. I, Tit. vii, ley 51.

evidently no accident that, in the revolution of 1820, Queipo was made a member of the Provisional Junta of March 9th which, on the same day, caused Fernando VII to decree the extinction of the Holy Office.[1]

[1] Archivo de Simancas, Inquisicion, Lib. 877, fol. 266; Libro 890.—Rodrigo, Hist. verdadera, III, 492.

CHAPTER IV.

THE EDICT OF FAITH.

OCCASIONAL allusions have been made above to the Edicts of Faith, whereby the tribunals obtained knowledge of offences coming within their jurisdiction. This was one of the most efficient methods by which that jurisdiction was exercised and was brought home to the consciences of the people as an ever-present power. It rendered every individual an agent of the Inquisition, bound under fearful penalties spiritual and temporal, to aid it in maintaining the purity of the faith and, at the same time, it made every man conscious that his lightest word or act might subject him to prosecution by that terrible court whose very name inspired dread. No more ingenious device has been invented to subjugate a whole population, to paralyze its intellect and to reduce it to blind obedience. It elevated delation to the rank of high religious duty, it filled the land with spies and it rendered every man an object of suspicion, not only to his neighbor but to the members of his own family and to the stranger whom he might chance to meet. Continued through generations, this could not fail to leave its impress on the national character. Even Mariana, in enumerating the results of the Inquisition, ventures to allude to the cautious reserve which it rendered habitual among Spaniards,[1]

A somewhat crude prototype of the Edict of Faith is found in the old Inquisition, when inquisitors visited their districts and, at each town, summoned an assembly of the people, preached to them and caused to be read an edict calling upon all the inhabitants to come forward within a specified time and reveal anything that might tend to the suspicion that any one was a heretic, under pain of *ipso facto* excommunication, removable only by them or by the pope.[2] While this was nominally preserved in the Aragonese Inquisition, that institution had become so inert

[1] Mariana, Historia de España, Lib. XXIV, cap. xvii.
[2] Eymerici Director. P. III, n. 52, 53.

that we may assume that the inquisitors no longer visited their districts or had occasion to issue edicts. In Castile, when the Inquisition was founded, this practice was evidently unknown, for the Instructions of 1484 merely order that when the inquisitors open their tribunal in any town, after the sermon they shall publish a monition with censures against all who resist or contradict them.[1] By 1500, however, the efficacy of what became known as the Edict of Faith had been discovered, and Inquisitor-general Deza, in ordering yearly visitations of the districts, specifies that, on arriving at every town or village, a general edict shall be issued, summoning those who know anything of heresy to come forward and reveal it.[2] The form of this was probably the same as that which, in the same year 1500, the inquisitors of Sicily, Dr. Sgalambro and Montoro Bishop of Cefalù, issued, requiring all cognizant of heresy to denounce it within fifteen days, promising secrecy to the informer and threatening with prosecution, as fautors of heresy, those who failed to do so.[3] In Catalonia, the Concordia of 1512, in alluding to the edict requiring the denunciation of all offences against the faith, shows that it was already an established custom,[4] while, in 1514, the Instructions of Inquisitor-general Mercader prove that the various offences included in the expanding jurisdiction of the Inquisition were specifically enumerated, for the general term of heresy no longer sufficed.[5] The effect on the people of these proclamations, with their threats and anathemas, is vividly expressed in the description of the terror excited by the publication of the edict, when the tribunal of Jaen made a raid on Arjona.[6]

As, in the course of time, new fields of activity were opened to the Inquisition the enumeration of offences requiring denunciation grew to be a long and detailed catalogue, in which all the acts by which they could be recognized were specified so that there could be no excuse for omission. The simplest and oldest formula which I have met is that published in Mexico at the installation of the Inquisition, in 1571, and, in view of its comparative brevity, it is given in the Appendix. Subsequently the

[1] Instrucciones de 1484, § 2 (Arguello, fol. 3).
[2] Instrucciones de 1500, § 12 (Arguello, fol. 13).
[3] La Mantia, L'Inquisizione in Sicilia, p. 26.
[4] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1.
[5] Archivo de Simancas, Inquisicion, Libro 933.
[6] Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 43.

edict grew to portentous dimensions, the purport of which can be gathered from an abstract of that of 1696.

It begins by reciting that the fiscal has represented that for some time there has been no visitation or inquest made in many places of the province, whereby numerous crimes against the faith remain unpunished. Seeing this complaint to be justified, the edict is addressed to every one individually, so that, if he has known or heard say that any one, living or dead, present or absent, has done or uttered or believed any act, word or opinion, heretical, suspect, erroneous, rash, ill-sounding, scandalous or heretically blasphemous, it must be revealed to the tribunal within six days. Then follows an enumeration of all Jewish rites and customs; then similar lists concerning Mahometanism, Protestantism and Illuminism; then, under the heading of "Diversas Heregias," follow blasphemy, with specimens of heretical oaths; keeping or invoking familiar demons; witchcraft; pacts tacit or expressed with the devil; mixing for this purpose sacred and profane objects and attributing to the creature that which belongs to the Creator; marrying in Orders; solicitation of women in confession; bigamy; saying that there is no sin in simple fornication, or usury, or perjury, or that concubinage is better than marriage; insulting or maltreating crucifixes or images of saints; disbelieving or doubting any article of faith; remaining a year under excommunication or despising the censures of the Church; having recourse to astrology, which is described at length and pronounced fictitious; being guilty of sorcery or divination, the practices of which are described with instructive profusion; possessing books condemned in the Index, including Lutheran and Mahometan works and Bibles in the vernacular; neglecting to perform the duty of denouncing what has been seen or heard, or persuading others to omit it; giving false witness in the Inquisition; concealing or befriending heretics; impeding the Inquisition; removing *sanbenitos* placed by the Inquisition; throwing off sanbenitos or non-performance of penance by reconciled penitents, or their saying that they confessed in the Inquisition through fear; saying that those relaxed by the Inquisition were innocent martyrs; non-observance of disabilities by reconciled penitents, their children or grandchildren; possession by scriveners or notaries of papers concerning the above-enumerated crimes. Confessors, moreover, were ordered, under the same penalties, to withhold absolution from penitents who had not denounced all offences

coming to their knowledge.[1] This was a tolerably searching grand inquest in which the whole population was summoned to assist, and the ceremonies of its publication were designed to render it as impressive as possible.

On the Saturday previous, a proclamation was made by the inquisitors, requiring all persons over the age of twelve (or of fourteen in some texts) to assemble to hear the edict and, on the following Sundays to hear the anathema, under pain of excommunication and of fifty ducats.[2] In the smaller towns this proclamation was made by the town-crier or, if there were none, by house-to-house notification. The next day, at the offertory in the mass, the edict was to be read slowly, distinctly and in a loud voice, after which the priest was to explain the obligation to denounce whatever was known of the living and of the dead, of themselves or of others, and the peril of omitting it; it was not to be talked about but was to be done directly, even if it was known that others had done so, otherwise the penalty was incurred.[3]

In larger cities, especially the seats of tribunals, the ceremonies were more imposing. In Seville, for instance, on the afternoon of Saturday before the second Sunday of Lent, the familiars assembled on horseback at the castle of Triana, where they formed a procession with drummers and trumpeters and the town-crier to escort the alguazil mayor and one of the secretaries of the Inquisition. This wound through the city, stopping at eight principal places, to publish the proclamation and to order that there should be no sermons in other churches on the days of the publication and anathemas. Then, on those Sundays, other processions were timed to meet the inquisitors at the doors of the cathedral and San Salvador—the churches designated for the ceremonies. Inside, the secretary, at the proper time, mounted the pulpit and read the edict; the sermon followed and then the mass was resumed.[4]

When the six days allowed for denunciation or confession had

[1] Bibl. nacional, MSS., D, 118, p. 148. See also Llorente, Hist. crít. Append., XI.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498; Inquisicion de Valencia, Lib. VII de Autos, Leg. 2, fol. 61.

[3] Ibidem, Inquisicion de Toledo, Leg. 251.

[4] MSS. Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo IV, n. 44.—Cf. Archivo de Simancas, Inquisicion, Leg. 1475, fol. 52; Leg. 1478, fol. 106.

elapsed, a second proclamation was made, reciting the former one and adding that the fiscal complained that many had not complied with it and he demanded the fulmination of the censures in the most aggravated form. An edict was therefore addressed to all priests requiring them at high mass, when the people were assembled, to denounce as publicly excommunicated and anathematized all who had not obeyed the first edict, sprinkling holy water to drive away the demons who kept them in their toils and praying Christ to bring them back to the bosom of the Church. If they persisted in contumacy, all faithful Christians were ordered within three days to withdraw from all intercourse with them, under pain of similar excommunication. Both those who should have confessed and those who should have denounced, but who continued contumacious, were involved in the anathema pronounced on the third Sunday.

This was an awe-inspiring solemnity. The clergy marched in procession; the cross was covered with black and two flaming torches were on the altar, where the priests stood in profound silence during the reading of the curse.—"We excommunicate and anathematize, in the name of the Father and of the Son and of the Holy Ghost, in form of law, all apostate heretics from our holy Catholic faith, their fautors and concealers who do not reveal them, and we curse them that they may be accursed as members of the devil and separated from the bosom and unity of the holy Mother Church. And we order all the faithful to hold them as such and to curse them so that they may fall into the wrath and indignation of Almighty God. May all the curses and plagues of Egypt which befell King Pharaoh come upon them because they disobey the commandments of God! May they be accursed wherever they be, in the city, or in the country, in eating and in drinking, in waking and in sleeping, in living and in dying! May the fruits of their lands be accursed and the cattle thereof! May God send them hunger and pestilence to consume them! May they be a scorn to their enemies and be abhorred of all men! May the devil be at their right hand! When they come to judgement may they be condemned! May they be driven from their homes, may their enemies take their possessions and prevail against them! May their wives and children rise against them and be orphans and beggars with none to assist them in their need! May their wickedness ever be remembered in the presence of God!" May they be accursed with all the curses of the Old Covenant and of the New!

May the curse of Sodom and Gomorrha overtake them and its fire burn them! May the earth swallow them alive, like Dathan and Abiram for the sin of disobedience! May they be accursed as Lucifer, with all the devils of hell, where may they remain with Judas and the damned forever, if they do not acknowledge their sin, beg mercy and amend their lives!" Then the people responded Amen! while the clergy again marched in procession, chanting the Psalms *Deus laudem meam* and *Miserere*, to the chapel or altar. The great bells tolled as for a death and the bearers of the torches extinguished them in the font of holy water saying "As these torches die in the water, so will their souls in hell!" and the procession was resumed to the sacristy. After this, the edict continues, any one knowing these things and not revealing them, and remaining contumaciously and persistently thus for a year, is held suspect in the faith and shall be prosecuted with all the rigor of the law.[1]

Thus all the resources of religious terrorism were exhausted to impress upon the popular conscience the supreme duty of denouncing kindred and friends for the slightest act or word which might be held to infer suspicion of heresy or of the varied classes of offences over which the Inquisition had succeeded in extending its jurisdiction. It is true that the constant abuse of anathemas in the pettiest quarrels with officials, lay and clerical, must have somewhat blunted their effect. It is also true that casuistry, early in the seventeenth century, had no difficulty in proving that, when the obligation to denounce involved danger to life or reputation, the natural law of self-protection overrode the positive law of denunciation, with its threat of excommunication.[2] Still, to those not trained in such subtilties and who piously believed in the power of the keys, it was impossible that this terrible cumulation of curses, temporal and spiritual, should not overcome natural affection and human kindliness. It was not the fault of the Inquisition if Spain was not converted into a nation of spies and informers, in which no man could trust those nearest and dearest to him.

The Edict of Faith was published annually, on a Sunday in

[1] Bibl. nacional, MSS., D, 118, p. 79; S, 294, fol. 21, 74.—MSS. Archivo municipal de Sevilla, Seccion especial, Siglo xviii, Letra A, Tomo iv, n. 43.—Archivo hist. nacional, Inquisicion de Valencia, Lib. vii de Autos, Leg. 2, fol. 64; Inquisicion de Toledo, Leg. 251.

[2] Sayri Clavis Regia Sacerdotum, Lib. xii, cap. xiv, n. 32–34.

Lent, in cities which were the seat of a tribunal and, during the earlier times, elsewhere, when the inquisitors went on their visitations; indeed, we are told, in 1560, that it was of little service unless the inquisitors visited their districts, for people would not incur the labor and expense of coming from a distance and the publication was regarded as the chief object of the visiting inquisitor who was directed to see that it was made in the monasteries as well as in the churches.[1] Visiting their districts, as we shall see, was the duty most disliked by the inquisitors, which they shirked whenever possible, and, with the development of postal communication, it was easier and more speedy to send the printed edicts to commissioners for distribution. What was the total number thus annually showered upon the land we have no means of knowing, but it must have been large. In 1595, the Inquisitor Arevalo de Zuazo, reporting his visitation of the mountainous dioceses of Urgel, Vich and Solsona, states that he distributed six hundred copies among the parish churches, besides personally publishing it in all the towns. From a printer's bill of June 7, 1759, when the custom was declining, it appears that in Valencia the edition printed was four hundred and a list of churches in the city, in which it was posted, amounted to sixty-three.[2]

This device was not confined to Spain, though Rome was somewhat tardy in adopting it. The Congregation of the Inquisition issued, January 3, 1623 a brief edict, commanding the denunciation, within twelve days, of all heretics, under pain of excommunication removable only by it or by the pope.[3] This was followed, January 10, 1666, by one more in detail, specifying the offences to be denounced. It was universal in its character and therefore applied to Spain, but as usual the Spanish Inquisition maintained its independence and continued to employ its own more elaborate formulas.[4]

Although the annual publication remained the rule, there were

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[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 84, 140; Visitas de Barcelona, Leg. 15, fol. 2.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 272.

[2] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 4.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 309, Cuentas, fol. 3; Leg. 299.

[3] Bordoni Sacrum Tribunal, cap. xxx, 481, 506–10 (Romæ, 1648).

[4] Bulario de la Orden de Santiago, Lib. V, fol. 89.

occasional intermissions. In 1638, for instance, it was suspended without a reason being assigned and again in 1689 on account of the death of María Luisa, wife of Carlos II.[1] Local causes, also, sometimes interfered with it, especially when questions of etiquette arose, as that which we have seen at Valladolid, in 1635, over the point whether, at its reading, a bow should be made to the sacrament or to the inquisitors. Sixteen years later, we are told that since then there had been no reading of the edict at Valladolid and that in consequence, during the visitations of the inquisitors, other places refused to have it read, on the ground that this was not done in the city where there was a full tribunal.[2] A similar trouble arose at Quito, because the Audiencia refused to allow the commissioner of the Inquisition a seat with a cushion during the reading; for this, in 1699 and again in 1700, he appealed to the viceroy, stating that, in consequence of this, it had been many years since the edict had been published there.[3]

With the decline in the activity of the Inquisition, towards the close of the eighteenth century, there grew to be negligence in the annual publication. In 1775 the Suprema ordered that there should be no change with regard to it. A document of 1777 indicates that it was still customary, but on inquiry, in 1784, by the Suprema of the tribunals, whether or not it had been suspended, shows that it was falling into desuetude, and another of 1806, asking how long it had been since the publication ceased, indicates that it had become obsolete.[4]

The efficacy of the Edict of Faith is incontestable, although, in 1578, the Inquisitor Francisco de Ribera, in reporting his visitation of the dioceses of Gerona and Elne and his publication of it in places which had never before been visited, complains that it did not render the people disposed to make denunciations, which he attributes to their limited intelligence.[5] In more enlightened centres its effectiveness is seen in the frequency with which accusers preface their charges with the statement that

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 329; Leg. 10, n. 2, fol. 110.

[2] Bibl. nacional, MSS., D, 118, fol. 261, n. 69.

[3] MSS. of White Library, Cornell University, n. 616, fol. 60, 61.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 15, n. 10, fol. 92; Leg. 16, n. 6, fol. 41; Leg. 17, n. 3, fol. 21.—Archivo de Alcalá, Estado, Leg. 2843.

[5] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 4.

their attention has been called to the duty by the publication of the edict. It naturally set men to searching their memories for what they had seen or heard respecting the various offences so elaborately enumerated and described. For instance, the edict was published in Madrid on September 4, 1569 and, the next day, Hans de Evalo appeared before the inquisitor to denounce Hans Brunsvi and Costancio, two members of the royal Guarda Tudesca, for things which he had heard and known of them, but of which he had thought nothing until he heard the edict read.[1] It was the same in stimulating self-denunciation, whether through pricks of conscience or fear of accusation by others. Thus, in 1581 we have two cases following each other, in which Juan González and Bartolomé Benito accuse themselves of having, in conversation with their wives, asserted that fornication is no sin, for which both were duly penanced and fined. The wives were sent for and confirmed the confessions, which we may safely attribute to the fear that the spouses might be led to denounce them.[2]

The habit of delation in which the Spaniard was thus trained continued after the Edict of Faith ceased to be published and was stimulated by the assurance of immunity through the profound secrecy which denied to the accused all knowledge of his accuser. The records of the tribunals show how these were welcomed, no matter how flimsy was the evidence, nor through how many months it had passed. Thus, January 5, 1816, the Dominican Fray Vicente Manendo writes to the tribunal of Barcelona that he had heard Joseph Castellar of Manlleu say that, on Easter day, 1815, he had been discussing some pending suits with the advocate Balderich when the time came for hearing mass and he said "Let us go to mass" to which Balderich replied by a contemptuous expression. Instructions were therefore forthwith sent to the commissioner at Panelada to put the denunciation into formal legal shape for prosecuting Balderich. Informers thus were not put to the trouble of coming forward personally and facilities for delation were brought to every man's door. Thus on June 28, 1807 Dr. Pedro Reguart of Suria writes to the tribunal of Barcelona that he has a denunciation to make and asks that a commission be sent to some one in Suria to receive it.

[1] Proceso contra Hansz Brunsvi (MSS. of Library of Univ. of Halle, Yc, 20, Tom. III).

[2] Ibidem, Yc, 20, Tom. I.

Full instructions were accordingly sent to the parish priest of Suria, when deposition was made to the effect that, eighteen months before, at the clinic in Barcelona, Reguart had seen, in the possession of a student named Pedro Sitzas, a book entitled Eusebio, which he understood to be prohibited, and a year ago he had also seen a copy in the hands of another student named Jaime Coll. In this case the tribunal, with rare moderation, only ordered its apparitor to seize the books in the hands of the students.[1] So carefully were accusers protected against recognition that when, in 1818, Don Francisco de Mora, a retired lieutenant of artillery, accused Don Thomas Sans, of the same corps, to the tribunal of Valencia, because, in a loose conversation between them, he had asserted that there was no sin in fornication, and when Mora found himself obliged to testify that another officer, Manuel Moreno was present, the tribunal dropped the case at his request because Moreno would have identified the source of the accusation.[2]

The very triviality of these cases is the measure of their importance. It was not merely the Judaizing converso or the secret Protestant, but the whole body of the Catholic nation that was exposed to prosecution and infamy for a thoughtless word, the denunciation of which was commanded by the Edict of Faith and invited by the impenetrable secrecy of the tribunal. The shadow of the Holy Office lay over the land and no one could feel sure that a trusted comrade might not at any moment become a spy and an informer, or might not repeat an incautious word until it reached some one who recognized the inexorable duty imposed on all—a duty more deeply felt by the conscientious than by those of easy morals.

There was, moreover, the fatal facility afforded for the safe gratification of malice, as in the case of Don Joseph del Campillo, whose merits raised him from obscurity to the position of finance minister under Philip V, in 1740. In 1726, when holding a responsible office in the administration of the navy, he had a quarrel with a Gerónimite fraile over the occupancy of a house. The fraile forthwith collected gossip about him, especially from a dissolute chaplain whom he had dismissed from the service, and all this was welcomed by the tribunal of Logroño, which commenced to gather testimony against him with a view to

[1] MSS. of Am. Philos. Society.

[2] Proceso contra Don Thomas Sans (MS. *penes me*).

prosecution. It came to his ears through the boasts of the frailes as to what they had done, and the profound horror which seized him at the prospect of being dishonored for life, by the mere suspicion that he was liable to prosecution, shows how terrible a weapon the system placed at the service of malignity.[1]

In the life of a nation, outward calamities can be survived and recovery from their effects is but the work of time. Far more lasting and benumbing are the results of the perpetual and unrelaxing vigilance which seeks to penetrate into the secret heart of every man, to control his thoughts, to stifle their expression, to repress every effort to move out of a beaten and prescribed track, to destroy mutual confidence and to lead each individual to regard his fellows as the possible destroyers of his reputation and career. Such was the system imposed on Spain by the Inquisition, and its appropriate expression is found in the Edict of Faith.

[1] Valladares, Semanario erudito, XXIV, 194–204.

CHAPTER V.

APPEALS TO ROME.

So long as the acts of the Spanish Inquisition were not final but were subject to revision by the Roman curia, its jurisdiction was incomplete. To emancipate itself from this it struggled for more than two centuries, aided unreservedly by all the power of the Spanish crown. This long-protracted and intricate contest is full of interest and merits a somewhat detailed investigation.

Soon after the Inquisition commenced its work, complaints of its remorseless cruelty poured in upon the sovereigns. They sent around, as we are told, certain conscientious prelates to investigate and report, who informed them that four thousand houses had been abandoned in Andalusia, but this seems only to have inflamed Isabella's ardor and the business of vindicating the faith was prosecuted with undiminished energy.[1] The only refuge of the victims was the Holy See, which had always been open to appeals from the sentences of the Inquisition.

Papal predominance had its foundation in the universal supreme jurisdiction, original and appellate, of Rome in all matters of faith and the unlimited area of affairs contingent on faith. This had been gradually acquired during the dark ages and was strenuously upheld, as it was the source of wealth as well as of power, and without it the Bishop of Rome would speedily shrink to his original primacy of honor. That he should divest himself of it was not to be expected, especially for the benefit of inquisitors, whose jurisdiction was a delegation from him and whose claim to superiority over bishops was based on the functions of the latter being merely "ordinary" while theirs were "apostolic." It is true that Nicholas V, in his projected Castilian Inquisition of 1451, had granted jurisdiction without appeal, but this could have been withdrawn at any time and the whole attempt had been so soon forgotten that no allusion was ever made to it in the subsequent controversy. In the Old Inquisition, appeals to the pope were

[1] Pulgar, Chronica, P. II, cap. lxxvii.

recognized, but it was an intricate and costly process, only possible to those familiar with canon law and, as the victims then were mostly peasants or ascetic missionaries, it was rarely employed and still more rarely successful.

Now, however, the situation was wholly different. The class assailed consisted largely of men of wealth or learning—merchants, bankers, lawyers, high officials, theologians and prelates, able to command the services of skilful canonists and ready to sacrifice a portion of their fortunes to save their persons from the stake and their estates from confiscation. The curia of the period, moreover, was notorious for shameless venality—a place where everything was for sale, from cardinalates to pardons, and where the supreme jurisdiction of the papacy was exploited to the utmost. It did not take long for the keen-witted Conversos to recognize that the mercy denied them in Spain could be bought in the open market of Rome and the curia, which had mourned the lost opportunity of sharing in the confiscations, welcomed the prospect of selling exemptions from confiscation.

Everything therefore pointed to an exercise of the supreme appellate jurisdiction of the Holy See which would seriously limit the activity of the Spanish Inquisition, or at least would confine it to those whose poverty rendered them unprofitable subjects of persecution. Ferdinand soon became alive to the situation and manifested little reverence for the papacy in his resolute resistance to the protection which it sold to all applicants.

The earliest recourse was naturally to the papal Penitentiary. It had long been in the habit of selling confessional letters, empowering any confessor, whom the purchaser might select, to absolve him from all sins, including those reserved to the Holy See. Originally these were understood to be good only in the forum of conscience, but the further step was easily taken of making them effective also in the judicial forum, thus anticipating or annulling the action of the courts and selling immunity for crime as well as pardon for sin.[1] There was no difficulty in obtaining such letters for anyone, and they were sought by the Conversos as a means of protection in advance and of setting

[1] Of course the price for these varied according to circumstances. A contemporary document (Summaria Declaratio Bullæ Indulgentiarum Ecclesiæ Xanctonensi concessarum, 1482) tells us that the price in Rome for those in the ordinary form was nearly three florins. In Germany, early in the sixteenth century, the *Beichtbriefe* were sold at a quarter of a gulden apiece (Gröne, Tetzel und Luther, p. 196).

aside sentences after conviction. In the Appendix will be found a specimen, issued December 4, 1481, by the Major Penitentiary, to Francisco Fernández of Seville and his wife and mother. It purports to be granted by the direct command of the pope and authorizes the recipient to select any confessor who, after secret abjuration, can absolve him for all acts of heresy, apostasy, relapse and dogmatism and annul all sentences by whomsoever pronounced after trial and conviction, redintegrating him into the Church, removing all stain of heresy, restoring him to all his rights and releasing him from all punishment, only imposing on him salutary penance—which, at that period, was understood to be a money payment for the benefit of the poor, *i. e.* the Church or its members. A final clause grants the further faculty of overcoming all opposition by the use of censures under papal authority.

It was impossible for Ferdinand and Torquemada to allow the Inquisition to be reduced to impotence by the speculative activity of the curia in selling such exemptions, which were not only good for the future but had a retroactive effect in annulling its acts. No reverence for the Holy See could restrain them from visiting their wrath on all who were concerned in rendering effective this purchasable clemency. We have a glimpse at the methods adopted by both sides, in a notarial act, evidently part of a process to set aside a papal letter of a somewhat different kind, and to punish those engaged in its use, the narrative showing that all concerned felt that they were incurring serious perils. The notary, Anton Peláez, deposes that in Xeres de la Frontera he received from the Duke of Medina Sidonia a letter of April 16, 1482, calling him to San Lucar de Barrameda to draw certain business papers. He went and, while engaged on them in the house of Juan Matheos, on April 20th, at 2 P.M. a messenger summoned him to the duke, whom he found in company with the duchess, the Teniente de Bora, Fray Thomas, prior of the Order of Santa María de Barrameda, and others. Then entered Juan Ferrández of Seville, the duke's contador, or auditor, carrying a bull with a lead seal, said to be from the pope, Sixtus IV, and ordered Peláez to read it to the prior. He was alarmed and refused, but finally yielded to the entreaties of the duke and duchess. Then Fray Thomas refused to accept it, as he had been inhibited verbally by the inquisitors, and promised to produce the inhibition in writing within eight days. The duchess left the room in anger, but, in

a quarter of an hour, Ferrández brought Fernando de Troxillo, prior of the universidad of Xeres and not of the church of San Salvador, as described in the bull. The duke told him that this made no difference and urged him to accept it, throwing his arms around him and promising that he would expose his whole rank and dignity to make good whatever he might suffer in person or property. Troxillo accepted the bull with the greatest reverence and kissed it. Then, as apostolic judge under it, he ordered Juan Matheos, cura and vicar of San Lucar, to absolve Ferrández and his wife of any sentence of excommunication, interdict, suspension etc. placed on him by the inquisitors, on his giving security, which was promptly furnished by Gonzalo Peráez, Ruy Perráez and Ferrand Riquel, swearing that Ferrández would stand to the mandates of the Church, as required in the bull. Thereupon Troxillo, as apostolic judge, ordered Juan Matheos to absolve Ferrández and his wife, which was duly performed. The duke's lawyers drew up an inhibition to the inquisitors, which the deponent engrossed; the duke wanted Troxillo to sign it, but the deponent privately advised him not to do so until he should consult his counsel at Xeres and, whether he did so or not, the deponent could not say.[1]

This gives us an inside view of the struggle to escape the Inquisition which was going on in every corner of the land. It was useless, for these papal letters were disregarded and the purchasers could look for no redress from the curia, for Pope Sixtus had no scruple in abandoning his customers. It was a lucrative business, this disposing of exemptions and then allowing them to be annulled for a consideration. Both sides thus contributed to the papal treasury and, as it all came from the Conversos in the end, the curia indirectly got its share of the confiscations, and the Inquisition was but nominally restricted. One device for accomplishing this is revealed in a cruzada indulgence, granted March 8, 1483, ostensibly in aid of the war with Granada, but, as Sixtus bargained for one-third of the proceeds, his share was sufficient inducement for sacrificing the purchasers of his confessional letters. A special clause of the indulgence empowered any confessor to absolve the possessor of it—the price being

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 1.

In this case the papal letters appointed special persons to act under it as executors—the form known as *Absolutio in vim commissionis apostolicæ*.—See *Formularium Instrumentorum ad usum curie Romane*, fol. 2, 3 (Hain, 7276).

six reales—for killing or despoiling those seeking the Roman court, or for preventing the execution of papal letters, or for forbidding notaries to draw up acts concerning such letters, or for detaining them from those to whom they belonged,—all of which was evidently framed to allow the sovereigns to annul the papal briefs in any way they deemed best.[1]

Yet while Sixtus thus was content, for a moderate compensation, to permit those who were seeking his court to be detained or slain and to have his letters contemptuously annulled, yet when their market was threatened by the assertion that the Penitentiary was only a court of conscience and its absolutions were good only in the interior forum, his indignation burst forth in a bull of May 9, 1484, stigmatizing all such opinions as contumacious and sacrilegious. The Penitentiary, he declared, could grant absolutions good in either forum and those for the judicial forum were good in both spiritual and secular courts. This monstrous assumption, which claimed for the Penitentiary the power to anticipate or set aside the judgement of every criminal court in Europe, for the benefit of culprits who could pay the moderate fee demanded for its letters, was not merely a temporary policy adopted by Sixtus for this occasion. Having once been asserted, it was persisted in. Paul III, July 5, 1549, confirmed the bull of 1484 and subjected to the anathemas of the bull *in Coena Domini* all who called in question the validity of such letters; when confined to the forum of conscience they were sealed and addressed to the confessor, when intended for the judicial forum they were patent. As Paul died, November 10, 1549, before the publication of this brief, it was confirmed and issued, February 22, 1550, by Julius III.[2] It was the settled purpose of the Holy See of the period to continue this profitable business of selling pardons so long as purchasers could be found for them; they continued to plague the Inquisition and we shall see what stern measures Ferdinand found necessary for their suppression. Yet Ferdinand was justified and the curia was self-condemned for, when the Roman Inquisition was reorganized and found its operations similarly impeded by the letters of the Penitentiary, it ordered,

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 185, n. 820.

[2] Sixti PP. IV, Bull. *Quoniam nonnulli*, §§ 4, 6.—Julii PP. III, Bull. *Rationi congruit* (Bullar. Roman. I, 428, 786).

When, in 1562, Pius IV reformed the Penitentiary he confined letters of absolution to the forum of conscience.—Bull. *In sublimi* (Bullar. II, 75).

September 26, 1550, its subordinates to pay no attention to them.[1]

Meanwhile the struggle continued in Spain. Isabella applied in 1482 to Sixtus to give her inquisitors power to pronounce final judgements that should not be subject to revision or appeal. He replied, February 23, 1483, that he would take counsel with the Sacred College, the result of which was a bull of May 25th, in which he conferred on Iñigo Manrique, Archbishop of Seville, appellate jurisdiction from the inquisitors, deputizing him in place of the pope for the Spanish dominions.[2] This expedient brought no relief to the Conversos. The inquisitors paid no respect to it and would-be appellants found that it was not safe to go to Seville for revision of their cases by the archbishop. It was the same with the letters of absolution that continued to be issued; they were disregarded and many fugitives who had procured them found on their return that they had been burnt in effigy during their absence and that the document on which they relied was of no avail. They needed something more and Sixtus was nothing loath to grant it. As early as August 2nd, he followed the bull of May 25th with another, for which we may safely assume that the Conversos paid roundly, for in it he evoked to Rome all pending cases of appeal, he ordered the Spanish bishops to protect at all hazards the bearers of papal letters of absolution, even to the invocation of the secular arm, and he entreated Ferdinand and Isabella to show mercy to their subjects as they hoped for mercy from God.[3]

Whatever was paid for this was money vainly thrown into the bottomless sea of the curia. Eleven days later, with shameless

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[1] Collectio Decretorum Sacræ Congregationis Stⁱ Officii, p. 245 (MS. *penes me*).

[2] Llorente, Hist. crít., Append. n. 3.—Páramo, p. 137.—Boletin, XV, 472, 474.

[3] Printed by Llorente, Append. n. 4. That this was procured, and of course paid for, by the Conversos is evident from the fact that the original was presented, January 4, 1484, to Garcia de Meneses, Bishop of Evora in Portugal, by Juan de Sevilla, who asked, as it provided that full faith should be given to all notarial transcripts, authenticated by the seal of a bishop, that he would authorize the notary, Nuñez Lorenzo, to make transcripts and attach the seal, to which the bishop assented.—Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 20.

Thus the bull was brought to Spain by the Conversos; copies were needed and either they dared not trust the original to any Spanish bishop, or could find none who ventured to assist in its multiplication; it was therefore carried to Portugal, where the bishops were under no constraint.

effrontery, Sixtus wrote to the sovereigns that it had been issued without proper deliberation and that he suspended it. This reinstated Manrique as appellate judge, and Juan of Seville, who had carried the previous brief to the Bishop of Evora for multiplying, was brought, with his companions, before the archbishop, who condemned them.[1] The gold of the victims was vainly pitted against the unalterable will of the sovereigns, for the Holy See had no scruple in selling exemptions and abandoning the purchasers.

The delegation to Archbishop Manrique by no means inferred that Sixtus relinquished his own profitable appellate jurisdiction and, to encourage appeals, it was necessary to manifest indignation when the inquisitors rated the papal action at its true value. How little they respected it is manifested in a brief of July 4, 1484, addressed to the inquisitors Miguel de Morillo and Juan de San Martin, reciting that the Dean of Mondoñedo, two canons of Seville and several others, whom they were prosecuting and whose property they had sequestrated, had appealed from them; that Sixtus had referred the cases to the Bishop of Terracina and some auditors of the Sacred Palace, at whose instance the inquisitors had been ordered to cease proceedings, to grant absolution *ad cautelam* and to lift the sequestration which deprived the parties of the means to carry on the appeal; that the inquisitors had not only flatly refused obedience and had kept possession of the property, but had constrained the appellants under oath and threat of censures not to prosecute the appeal or even to write to Rome, on the ground that they had the jurisdiction and would render judgement. Wherefore Sixtus now pronounces null and void all proceedings since the issue of the inhibitory order and prohibits further action under threat of excommunication; the sequestration is to be lifted and all the papers are to be sent to Rome.[2] There was no reason why this should command obedience more than the previous order and we may feel sure that the appellants fared no better in consequence. The case has interest only as a specimen of innumerable others which were bringing an abundant harvest to the officials of the curia, without affording relief to the victims, who were like a shuttlecock between two battledores, yielding sport to the players, as they were driven from one to the other.

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[1] Boletin, XV, 489.—Llorente, Hist. crít. cap. v, Art. iv, n. 20.

[2] Archivio Vaticano, Sisto IV, Registro 677, Tom. XVIII, fol. 498.

Archbishop Manrique's position as appellate judge must also have been lucrative for, on his death in 1485, the succession was eagerly sought for and was obtained by the papal vice-chancellor, Rodrigo Borgia, but Ferdinand had had experience of him in Valencia and the sovereigns remonstrated so effectually that he was obliged to withdraw in favor of their nominee, Cardinal Hurtado de Mendoza, Bishop of Palencia.[1]

Sixtus IV had died, August 12, 1484, to be succeeded by Innocent VIII. The Inquisition might hope for an improvement, but was resolved to resist with greater energy than before, if the new pope should imitate his predecessor. In a series of instructions, issued December 6, 1484, Torquemada provided for a resident agent in Rome, whose expenses were to be defrayed from the confiscations; he complained of the extraordinary and illegal letters so profusely granted by Sixtus and announced that the sovereigns would suspend the operation of such letters, but that action would be withheld until it should be seen whether Innocent continued a practice so prejudicial.[2] Innocent must already have given evidence that his methods were the same as those of Sixtus, for, in less than ten days, Ferdinand issued, December 15th, a savage pragmática far more decisive than Torquemada had forecast, for it decreed death and confiscation for all who should use such letters, whether emanating from the pope or his subordinates, unless they should have received the royal exequatur, and all notaries and scriveners who should act under them or make transcripts of them were deprived of their offices.[3]

As a matter of course the change of pontiffs worked no change in the lucrative business, except that perhaps under Innocent the practice of taking money and betraying those who paid it became more unblushing than before and promises to both sides were made and broken with still greater facility. To this end, care was taken to maintain the papal jurisdiction, for when the new pope was asked to confirm or renew Torquemada's commission and power was asked for him to disregard the exemptions issued in blank for names to be filled in and absolutions granted on false confessions, and other abuses impeding in every way the Inquisition, Innocent turned a deaf ear and the commission was only

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[1] Pulgar, Chronica, III, xxxviii. [2] See Vol. I, Appendix, p. 572.
[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 33

renewed, not enlarged.[1] Then the sovereigns assumed the power denied to Torquemada and issued circular letters, July 29, 1485, addressed to all the ecclesiastical authorities, reciting how, to the scandal of religion, disregard of the royal pre-eminence and damage to the fisc, certain parties obtained bulls, rescripts, provisions and confessional letters, from Sixtus IV and Innocent VIII, to protect themselves in their crimes. As it is not to be supposed that the popes would do this knowingly, all such letters are suspended until the papal intention, after due information, can be ascertained and obeyed. Meanwhile no such briefs are to be enforced until after submission to the sovereigns for their approval.[2]

It is not easy to follow the rapid tergiversations of the pope, for the pledges given to either side were impartially violated almost as soon as given, the only explanation being that both sides could get what briefs they desired provided they were willing to pay what was demanded. For awhile the influence of Ferdinand and Isabella prevailed and, in a solemn repetition of Torquenada's commission, April 24, 1486, Innocent directed that all appeals should be made to him and not to the Holy See.[3] Still more emphatic was a disgraceful brief of November 10, 1487, by which he declared inoperative all the letters issued by the Penitentiary, whose purchasers he thus surrendered to the inquisitors, whom he authorized to proceed in spite of the inhibitions contained in them.[4] Possibly he may have recognized that this breach of faith was likely to damage the market by destroying confidence, for the ink was scarce dry on this brief when he issued another, November 27th, ordering that, when such letters were produced, they, or authentic copies of them, should be sent, with details of the case, and that, until his decision was announced, proceedings should be suspended.[5]

Ferdinand thereupon forbade the inquisitors to accept such letters, notwithstanding which their issue continued without intermission for, on May 17, 1488, Innocent declares that they should be invalid unless presented within a month of that

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[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 45.—Páramo, p. 137.

[2] Informe de Quesada (Bibl. nacional, MSS., Tj, 28).

[3] Bulario de la Orden de Santiago, Lib. I, fol. 8.—Cf. Somoza de Salgado de Retentione Bullarum, P. II, cap. xxxiii, n. 85, 86.

[4] Boletin, XV, 579.—Archivo de Simancas, Inquisicion, Lib. 926, fol. 260.

[5] Boletin, XV, 581.

date.[1] Simultaneous with this was an elaborate bull of the same date, doubtless procured by the Conversos of Aragon, addressed to the Bishop of Majorca, reciting the daily appeals from the kingdoms of Aragon which were committed to judges in the curia who issued inhibitions to the inquisitors. As this impeded the Inquisition the pope evoked to himself all pending cases and committed them to the bishop to be decided without appeal, his commission continuing during the papal pleasure.[2] We may reasonably doubt whether Ferdinand permitted the bishop to exercise these functions; even if he did so the Conversos profited little, for the good bishop died in about six months and there is no trace of the appointment of a successor.

Yet when Ferdinand wanted to save those whom he favored from the Inquisition, he sometimes had recourse to procuring for them papal letters to which he granted his exequatur. He did this for his treasurer, Gabriel Sánchez and for the vice-chancellor of Aragon, Alonso de la Caballería; Gabriel Sánchez also obtained letters for his brothers Alonso and Guillen, which Ferdinand approved and had some difficulty, in 1498, in preventing the tribunal of Saragossa from seizing and suppressing them.[3] There was an even more significant recognition of the appellate power of the Holy See in the case of Gonsalvo Alfonsi, defunct, in 1493. The *consulta de fe* was unable to reach unanimity and, in place of referring it to the Suprema, the consultors referred it to Alexander VI, who, by brief of August 13th, appointed the Bishop of Córdova and the Benedictine Prior of Valladolid to decide the case, at the same time inhibiting the inquisitors from further cognizance.[4]

The year 1492 saw the conquest of Granada achieved and the death of Innocent VIII. The one event greatly increased the reputation and influence of Ferdinand and the other placed in the papal chair Rodrigo Borgia, better known as Alexander VI. Both men were unscrupulous, but the political situation brought them into close relations and the services rendered by the king to the pope—or still more, perhaps, the disservice which he could

[1] Somoza, *loc. cit.*, n. 127.—Bulario de la Orden de Santiago, Lib. I, fol. 94. —Archivio Vaticano, Innoc. VIII, Regist. 686, fol. 103. (See Appendix).

[2] Bulario de la Orden de Santiago, Lib. I, fol. 44.—Archivo de Simancas, Inquisicion, Lib. 926, fol. 274.—Llorente, Añales, I, 146.

[3] Archivo de Simancas, Inquisicion, Lib. I.

[4] Bulario de la Orden de Santiago, Lib. I de copias, fol. 46.

render—made the latter eager to gratify him. In 1494 he confirmed and enlarged the letters of Innocent VIII prescribing that appeals should be made to the inquisitor-general and not to the Holy See.[1] To render this effective he commissioned, as we have seen, one of the inquisitors-general, Francisco de la Fuente, as appellate judge to hear all cases. The brief of appointment, November 4, 1494, shows in what a tangled condition these matters had been brought by the shifting and shiftless papal policy, governed alone by the expectation of profit. It recites that Innocent VIII, at the instance of Spanish suspects of heresy, had committed their cases, both original and appellate, to various auditors of the Sacred Palace, where they remained pending for lack of evidence not obtainable in Rome, wherefore Innocent had evoked them all to himself, but had appointed no judge to hear them and no further progress was made. Besides, under their commissions, the said auditors had issued letters compulsory, inhibitory and citatory on inquisitors and other officials, in consequence of which they were under excommunication and against this they appealed. To put an end to these dangers and scandals, Alexander therefore evoked anew all these cases to himself and committed them to la Fuente, together with all arising in future, granting him full power for their final determination.[2]

Still the lucrative business of issuing letters of absolution and redintegration went on unchecked, until pressure from Spain, which was insufficient to restrain their manufacture and sale, at least induced Alexander to betray those who had bought them. On August 29, 1497, he issued a bull reciting how heretics, who had been burnt in effigy, had obtained from him absolution, rehabilitation and exemption from inquisitorial jurisdiction, to the scandal of the faithful, wherefore, at the request of Ferdinand and Isabella, he now withdraws and annuls all these letters, except in the forum of conscience.[3] Even this did not satisfy Ferdinand who, under the pretext that a papal secretary named Bartolommeo Florido had issued false ones, ordered the inquisitors to seize them when presented and send them to him in order that he might communicate with the pope about them. This was followed by decrees of the Suprema, January 8 and February 12, 1498,

[1] Somoza, *op. cit.*, P. II, cap. xxxiii, n. 85, 86.

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 22.

[3] Boletin, XV, 572.

commanding all who had obtained absolutions and dispensations from Rome to deliver them within a given time to the inquisitors, who would forward them to the inquisitor-general for verification of their genuineness, thus obtaining possession of all letters, to the general terror of the owners. Ferdinand, as we have seen, was obliged to write to Saragossa to protect Alonso de la Caballería and the brothers Sánchez, while Isabella interceded, June 26th, for a servant of hers who had procured such a letter and could not produce it.[1] Then Alexander was called upon for a more absolute surrender of those who had dealt with him and, on September 17th, he addressed a brief to the Spanish inquisitors empowering them to proceed against all heretics, notwithstanding all letters of absolution and redintegration heretofore or hereafter issued, for all such letters were to be held as having been granted inadvertently.[2] What with Spanish fanaticism and papal faithlessness the Conversos were between the hammer and the anvil.

Their only recourse was exile. Many abandoned Spain and a portion of these found in Rome a refuge, for Alexander welcomed them in view of the heavy imposts which they paid for safety and toleration. They also furnished him with material for a speculative outburst of persecution when, in 1498, he was in need of funds to furnish forth the magnificent embassy of his son Cæsar, sent to bear to Louis XIII the bull of divorce from Queen Jeanne. He appointed as inquisitors Cardinal Pietro Isuali and the Master of the Sacred Palace, Fra Paolo de Monelia, who proclaimed a term of grace during which the Spaniards suspect of heresy could come forward. Two hundred and thirty presented themselves; the form of receiving and examining their confessions was gone through with; they were admitted to mercy and a salutary penance was imposed in lieu of the penalties that might have been inflicted in Spain. What was the amount of this cannot be known, but it must have been considerable, for the inquisitors could ransom them at discretion. A solemn auto de fe was celebrated in St. Peter's, July 29th, in the presence of Alexander and his cardinals. The penitents were marched thither in pairs, were reconciled to the Church, abjured their heresies and were sentenced to wear the sanbenito and to undergo penance, after which they were taken in procession to Santa Maria sopra

[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 939, fol. 114.
[2] Boletin, XV, 597.

Minerva, where they were relieved of the sanbenitos and discharged. The performance evidently was expected not to be pleasing to the Spanish sovereigns, for part of the penance assigned was to furnish a notarial attestation that they would not return to Spain without licence from the Catholic kings under pain of relaxation as relapsed.[1]

There were doubtless intimations of Ferdinand's displeasure which drew from these impromptu inquisitors a letter of September 10th to their Spanish brethren and one of October 5th from Alexander to the sovereigns, in which the provision respecting return to Spain was emphasized. Ferdinand however was not to be thus placated; indeed he had already, on August 2nd, issued an edict, designed to frustrate further attempts by the papacy to share in the profits of persecution. In this he ordered the execution, without trial, of all who had fled from condemnation by the Inquisition and who should venture to return, no matter what exemptions, reconciliations, safe-conducts or privileges they might allege. Any property they might possess was apportioned in thirds to the informer, the official and the fisc and any one harboring them and any official neglecting to execute the edict was threatened with confiscation.[2] The prevention of further speculative performances of the kind was doubtless the motive for the stringent regulations, which we have seen above, in 1499 and 1500, to prevent the escape of Conversos.[3]

Ferdinand sometimes recognized the papal letters as in the case of some parties named Beltram, in 1499, which he permitted to be heard by the commissioners appointed by the pope,[4] but there was too much at stake for him to abandon the struggle and the papacy followed its practice of sacrificing those who sought its protection, while never failing to promise it. Early in 1502, the sovereigns remonstrated forcibly as to the great damage to

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 15.—Bulario de la Orden de Santiago, Lib. III, fol. 95.—Burchardi Diarium (Ed. Thuasne, II, 491).—Villari, Niccolò Machiavelli, I, 249, 279 (Milano, 1895).

[2] Llorente, Hist. crít., Appendix VII.—Nueva Recop. Lib. VIII, Tit. ii, ley 2.

[3] Yet licence to return could doubtless often be had for a consideration. Compromises and commutations, as we shall see, were a recognized source of revenue and a document of this period contains an offer, from certain parties who had been absolved in Rome, of seven thousand ducats and some houses, for permission to reside in Spain and present themselves to the Inquisition for salutary penance. —Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 5.

[4] Archivo de Simancas, Inquisicion, Libro 1.

the faith resulting from these letters transferring cases to special commissioners, and Alexander promptly responded by a bull evoking to himself all such cases and committing them to Inquisitor-general Deza, to be decided by him personally or with assessors whom he might call in. To this Ferdinand objected, under pretext of the hardship which it would inflict on the appellants, as Deza had to follow the migratory court and Alexander, with his usual pliancy, empowered Deza, August 31st, to appoint deputies to decide cases. Deza availed himself of this to restore the cases to the tribunals, instructing them to proceed to final judgement without regard to any papal letters that might be presented, and thus again the unlucky appellants were delivered back to their persecutors without recourse.[1]

Julius II was elected November 1, 1503, and the next day, even before his coronation, he issued a *motu proprio* to Ferdinand and Isabella, confirming all graces and privileges granted by his predecessors and especially those to the Inquisition. Still, appeals to the Holy See continued to pour in and to be welcomed and, in 1505, Ferdinand remonstrated energetically, asking a recall of all commissions and drawing a doleful picture of the religious condition of Spain, which was saved only by the Inquisition from a schism worse than that of Arius.[2] Philip of Austria, however, in his eagerness to win papal support, abandoned the claims of the Inquisition and admitted to the Holy See that it could not refuse to entertain the appeals of those who sought its protection.[3] Julius had no intention of divesting himself of the supreme jurisdiction which was so profitable and he took care to assert it in the commissions issued, in 1507, to Ximenes and Bishop Enguera, as inquisitors-general respectively of Castile and Aragon, by evoking to himself all cases pending in the tribunals and committing them to the new incumbents and those whom they might deputize.[4]

Like his predecessors, Julius, with one hand, sold letters of absolution and inhibition while, with the other, he declared them invalid. A brief of November 9, 1507, recites that some persons, pretending to be aggrieved, have appealed to the Holy See,

[1] Bulario de la Orden de Santiago, Lib. I, fol. 47; Lib. 3, fol. 32.—Archivo de Simancas, Inquisicion, Lib. 933.

[2] Bibl. nacional, MSS., X, 157, fol. 244; D, 118, fol. 39, 41, 104.

[3] Gachard, Voyages des Souverains des Pays-Bas, I, 548.

[4] Bulario de la Orden de Santiago, Lib. I, fol. 13, 15.

whereby the Inquisition is impeded; therefore he decrees that all appeals must be to the inquisitor-general, while those to Rome are to be regarded as null; the inquisitors are to disregard them and not to delay on account of them.[1] Still, the output of these letters was unchecked and for awhile Ferdinand fluctuated in his policy with regard to them. Sometimes, as in a Sardinia case, in 1508, he orders the inquisitor to arrest and punish severely those concerned in procuring them, assuring him of the royal protection against the indignation of Rome.[2] Sometimes, as in a Valladolid case, in 1509, he assumes the current convenient fiction that the letters are issued surreptitiously, that the pope, on better information, will withdraw them, and meanwhile they are held suspended; the trial is to go on and the sequestrations are not to be lifted.[3] Finally, in a pragmática of August 31, 1509, a definite policy was adopted combining both methods and based on the principle that, if the letters were surreptitious, those who obtained them deserved condign punishment. This required all such briefs to be submitted to the Suprema for examination and reference back to Rome; if found to be rightly issued, exequatur would be granted, but without this any one presenting such letters to inquisitors incurred, as in the pragmática of December 15, 1484, irremissible death and confiscation; notaries acting under them were deprived of office, while secular officials were commanded to execute the edict under pain of five thousand florins and ecclesiastics under seizure of temporalities and perpetual exile.[4]

The ferocity of this, after a constant struggle with the curia for twenty-five years, shows the importance attached by Ferdinand to the autonomy of the Inquisition and his determination to suppress all papal interference. Still that interference continued and Ferdinand could not but recognize that it was legal. In a case occurring in 1510, when a certain Augustinian Fray Dionisio, on trial before the tribunal of Seville, obtained letters committing the case to a judge who inhibited the tribunal, Ferdi-

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[1] Bulario, Lib. I, fol. 50. [2] Bibl. nacional, MSS., D, 118, fol. 104.

[3] Somoza, *op. cit.*, P. II, cap. xxxiii, n. 50.

[4] Archivo de Simancas, Inquisicion, Lib. 3, fol. 7.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 296.

Somoza (*op. cit.*, P. II, cap. xxxiii, n. 40) prints this with the date of March 17, 1510—probably a reissue.

nand requested the pope to evoke the case and commit it to Cardinal Ximenes and further that all future cases of the kind should be similarly treated.[1]

In all this long wrangle the diplomatic reserve is observable which assumed that the Holy See was actuated by motives that, if mistaken, were at least disinterested. The financial element underlying its action was fully recognized, however, and, when the Spanish delegates were sent to the Lateran Council in 1512, among the instructions which they bore was one which said that Rome must not in future defend, as it had been defending, the apostates of Jewish race who were burnt in effigy at home while they purchased for money dispensations in the curia. In fact, Charles V, in a letter of April 30, 1519, to his ambassador Luis Carroz, openly asserted that the briefs issued in the time of Ferdinand had been obtained by the Conversos through the payment of heavy sums.[2]

The delegates to the Lateran council of course effected nothing, and Leo X, while his penitentiaries and auditors were as busy as ever, was even more regardless than his predecessors of the papal dignity, in annulling their acts after the fees had been paid. In a *motu proprio* of May 31, 1513, he alludes to the letters negligently granted by Julius II and himself, through which the business of the Inquisition was impeded, wherefore he empowers Ximenes to inhibit, under excommunication and other penalties, all persons, even of episcopal rank, from using such letters of commission to entertain appeals.[3]

In the kingdoms of Aragon, the Córtes of Monzon, in 1510, agreed that no one should appeal from the tribunals to the pope, but only to the inquisitor-general.[4] Possibly this may have led to the invention of a method of reprisals which was infinitely annoying and difficult to meet. A certain Baldiri Meteli procured from Rome a citation to appear addressed to Mossen Coda, the judge of confiscations in Barcelona, and some other officials. This completely nonplussed the tribunal and Ferdinand was driven to instructing, November 2, 1510, his Lieutenant-general of Catalonia to consult with Inquisitor-general Enguera as to

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 71, 76, 77.

[2] Döllinger, Beiträge zur politischen, kirchlichen u. Cultur-geschichte, T. III, p. 204.—Bibl. nacional, MSS., D, 118, n. 2, fol. 8.

[3] Bulario de la Orden de Santiago, Lib. I de copias fol. 50.

[4] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 28.

the best mode of inducing Meteli to withdraw the citation. He was obstinate, especially as he had meanwhile procured citations on other officials, and Ferdinand could find no other remedy than notifying the diputados that the agreement of Monzon was a totality and that, if the clause respecting appeals was violated, Enguera would disregard the rest.[1] What was the result the documents fail to inform us, but an even more troublesome case occurred in Saragossa when Sánchez de Romeral on being prosecuted fled to Rome. March 11, 1511, Ferdinand wrote to his ambassador to request the pope to send him back to the inquisitor-general, but the pope declined and Ferdinand was moved to lively wrath, in 1513, on learning that Romeral, who had meanwhile been burnt in effigy, had procured citations on all the officials, from inquisitors down, including even the consultors who had acted in the consulta de fe, and that he had managed to get the citations published in Tudela and Cascante. Ferdinand wrote to Rome in terms of vigorous indignation and ordered the Archbishop of Saragossa, the Captain-general of Navarre and the inquisitors to consult with lawyers as to the best means of punishing this audacious attack on the Inquisition. Apparently there were no means of parrying such an attack save coming to terms with the other side, so long as the curia was willing to lend itself to this guerrilla warfare. This was seen in a somewhat similar case in Sicily, in 1511, when a certain Cola de Ayelo, condemned to perpetual imprisonment by Inquisitor Belorado, managed to escape; he took himself to Rome as a penitent and there commenced suit against Belorado and his colleague the Bishop of Cefalù. The bishop was obliged to obey a summons to Rome; the affair was protracted and gave so much trouble that, when Ayelo wanted to return to Sicily and offered to withdraw the suit, Ferdinand agreed to let him come back, pardoned his offences, including gaol-breaking, and gave him a safe-conduct against further prosecution. This method of fighting the Inquisition would probably have been more frequently adopted but for the risk to which were exposed the notaries and scriveners whose ministrations were essential. In the present case the one who sent the citation to the bishop was seized by the viceroy, tortured and probably punished severely.[2]

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[1] Archivo de Simancas, Inquisicion, Libro 3, fol. 133.

[2] Ibidem, Lib. 3, fol. 149, 274.

One or two cases will illustrate the chaotic condition produced by these contending elements, especially after the death of Ferdinand, January 23, 1516, had removed from the scene of action his resolute will and ceaseless activity. Miguel Vedreña, suspected of complicity in the murder of Bernardo Castelli, assessor of the tribunal of Balaguer, appealed to the pope from the prison of the tribunal of Barcelona. The Suprema of Aragon vainly instructed its Roman agent to make every effort to defeat the appeal. Leo X committed the case to the Bishop of Ascoli, who ordered the tribunal to release Vedreña on his giving security to constitute himself a prisoner in Rome. The inquisitors had lost all respect for papal letters and refused obedience, whereupon the bishop appointed certain local prelates as commissioners to prosecute them and inflict censures. The Suprema inhibited these commissioners from acting, but not before they had excommunicated the inquisitors, who applied to Leo for relief. Leo had already, at least in appearance, abandoned Vedreña, in a brief of May 5, 1517, addressed to Cardinal Adrian, then Inquisitor-general of Aragon, styling Vedreña "that son of iniquity," evoking the case to himself and committing it to Adrian. But accompanying this brief and of the same date was another of private instructions, in which Vedreña was alluded to as his dearest son and Adrian was told that the case was committed to him in order that his dexterity might compound it; the evidence was doubtful and Vedreña had purged it sufficiently; it would seem that he should rather be acquitted than condemned but if Adrian thought otherwise he was to send a statement, when Leo would give final orders. Some three months later there was another brief to Adrian about the excommunicated inquisitors; if the censures were subsequent to the withdrawal of the case from the Bishop of Ascoli, they were invalid, but the whole matter was left to Adrian.[1] We have no means of knowing what was the final outcome of the case, but it sufficiently indicates the entanglements caused by the conflicting jurisdictions and the contradictory actions of the pope as his officials were bought by one side or the other.

Another aspect of these affairs is exhibited in the case of the heirs of Juan Enríquez de Medina, whose bones were condemned, by the tribunal of Cuenca, to be exhumed and burnt. The heirs

[1] Bulario de la Orden de Santiago, Lib. II, fol. 19, 21.—Archivo de Simancas, Inquisicion, Lib. 72, fol. 61; Lib. 74, fol. 56, 62.

appealed to Ximenes, who commissioned judges to revise the sentence, but these refused to the heirs a copy of the proceedings, by which alone they could rebut the evidence. Then they appealed to Pope Leo, who appointed three commissioners to hear the case and communicate the proceedings to the heirs, on their giving security not to harm the witnesses. The parties appointed, doubtless fearing to incur the enmity of the Inquisition, declined to serve and the last we hear of the case is a brief of May 19, 1517, threatening them with excommunication for persistence.[1]

With the appointment of Cardinal Adrian, as inquisitor-general of Castile as well as of Aragon, Leo, in 1518, confirmed the decrees of Innocent VIII and Alexander VI, granting to him exclusive appellate jurisdiction and Adrian, when pope, repeated this in 1523, in favor of Manrique.[2] Yet this in no way interfered with the reception in Rome of the multitudinous applications, both appellate and in first instance, which Charles V, in a letter of October 29, 1518, to Cardinal Santiquatro, broadly hinted was accomplished by the free use of money.[3] How recklessly, indeed, the papal jurisdiction was prostituted at the service of the first comer, is evidenced in the case of a mill in Paterna, purchased by Juan Claver from the confiscated estate of Jufre Rinsech. The Infante Enrique laid claim to it; the tribunal of Valencia decided in favor of Claver and imposed perpetual silence on Enrique. On the death of Claver, Enrique brought suit against his heir before a judge of his own selection, whom the tribunal promptly inhibited. Enrique then procured a papal brief inhibiting the tribunal and committing the case to this judge. Then Charles V intervened, October 29, 1518, ordering Enrique to bring his suit before the tribunal.[4] Papal letters issued after such fashion had no moral weight and were lightly disregarded. The contempt felt for them was increased by Leo's perpetual vacillations. A brief of September 9, 1518, to Adrian states that, in view of the iniquity and injustice of the tribunal of Palermo and some others, he had placed all such matters in the hands of his vicar, the Cardinal of S. Bartolommeo in Insula, with faculties to decide them and coerce the inquisitors with censures and fines,

[1] Llorente, Añales, II, 106.
[2] Somoza, P. II, cap. xxxiii, n. 85, 86.
[3] Archivo de Simancas, Inquisicion, Lib. 9, fol. 15.
[4] Ibidem,Lib. 9, fol. 16.

but now he thinks it better that these affairs shall be confided to Adrian, to whom he commits them with full powers.[1]

A contemporary case, which attracted much attention at the time, shows Leo in a more favorable light. Blanquina Díaz was an octogenarian widow of Valencia, whose orthodoxy had never been suspected, but in 1517 she was denounced for Judaism and thrown into the secret prison. An appeal to the pope brought orders that she be released on good security, be allowed defence and the case be speedily tried. This brief never reached the tribunal, being apparently suppressed by the Suprema, whereupon Leo issued a second one, March 4, 1518, evoking the case to himself and committing it to two ecclesiastics of Valencia, Blanquina being meanwhile placed in a convent and Cardinal Adrian being especially prohibited from intervening, anything that he might do being declared invalid. It was probably before this was received that the tribunal submitted the case to Adrian, who assembled a consulta de fe and condemned Blanquina to perpetual imprisonment and confiscation. The papal intervention seems to have aroused much feeling; Charles was ready to sign anything drawn up for him by Adrian, and, in two letters, of May 18th and June 18th to his Roman agent Luis Carroz, he ordered the latter to disregard all other business in the effort to procure the withdrawal of the two briefs. If the safety of all his dominions had been at stake he could not have been more emphatic; such interference with the Inquisition was unexampled; unless the pope would revoke the briefs and promise never to issue similar ones, the Holy Office would be totally destroyed, and heresy would flourish unpunished, for every one would seek relief at the curia and the service of God would become impossible. He also wrote to the pope and the cardinals, while Adrian and the Suprema sent pressing letters. Leo, however, was firm in substance, though he yielded in form. In briefs of July 5th and 7th to Adrian he ordered that everything done since his letters of March 4th should be annulled, Blanquina being restored to her good fame, her sanbenito being removed and she being placed, under bail, in a convent or in the house of a kinsman. As the evidence against her consisted of trifles committed in childhood, he again evoked the case to himself and committed it to Adrian. There had been active work on both sides in Rome, for the brief

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 59.

of July 5th gave Adrian full power to decide the case while that of the 7th limited him to sending the results to Leo and awaiting instructions as to the sentence. Leo thus kept Blanquina's fate in his hands; Adrian was only his mouthpiece and the sentence pronounced her to be lightly suspect of heresy and discharged her without imprisonment or confiscation.[1]

A further instance of Leo's vacillation is the coincidence that the brief of March 4th in Blanquina's favor was dated the same day as Adrian's commission as inquisitor-general of Castile, in which Leo evoked to himself all pending cases, whether in the tribunals or the curia, and committed them to Adrian with full power to inhibit all persons from assuming cognizance of them.[2] With this before him it is scarce a subject of surprise that Charles V on April 30th instructed his ambassador to tell the pope that no letters prejudicial to the Inquisition would be admitted.[3] This threat he carried out in a contemporaneous case which for some years embroiled the Inquisition with the curia. Bernardino Díaz had been tried and discharged by the tribunal of Toledo, after which he had a quarrel with Bartolomé Martínez, whom he accused of perjury in his case, and killed him. Díaz fled to Rome, while the tribunal not only burnt him in effigy but seized his wife and mother and some of his friends as accomplices in his escape. In Rome he secured pardon in both the interior and exterior forum on condition of satisfying the kindred of Martínez, to the great indignation of Charles, who complained, not without reason, of this invasion of jurisdiction. Díaz also procured a brief ordering the liberation of the prisoners and the release of their property, but when the executors named in it endeavored to enforce it, the Toledo tribunal seized their procurator and compelled its surrender. This realization of Charles's threat exasperated the curia and the auditor-general of the Camera summoned the inquisitors to obey the brief or answer personally in Rome for their contumacy; they did neither and were duly excommunicated. Charles wrote repeatedly and bitterly about this unexampled persecution of those who had merely administered justice; the case dragged on for some three years and its

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 55–58.—Bibl. nacional, MSS., D, 118, n. 2, fol. 31, 104.—Archivo de Simancas, Inquisicion, Lib. 14, fol. 17, 18.—Llorente, Hist. crít. cap. XI, Art. V, n. 9.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 23.

[3] Bibl. nacional, MSS., D, 118, fol. 104.

ultimate outcome does not appear, but the family of Díaz were probably released for, in 1520, we hear of the removal of the excommunication in connection with the revocation by the inquisitors of their proceedings against Juan de Salazar, a canon of Toledo, residing in Rome in the papal service, whom they had deprived of citizenship and temporalities for some action of his in prejudice of the Inquisition.[1]

Another person who, about this time, gave infinite vexation to Charles and Adrian was Diego de las Casas of Seville, the agent who bore to Rome the contested proceedings of the Córtes of Aragon and labored for their confirmation. He was well supplied with funds and naturally was a *persona grata* to the curia. The Inquisition speedily attacked him, in its customary unscrupulous manner, by not only prosecuting him *in absentia* but by seizing his brothers, Francisco and Juan, and their wives. To meet this he procured a brief committing the cases to Adrian and to Ferdinand de Arce, Bishop of Canaries, with a provision that the parties should present themselves to Adrian and Arce and keep such prison as might be designated for them, and further permitting them to select advocates for their defence. Equitable as were these provisions, the brief excited hot indignation. When laid before the royal council it was pronounced scandalous and of evil example and its execution was refused. Charles wrote in haste to Leo, April 30, 1519, that it was scandalous and would destroy the Inquisition; he instructed his agents to procure its revocation to be forwarded by the next courier and he invoked by letters the cardinals in the Spanish interest to bring what pressure they could upon the pope. His urgency was fruitless and when, in September, he sent Lope Hurtado de Mendoza to Rome, as special ambassador in the quarrel with Aragon, his instructions were to represent to the pope the impropriety of harboring in Rome fugitives from the Inquisition, especially Diego de las Casas and his colleague Juan Gutiérrez, whose parents and grandparents and kindred had been reconciled or burnt; they should be expelled, and Mendoza was to labor for the revocation of their briefs and all other exemptions and commissions in favor of Conversos. Mendoza exerted all his diplomatic ability, but,

[1] Llorente, Añales, II, 181, 208, 227.—Archivo de Simancas, Inquisicion, Lib. 4, fol. 9; Lib. 9, fol. 14; Leg. 1465, fol. 28.—Bibl. nacional, MSS., D, 118, n. 54, fol. 104; fol. 177.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 196.

although Leo admitted, in a brief of July 13, 1520, to Adrian that the evocation of cases to Rome, both on appeal and in first instance, led to delays, impunity for offenders and encouragement of offences, still he would not abandon Diego de las Casas. The grant by Sixtus IV of appellate jurisdiction to the inquisitor-general, he admitted had been beneficial and, in hopes that Adrian would use it with integrity and justice, he evoked to himself all cases pending in the Roman courts and committed them to Adrian with full powers, but he made no promises as to the future and he especially excepted his physician, Ferdinand de Aragon and his wife, Diego de las Casas, Juan Gutiérrez and the deceased Juan de Covarrubias, whose cases had long been in dispute.

To all these, and to their kindred to the third degree and their property, Leo granted letters exempting them from the jurisdiction of the Inquisition and committing them to the Archbishop of Saragossa and certain other ecclesiastical dignitaries. Complaints soon arose as to the manner in which these commissioners exercised their powers to the dishonor of the Inquisition; Leo yielded by a brief of January 8, 1521, in which he substituted Adrian and the nuncio Vianesio de' Albergati, with full power to inhibit their predecessors. Then, in a more formal brief of January 20th he deprecated the evil caused by the cases which were daily brought to Rome and committed them all to Adrian, saving those of the five exempts, in which the nuncio was to be conjoined with him, and at the same time he revoked the letters exempting them and their kindred and empowering them to select judges for themselves.[1] It was a practical surrender, although Leo distinguished las Casas and Gutiérrez by styling them his beloved children.

These cases will suffice to show how the traditional policy of the curia continued, of taking the money of the refugees and appellants for protecting briefs, and then abandoning them by revocations issued, without even a sense of shame, when their funds were exhausted in the protracted struggle. Yet, undeterred by this, there was a constant succession of new applicants, who had no other refuge on earth, and the valueless briefs were granted with unfailing readiness. It was a source of perpetual irritation

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[1] Bibl. nacional, MSS., D, 118, n. 54, fol. 8, 104, 177.—Archivo de Simancas, Inquisicion, Lib. 14, fol. 55–7.—Bulario de la Orden de Santiago, Lib. I de copias, fol. 65, 68, 72.—Llorente, Añales, II, 207, 216, 243.

and Charles was untiring in his efforts to counteract it, not always observing due courtesy, as when, March 25, 1525, he wrote to Clement VII, in violent language, to revoke and erase from the registers a brief granted to Luis Colon and to order his officials not to issue such letters, as they were scandalous.[1] He no longer had the excuse of his youthful tutelage under Adrian and yet his subserviency to the Inquisition was complete. This was manifested in the case of Bernardo de Orda, a servant of Cardinal Colonna, who had a suit against Doctor Saldaña about the treasurership of the church of Leon. Saldaña was a member of the Suprema and, when Orda came to Spain, it was not difficult to have him charged with heresy and arrested by the tribunal of Valladolid. He escaped to Rome and the prosecution was continued against him *in absentia*, whereupon Charles demeaned himself by writing to Colonna, July 30, 1528, asking him to prevent Orda from obtaining a brief of exemption, as it would be an injury to the faith, and also not to favor him in his suit with Saldaña.[2]

Meanwhile the popes continued to propitiate Charles's growing power by granting, with as much facility as ever, what was nominally exclusive appellate jurisdiction to the inquisitor-general. In 1523, Adrian VI, as we have seen, confirmed in favor of Manrique the bulls of Sixtus IV and Alexander VI. Clement VII went even farther for, in a bull of January 6, 1524, he not only evoked all pending cases and committed them to Manrique but decreed that any commissions which he might thereafter issue should be invalid without the express assent of Charles, while all appeals were to be made to the inquisitor-general and not to the Holy See, and this he repeated, June 16, 1525. Still appeals continued to be made to Rome and briefs to be granted requiring repeated confirmations of the bulls of 1524 and 1525 with inclusion of the letters obtained in the interval, of which we have examples in 1532 and 1534.[3] Charles was thus justified in enforcing Ferdinand's pragmática of 1509, as when, in 1537, he ordered the corregidor of Murcia to prevent the publication of certain letters understood to have been procured from the pope against the Inquisition; if presented they were to be sent to the

[1] Bibl. nacional, MSS., D, 118, fol. 104.

[2] Ibidem, fol. 39, n. 17.

[3] Bulario de la Orden de Santiago, Lib. I de copias, fol. 26, 74, 81, 83, 85.—Páramo, p. 607.

Council of Castile for its action, and parties endeavoring to use them were to be arrested and dealt with as might be deemed most advantageous to the Holy Office.[1]

The position of Charles, as the master of Italy and the protagonist of the Church in its struggle with Lutheranism, had thus enabled him to obtain for the Inquisition virtual, though not acknowledged, independence of Rome. There is a very striking illustration of this, in 1531, when Clement VII intervened in favor of Fray Francisco Ortiz, a celebrated Observantine preacher, prosecuted for audaciously criticizing the Inquisition from the pulpit. He had lain in prison for more than two years, obstinately refusing to retract, when the interposition of Clement was sought. He did not evoke the case but, in terms of remarkable deference, July 1, 1531, he suggested to Manrique that, if nothing else was alleged against Ortiz, he might be held as sufficiently punished by his long imprisonment and might be restored to liberty, in view of his blameless life and the profit to souls to be expected from his preaching. This Clement asked as a favor, moved only by Christian charity and zeal for the salvation of souls.[2] To this carefully guarded request the Inquisition turned a deaf ear. If the trial of Ortiz came to an end in February, 1532, it was because he voluntarily submitted himself completely and his sentence was by no means light, including public penance, which was rarely inflicted on an ecclesiastic.[3] Paul III was more decided when his intervention was asked by Charles V, who, in spite of his bitter protests against papal interference, found himself obliged to appeal in behalf of his favorite preacher, Fray Alonso Virues. The Seville tribunal had prosecuted the latter on a charge of Lutheranism, had kept him imprisoned for four years and had sentenced him to reclusion in a convent for two years and suspension from preaching for two more. Charles, who had vainly sought to protect him during his trial, supported an appeal to the pope and obtained a brief of May 29, 1538, which not only annulled the sentence but forbade his future molestation.[4]

When, in 1542, Paul III reorganized the moribund papal Inquisition by forming a congregation of cardinals as inquisitors-

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[1] Somoza, *op. cit.*, P. II, cap. xxxiii, n. 41.—Llorente, Añales, II, 334, 335.

[2] Bulario de la Orden de Santiago, Lib. III de copias, fol. 133.

[3] Böhmer, Francisca Hernández und Francisco Ortiz, pp. 174–5 (Leipzig, 1865).

[4] Llorente, Hist. crít. cap. XIV, Art. ii, n. 4–10.

general for all Christendom, there was a not unnatural apprehension that this, even if not so intended, might interfere with the independence of the Spanish Holy Office. To representations of this he responded by a brief of April 1, 1548, in which he characterized such fears as baseless; he declared that it was not designed to interfere with the authority of inquisitors in Spain and he formally revoked anything to their prejudice that might be found in the decree establishing the Congregation.[1] This brief remained to the end the charter to which the Spanish Inquisition appealed in its frequent collisions with the Roman Congregation and, but for such a declaration, it would probably have been subordinated.[2]

This in no way affected the continual applications to Rome for relief, nor the effort of the Inquisition to suppress them. It was a singular departure from the settled policy of the government in this matter which led the Suprema, in 1548, to utter a bitter complaint to Charles V, setting forth the facility with which citations and inhibitions and commissions were granted in Rome and the daily royal cédulas despatched to prevent them, and yet when recently a Converso presented to the Royal Council a petition stating that he did not dare to notify the inquisitor-general of letters concerning a case which had been decided, the Council issued an order permitting any notary to serve the papers and testify to the service, with penalties for impeding it.[3] The popes were more consistent in their inconsistency. We have seen how Paul III, in 1549 and Julius III in 1551, confirmed the 1484 bull of Sixtus IV insisting on the validity of papal letters in both the interior and judicial forum and threatening the curses of the bull *in Cœna Domini* on all who should impede them, yet in 1550 a case in which papal letters were obtained led to vigorous remonstrance and Julius, by a brief of December 15, 1551, confirmed those of Clement VII and Paul III, besides evoking all pending cases and committing them to Inquisitor-general Valdés.[4]

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[1] Somoza, *op. cit.*, P. II, cap. xxxiii, n. 87.

[2] Juan de Zuñiga, the ambassador at Rome, states that when, in 1572, the commission of Pedro Ponce de Leon as inquisitor-general was drafted, Gregory XIII had strong desire to limit his faculties so as to make the Spanish Inquisition subordinate to the Roman Congregation and that it required infinite labor to obtain it in the customary form. Possibly the case of Carranza may have suggested the innovation.—Bulario de la Orden de Santiago, Lib. IV, fol. 77.

[3] Archivo de Simancas, Inquisicion, Lib. 13, fol. 21.

[4] Ibidem, Lib. 79, fol. 99.—Somoza, P. II, cap. xxxiii, n. 112.

Yet the very fact of doing this inferred the papal possession of supreme jurisdiction which it merely delegated, a point of which the Holy See never lost sight. The commissions to the successive inquisitors-general during the century contains a clause by which all unfinished business was evoked and committed to the appointee. It is true that there was also a provision that no appeals from the tribunals should lie except to the inquisitor-general, all other appeals, even to the Holy See, being invalid and referred back to him, who was empowered to use censures to prevent interference even by cardinals.[1] The popes could afford to be thus liberal in their grants, for their irresponsible power enabled them to disregard or to modify these delegated faculties at discretion, and these provisions never prevented them from entertaining appeals.

This was shown in the friction which continued throughout the long reign of Philip II, who was no less earnest than his father in maintaining the independence of the Inquisition, although his attitude was more deferential. In 1568 we find him complaining to his ambassador, Juan de Zuñiga, that appeals were made from Sardinia to Rome, not only in cases of faith, but in matters of confiscation, and in civil cases concerning familiars and officials, all of which was damaging to the Inquisition and in derogation of the royal jurisdiction. Zuñiga was therefore ordered to supplicate the pope to refuse admission to all such appeals, while the viceroy of Sardinia was instructed to prevent testimony from being taken in such cases.[2] This effort was fruitless as likewise was that of Abbot Brizeño, sent in 1580 as special commissioner on the subject to Gregory XIII, to remonstrate with the utmost earnestness against the reception accorded in Rome to fugitives from the Inquisition.[3]

Soon after this a case occurred which strained the relations between the courts. Jean de Berri, a Frenchman on trial by the tribunal of Saragossa, managed to escape to Rome, whereupon he was condemned in contumacy and burnt in effigy. He presented himself to the Congregation of the Inquisition which admitted him to bail and he went to reside in Orbitello. The case must have been the subject of active recrimination for Juan

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 32, 35, 39; Libro IV, fol. 2.

[2] MSS. of Royal Library of Copenhagen, 214 fol.

[3] Bibl. nacional, MSS., D, 118, n. 55, fol. 175.

de Zuñiga, at that time Viceroy of Naples, with superabundant zeal, kidnapped him and despatched him to Spain. Instantly the papal court was aflame; Zuñiga was promptly excommunicated, but the censure was suspended for four months to allow him to return the fugitive. A rupture seemed imminent and Zuñiga, conscious of his mistake, on learning that the galeasses had been driven back to Palermo, sent thither in hot haste, but his messenger was too late and Jean de Berri was carried to Spain. Papal despatches couched in vigorous language were forthwith sent to the nuncio, to Philip, to Inquisitor-general Quiroga and to the Saragossa tribunal, the nuncio being ordered to prosecute Quiroga if the prisoner was not remanded. Philip had no alternative; Quiroga, in a letter of September 12, 1582 to Gregory announced Berri's departure, at the same time remonstrating against the asylum to fugitives offered by Rome. Berri was duly delivered to the Roman Inquisition, but there was probably a secret understanding for, at a meeting of the Congregation, June 13, 1583, presided over by Gregory, it was decreed that he should be placed in the hands of Quiroga, who should judge his case. Quiroga did nothing of the kind; he was sent to Saragossa and the last we hear of him is a letter of the Suprema, August 3rd, to that tribunal ordering it to do justice—the customary formula for confirming a sentence.[1] As usual, the curia abandoned those whom it had undertaken to protect.

From 1582 to 1586, the nuncio, Taberna Bishop of Lodi, was largely occupied with the question of these appeals.[2] It formed one of several grievances arising from the exercise of papal jurisdiction in Spain—a jurisdiction which was becoming an anachronism in the development of absolute monarchy, but, as the faculties of the Inquisition were solely a delegation from the Holy See, papal control of its operations was unassailable and had to be endured. Philip gained nothing by instructing his ambassador Olivares, November 10, 1583, that it was highly important o represent to the pope that appeals should not be entertained ut should be remitted back to the inquisitor-general.[3] We have

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 171.—Bibl. nacional, MSS., D, 118, n. 12, fol. 442.—Bulario de la Orden de Santiago, Lib. IV, fol. 77, 81, 83, 87; Lib. III, fol. 442.—Theiner, Annal. Ecclesiast. III, 361–2.

[2] Hinojosa, Despachos de la Diplomacia Pontificia, I, 252–4, 358.

[3] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 28.

seen how little ceremony was used by Sixtus V, in 1585, when he evoked the case of the Jesuit Provincial Marcen and his colleagues, and how the Suprema was forced to submit.

While Philip thus was unable to dispute the papal right of intervention, he had as little scruple as his predecessors in disregarding papal letters. In 1571 he ordered the surrender of all briefs evoking cases to the Holy See. Some years later the Suprema instructed the tribunal of Lima that, if apostolic letters were presented, it was to "supplicate" against them—that is, to suspend and disregard them—and this was doubtless a circular sent to all tribunals.[1] They were practically treated as a nullity and it is a singular fact that, after so long an experience, the curia still found purchasers credulous enough to seek protection in them. In a Toledo auto de fe of 1591 there appeared twenty-four Judaizers of Alcázar, detected by Inquisitor Alava during a visitation. Among them was Francisco de Vega, a scrivener who, on hearing that the inquisitor was coming, had sent to Rome and procured absolutions for himself, his mother and his sister, thinking to find safety in them, but they were treated with contempt and all three culprits were reconciled with the same penalties as their companions.[2]

While thus the supreme jurisdiction of the Holy See was admitted and evaded, the Inquisition sought to create the belief that it had been abandoned. Zurita who, as secretary of the Suprema, unquestionably knew better, makes such an assertion and Páramo, whose experience as inquisitor in Sicily had taught him the truth, does not hesitate, in 1598, to say that, since Innocent VIII decreed that appeals should be heard by the inquisitor-general, no pope had permitted cases to be carried to the Apostolic see.[3] It is a fair example of the incurable habit of the Inquisition to assert its possession of whatever it desired to obtain.

Under Philip III, the papal supremacy continued to be exercised and was submitted to as reluctantly as ever. In 1602 a Doctor Cozas, under prosecution by the tribunal of Murcia, managed to escape to Rome and to have his case tried there.

[1] Somoza, *op. cit.*, P. II, cap. xxxiii, n. 138.—MSS. Bibl. nacional de Lima, Protocolo 223, Expediente 5270.

[2] MSS. of Library of Univ. of Halle, Yc, 20, Tom. I.

[3] Zurita, Añales de Aragon, Lib. xx, cap. xlix.—Páramo, p, 151.

Philip labored strenuously and persistently to have him remanded, first through his ambassador the Duke of Sesa and then through the succeeding envoy, the Duke of Escalona, to whom, on April 1, 1604 he sent a special courier, urging him to renew his efforts, for every day the Roman Inquisition was intervening in what the popes had granted exclusively to the inquisitor-general, thus threatening the total destruction of the Spanish Inquisition.[1] In 1603 a Portuguese appealed to the Roman Inquisition, alleging that his wife was unjustly held in prison; he obtained an order on the inquisitor-general to transmit the papers and meanwhile to suspend the case; Acevedo demurred, eliciting from Clement VIII a still more peremptory command, whereupon the documents were sent and, while the case was under consideration in Rome, the woman was discharged.[2] It was preferable to let an assumed culprit go free than to allow the Roman Holy Office to exercise jurisdiction.

The subserviency of Philip IV to his inquisitors-general was even more marked, and we have seen how vigorously he supported the Inquisition in its extension of its jurisdiction over matters foreign to the faith, leading the clergy of Majorca to procure papal briefs exempting them from it in such cases. The chapter of Valencia was less fortunate and was exposed to the full force of the royal indignation in 1637. Inquisitor-general Sotomayor had obtained a pension of nine hundred ducats on the archdeaconry of Játiva and one of three hundred and forty ducats on a prebend vacated by the death of the canon Villarasa. The chapter refused payment; Sotomayor sued them in the tribunal and of course obtained a decision in his favor. The aggrieved chapter revenged itself by ceasing the customary courtesy of sending two canons to receive the inquisitors at the door of the cathedral on the occasion of publishing the edict; this continued for two years and, on the second, the door of the great chapel was locked and the inquisitors had to await its opening. For this disrespect they prosecuted the chapter, which then appealed to Rome on both suits and obtained briefs committing the cases to a special commission of the Roman Inquisition, granting a faculty to relieve them from any excommunication and citing Sotomayor to appear

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 285.
[2] Ibidem, Gracia y Justicia, Inquisicion, Leg. 621, fol. 139.

in Rome. The case was assuming a serious aspect and the Suprema, November 30, 1637, presented to Philip a consulta with letters for his signature, addressed to his ambassador, to the pope, to the viceroy, the archbishop, and the chapter. Philip was in the full ardor of a contest with the pope over the jurisdiction of the nuncio and the Roman condemnation of books supporting the royal prerogative; he was not content with the measures proposed and returned the consulta with the comment that much more vigorous methods were required, nor did it comport with the royal dignity to ask for what he could legally enforce. He had therefore ordered the Council of Aragon to write to the chapter, through the viceroy, expressing his displeasure and his determination to resort to the most extreme steps. Letters were also to be written to the viceroy and the archbishop commanding the prosecution of the chapter in the Banco Real unless the briefs were forthwith surrendered; the Inquisition was not to appear in the matter, but only the archbishop, and a minister of justice was to be at hand when the demand was made, so as to seize the briefs as soon as they were produced. This violent program was duly carried out; Canon Oñate, the custodian of the briefs, was forced to surrender them; through the hands of the Council of Aragon they were passed to Sotomayor and were carefully preserved as trophies in the archives of the Suprema.[1]

If this inspired in ecclesiastics the terror desired it did not influence defendants under trial, who continued to appeal to Rome, for a carta acordada of August 3, 1538, orders the tribunals, when such cases occur, to send reports not only to it but direct to the Roman agent of the Inquisition, in order that no time should be lost by him in working for their withdrawal.[2] A few years later there followed the most bitter and stubborn conflict that had yet occurred between Madrid and Rome on the subject of appeals—the case of Gerónimo de Villanueva, which is so illustrative in various ways that it merits a somewhat detailed examination.

Gerónimo de Villanueva, Marquis of Villalba, belonged to an ancient family of Aragon, of which kingdom he was Prothonotary,

[1] Archivo de Simancas, Inquisicion, Lib. 25, fol. 56; Lib. 52, fol. 186; Gracia y Justicia, Inquisicion, Leg. 621, fol. 102.—Bulario de la Orden de Santiago, Lib. V, fol. 51, 52.

[2] MSS. of Royal Library of Copenhagen, 213 fol. p. 145.

or secretary of state; while his brother Agustin was Justicia. He won the favor of Olivares, as well as of Philip, and accumulated a plurality of offices, rendering him at last one of the most important personages of the state, for he became a member of the Councils of Aragon, War, Cruzada and Indies, of the Camara of the Council of Indies, Secretary of State and of the "Despacho universal de la Monarquia."[1]

In 1623 there was founded in Madrid, with the object of restoring the relaxed Benedictine discipline, a convent under the name of *La Encarnacion bendita de San Placido*, with funds furnished by Villaneuva and by the family of Doña Teresa de Silva (also called Valle de la Cerda), who was elected abbess. She had for some years been under the direction of Fray Francisco Garcia Calderon, a Benedictine of high reputation, who was inclined to mysticism. Villanueva had an agreement with the superiors of the Order giving him the appointment of spiritual directors and he naturally placed Calderon in charge. Before the year was out, one of the nuns became demoniacally possessed; the contagiousness of the disorder is well known and soon twenty-two out of the thirty were similarly affected, including Teresa herself. Calderon was reckoned a skilful exorcist, but he was baffled, as was likewise the Abbot of Ripel, who was called in. At the suggestion of the latter, the wild utterances of the demoniacs were written down, and a mass accumulated of some six hundred pages, for it was a current belief that demons were often compelled by God to utter truths concealed from man. These largely took the shape of announcing that the convent would be the source of a reformation, not only of the Order but of the whole Church; eleven of the nuns were to be the apostles of a New Dispensation, one having the spirit of St. Peter, another that of St. Paul and so

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 4, fol. 23.

For much of the earlier history of this case I am indebted to a MS. "Relacion sumaria de la causa que a seguido en el santo oficio de la Inquisicion del Reyno de Toledo contra Don Gerónimo de Villanueva" in the Simancas archives, Lib. 53, fol. 250–98. It bears no date but seems to have been drawn up, in 1647, as an official justification of the sentence, and presents the subject from the standpoint of the prosecution. It will be referred to as "Relacion."

The other side of the story of the convent of San Placido is given in the appeal of Doña Teresa for a reversal of her sentence. Several copies of this have been preserved. The one I have used is in the Bibl. nacional, MSS., S, 294, fol. 387. Fuller details of this curious conventual episode will be found in my "Chapters from the Religious History of Spain," pp. 309–18.

forth, while Calderon represented Christ. They would go forth to redeem the world; when Urban VIII should die he would be succeeded by Cardinal Borgia, who would bestow the cardinalate on Calderon; then Calderon would be pope for thirty-three years and Villanueva, who would be made a cardinal, would have a share in the great work.

For three years this went on, to the despair of the exorcists; people began to suspect some underlying evil and Fray Alonso de Leon, who had been associated with Calderon in the direction and had quarrelled with him, denounced the affair to the Inquisition in 1628. Calderon's prosecution was ordered: he endeavored to escape to France but was caught at Gerona and brought back to Toledo for trial. The nuns were all cast into the secret prison, where it was not difficult to extort from their fears such evidence as was wanted. Calderon endured without confession three rigorous tortures, but nevertheless he was condemned as an Alumbrado, guilty of teaching impeccability and the other heresies ascribed to Illuminism. April 27, 1630 he was sentenced to a living death in a cell of the convent designated to receive him. Doña Teresa was relegated to a convent for four years and the nuns were scattered in different houses.[1]

Apart from Illuminism, there were the consultation of demons and the prophecies of a renovation of the Church through a new apostolate. The latter was qualified as a heresy; the former was a debatable point. The six censors appointed by the Suprema held that belief in prophecies made by demons was superstitious divination, aggravated by the character of the prophecies and the practice of writing them out; it was no excuse to say that the demon acted as the minister of God, for this could be made to justify all heresies, and even to believe the demon to be the minister of God was superstitious divination.[2]

In all this Villanueva was compromised. His house adjoined the convent and he was much there, especially at night, after his official duties were over. The conventual discipline became inevitably relaxed and, in the subsequent proceedings, it was in

[1] Two copies of the sentence of Calderon are in the Bodleian Library, Arch. Seld. 130 and A. Subt. 11. It has also been printed by Eyssenhardt, Mittheilungen aus der Stadtbibliothek zu Hamburg, 1886.

A short account of the auto de fe of 1630 will be found in the Appendix to "Chapters from the Religious History of Spain."

[2] Relacion, fol. 258, 297.

evidence that he had been seen sitting in Teresa's lap while she cleaned his hair of insects. He took much interest in the demonic prophecies, especially those which foretold his importance in the Church, and he treasured a picture which was drawn of his guardian angel, in which he was represented as a pillar sustaining the Church. He took part in interrogating the demons and writing what they said and he kept these writings in his house. This appeared in the evidence taken in the trial of Teresa and the nuns and, according to inquisitorial practice, the portions relating to him were extracted and submitted to censors who reported, March 12, 1630, unfavorably; he was an accomplice or, if not, he was at least a fautor of the heresies. Then other censors were called in and a junta was held, March 20th, which reduced the finding to his being moderately suspect of having incurred the above censure.[1]

There was evidently no desire to attack so influential a personage who was supported by the favor of Olivares, and the Inquisition carried the matter no further, but doubtless Villanueva felt the danger of his position and possibly hints may have reached him of the evidence collected which might at any time be used for the furtherance of some court intrigue. He seems to have hesitated long but finally on January 7, 1632, he presented a self-denunciation to Fray Antonio de Sotomayor, confessor of the king, not as yet inquisitor-general, but a member of the Suprema. In this he naturally extenuated matters; he alleged his misplaced confidence in Calderon and Alonso de Leon and professed that, being unable to judge the import of it all, he made the statement in order that the proper remedy might be applied. Six months elapsed without action but, in July, five different groups of censors were consulted, whose opinions varied from holding him as an accomplice to declaring him guilty of no mortal sin. July 30th the Suprema considered the case and decided that there was no ground for prosecution—one member, however dissenting and voting for further consultation with competent theologians. The majority opinion governed and, on November 22nd, a certificate was duly given to Villanueva.[2]

He might well congratulate himself on his escape and turn his

[1] Relacion, fol. 259–60, 290.

[2] Ibidem, fol. 261–7.—"Que por lo que tocava á Don Gerónimo no tocava al santo oficio el proceder en esta causa, por no tener calidad de oficio lo contra el testificado."

attention to rehabilitating the unfortunate nuns of San Placido. It was well-nigh unexampled that the Inquisition should confess fallibility by revoking a judgement and to accomplish it demanded time and perseverance. When all was ready, on February 5, 1638, Fray Gabriel de Bustamente, in the name of the Benedictine Order, petitioned the Suprema to revise the case and that the nuns be set free and restored to their honor. This was referred to nine censors, who reported, April 14th, that the nuns were innocent of anything rendering them amenable to the Inquisition; they had merely obeyed their spiritual director and what was guilty in him was innocent in them. To save appearances, however, they added that, if they had acted on the evidence laid before their predecessors, their conclusions would have been identical. The Suprema delayed action until October 2nd, when it decided that the imprisonment of the nuns and their sentences should not affect their good name and repute or that of their kindred, monastery, or Order. They were thus rehabilitated, the convent was reorganized and, to erase from human memory all that had occurred, in November an edict was published requiring, under severe penalties, the surrender of all relations and copies of the former sentence, many of which were fabulous.[1] As though to secure the future of San Placido, a new building was commenced for it by Villanueva, in 1641, the cornerstone of which was laid with much ceremony.

It was never safe to reckon upon the Inquisition. If it could reverse a condemnation, it could reverse an acquittal, especially as St. Pius V had decreed that no acquittal for heresy should be held to be *res judicata* and permanent, whether pronounced by inquisitors, bishops, popes or even the Council of Trent.[2] For awhile, matters were quiescent. Villanueva was receiving fresh proofs of the royal favor. October 27, 1639 Philip gave him a seat in the Council of War and, on January 16, 1640, granted him additional graces in reward of services performed in Aragon. Even the fall of his protector Olivares, in February, 1643, did not affect his position, for his membership in the Council of Indies was bestowed on April 23d of that year.[3] Yet the disgrace of the chief favorite opened the way to many intrigues and especially

[1] Relacion, fol. 267–8.—Bibl. nacional, MSS., S, 294, fol. 387.—Archivo hist. nacional, Inquisicion de Valencia, Lib. VII de Autos, Leg. 2, fol. 27.

[2] Pii PP. V, Bull. *Inter multiplices* (Lib. V, in Septimo, ii, 10).

[3] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 156–60.

to those directed against his return to power, of which, at one time, there seemed much probability. It would be impossible now to assert with absolute certainty what was the direct object sought for in Villanueva's ruin, but we may feel confident that, in addition to the desire to divide his spoils, a powerful motive was the wish to get possession of his papers, in the hope of finding in them compromising material for use against Olivares.

The first attack was skilfully directed against San Placido and not against Villanueva. Sotomayor, the aged inquisitor-general, was forced, as we have seen, to resign on June 20, 1643, although he continued nominally in office until his successor, Arce y Reynoso, took possession, November 14th. Arce had already been designated for the post and, on July 13th, a royal letter informed him that Sotomayor had promised to subdelegate to him any cases that the king desired. Philip went on to say that the affair of San Placido had never ceased to give him concern; the truth had never been ascertained and, as it concerned so greatly the Catholic religion, it required a searching and impartial investigation, such as it would receive at Arce's hands, wherefore, as soon as he received power from Sotomayor, he must undertake it in such wise as would give public satisfaction. The commission from Sotomayor followed the same day and comprehended not only the nuns but all persons concerned, whether lay or clerical.[1]

The letter was evidently drawn up by Arce for the signature of Philip, who was but a tool in the hands of the intriguers. With the existence of the monarchy imperilled by three wars at once and the affairs of state disorganized by the sudden removal of the minister who had managed them for twenty years, it is absurd to suppose that he could spontaneously have given a thought to the concern of the little nunnery, the settlement of which had been acquiesced in for five years, or that he had the slightest inkling of what was to follow. That this action was but a pretext is shown by the fact that, although there were some proceedings taken against the nuns, which for several years gave them anxiety, they were allowed without protest to appeal to the pope who, in 1648, committed the case to the Bishop of Avila, after which it seems to have been dropped, for in 1651 we find them in full enjoyment of their honor.[2]

[1] Archivo de Simancas, Inquisicion, Lib. 53, fol. 54, 60.

[2] Relacion, fol. 291.—Archivo de Simancas, Inquisicion, Lib. 53, fol. 81; Gracia y Justicia, Inquisicion, Leg. 621, fol. 135, 137, 171, 188.

Arce had evidently been preparing in advance for the attack on Villanueva; on July 15, 1643, he acknowledged the royal commands which he was ready to obey; on July 24th the king sent him an order for all the papers in the case, expressing confidence that he would act as expected from his zeal, rectitude and prudence, and, only two days later, July 26th he wrote to the king that the case of one of the accomplices was ready for definite sentence but, as it involved confirming or setting aside a judgement of the Suprema, he hesitated to take the responsibility. He suggested various methods and invoked the angel of the kingdom to bring light from God to aid the king in solving so difficult a problem. To this Philip, in total ignorance of what was on foot, replied that he had placed the matter absolutely in Arce's hands, who then concluded to let it take the form of an ordinary trial. Matters were already so far advanced that although the papers amounted to the enormous bulk of 7,500 folios, by August 27th the fiscal already had his *clamosa* or indictment prepared and presented. This displays the animus of the matter in being directed, not against the nuns but exclusively against Villanueva and the proceedings of 1632 which had acquitted him. Then, on September 18th the fiscal asked for the examination of new witnesses and, on January 13, 1644, he demanded that the affair should be submitted to new censors. He recapitulated the charges which we have seen, that Villanueva wrote down the utterances of the demons and kept them in his own house, his enquiring into future events dependent upon human free-will, his belief in the demons after experiencing their mendacity, his treasuring the picture of the angel, etc.[1] There was nothing new in all this, but at a time when the Inquisition was daily trying and penancing old women for fortune-telling and divination and superstitious practices, which were held to imply what was called a pact with the demon, there was technical ground for Villanueva's prosecution, although not for the manner in which it was carried on.

The new censors were selected—learned men, we are told, and eminent theologians, many of them professors in Toledo and Alcalá de Henares. A formidable array of twenty-one articles was submitted to them, including not only Villanueva's dealings with the demons of San Placido but his subsequent dabbling in

[1] Archivo de Simancas, Inquisicion, Libro 53, fol. 53, 55, 60–2.—Relacion, fol. 268–9.

astrology, through which he used to predict the result of campaigns. The censors could not well hesitate in pronouncing him vehemently suspect in the faith and some even held that those who had signed the exculpation of 1632 should be prosecuted.[1] All this was conducted with the inviolable secrecy of the Inquisition, both the king and the intended victim being kept in profound ignorance of what was on foot.

The opinions of the censors were furnished at various times up to May 15, 1644 and then the Suprema took three and a half months to consider them, until Philip was conveniently absent, conducting the campaign in Catalonia. After much prayerful thought, we are told, and supplication to God, a sentence of arrest was adopted, August 31st, and executed the same day. Two inquisitors, Juan Ortiz and Calaya, went to Villanueva's house about 2 P.M., woke him from his siesta, placed him in a coach and hurried him off to Toledo, where he was thrust into a narrow cell with a little cot, and kept as usual, strictly *incomunicado*. Six keys were found on him, which he said covered papers belonging to the king. He declined to give orders as to his own papers and we are informed that large quantities were found concerning San Placido, but there is discreet silence about other matters. That same day and the next there came for him important despatches from the king, which had to be opened by his principal secretary. Arce at once wrote to Philip announcing the arrest and assuring him that the case would be prosecuted with the utmost desire for the greater service of God. Philip's reply is the most abject expression of weakness; the mere assumption that the faith is concerned seems to paralyze his intellect and deprive him of all power of self-assertion. He was completely taken by surprise and expressed his astonishment at such action without consulting him or the queen. Villanueva was a minister in two tribunals and also secretary of state, having in his hands papers of the utmost consequence to the kingdom; there was no risk of his flight, nor would Philip have interfered had it been his own son, wherefore it was a matter for prior consultation. As it is done, however, he can only order the Suprema to act with the sole object of the service of God and exaltation of the holy Catholic faith, which are his chief desire and the only purpose of its existence. Arce answered this, September 21st, in a tone almost con-

[1] Relacion, fol. 270–89.

temptuous. The inviolable secrecy of the Inquisition required that no one but the king should be informed of the commencement of the trial of one of the accomplices in the case of the nuns of San Placido, which was revived by his command. As to the queen, the arrest was made between one and two o'clock, which was an hour inconvenient for intrusion on her. This would appear sufficient as to giving notice to the king and queen, besides the disadvantage of delay and the risks of correspondence. Promptitude was essential and the king's holy zeal always desires that there should be no delay in the affairs of God and the holy faith. When the king returns he can give orders about the papers, which are under lock and key.[1] These were all the reasons that Arce deigned to give his sovereign for increasing the confusion of that terrible time by suddenly imprisoning a principal minister of state, for the furtherance of a court intrigue.

The arrest of course created much excitement. The Council of State promptly presented a consulta, which Arce, in his letter to the king, characterized as very remarkable, and it was followed by similar appeals from the other councils of which Villanueva was a member—War, Indies, Aragon, and Cruzada. The kingdom of Aragon remonstrated with the king in a memorial setting forth the long and faithful services of Villanueva, his sudden imprisonment, without allowing time to settle official and personal affairs, and the infamy cast upon all his kindred; in view of the nature of the charges and his character it would have sufficed to assign as a prison his house or a convent, as was frequently done with those of much lower rank. The kingdom begged, for the sake of a family which had so long served it, that while his case was pending he might be restored to his home under sufficient guard and that he might have the benefit of the royal clemency and justice. Temperate as was this appeal, it aroused Arce's wrath and he expressed to Philip a doubt whether it could be genuine, it being so extraordinary and amounting to fautorship, for which the parties should be prosecuted, although the Inquisition had not yet done so. Appeals to Philip's humanity were in vain. Although he was speedily recalled to Madrid by the illness of the queen, who died October 9th, he made no remonstrance against the unnecessary cruelty shown to Villanueva, who was left in his

[1] Relacion, fol. 289.—Archivo de Simancas, Inquisicion, Lib. 53, fol. 63–4.—Pellicer, Avisos históricos (Semanario erúdito, XXXIII, 225).

cell, cut off from the world. In September he fell seriously ill and was allowed to have a servant, a youth of his chamber much attached to him, who was not allowed to leave the cell until the trial was concluded.[1]

The case followed the ordinary routine, the only new matter introduced being a little book found in his desk, setting forth fortunate and unfortunate days for him as deduced from the letters of his name. Over this the censors differed, two of them pronouncing it innocent, while five held it to be included in the prohibitions of the *Ars Notoria* as a tacit pact with the demon. Villanueva in his defence pleaded his former acquittal and there was a learned discussion, between his advocate and the fiscal, as to the applicability to the case of the bull *Inter multiplices* which defined that in heresy there could never be a final decision in favor of the accused. Philip urged despatch on the tribunal but it proceeded with the customary exasperating deliberation. After eighteen months had passed, when Philip was holding the Córtes of Saragossa, the deputies presented, January 18, 1646 an appeal in the name of the kingdom, expressing entire confidence in Villanueva's innocence and urging that a period be put to the cruel suspense by the early conclusion of the trial. This was as fruitless as all previous efforts had been; it was not until he had passed two dreary years in his cell that a vote was taken in the case, August 3, 1646. There was general agreement that his sentence, with full details of his offences, should be read in the audience-chamber and not in a public auto de fe, that he should be severely reprimanded and be forbidden to occupy the house which he had built alongside of the convent, but there was discordia as to the number of persons to be present, as to whether or not he should be required to abjure *de levi*—for light suspicion of heresy—and as to banishing him, and there were some who voted for fining and suspending him from office for two years. Evidently, at the worst, there was no serious culpability proven and there were probably few courtiers of Philip IV against whom superstitions as grave could not have been alleged.[2]

In the *estilo* of the Inquisition, when there was discordia in the consulta de fe, the case was referred to the Suprema, which

[1] Archivo de Simancas, Inquisicion, Lib. 53, fol. 64; Lib. 54, fol. 411.—Pellicer (Semanario, XXXIII, 231, 250).

[2] Relacion, fol. 290, 291.—Cartas de Jesuitas (Memorial hist. español, XVIII, 39).—Archivo de Simancas, Inquisicion, Lib. 53, fol. 86, 92, 104.

thus became the judge. September 1st, Villanueva recused one of the members, Antonio de Aragon, and the recusation was admitted after a hearing. Finally, on February 7, 1647, the Suprema pronounced sentence; there were to be present in the audience-chamber four ecclesiastics, four frailes, and four laymen; Villanueva was to be severely reprimanded and warned, he was to abjure *de levi*, be prohibited from communicating with the nuns or living in the adjoining house and be banished for three years from Toledo and Madrid and from twenty leagues around them.[1]

This sentence may not appear severe but, to understand the rest of the story it must be borne in mind that to be penanced by the Inquisition and be required to abjure for even light suspicion of heresy inflicted an ineffaceable stigma, not only on the culprit but on his kindred and posterity. The whole race was involved in infamy and no temporal punishment, however severe, could be so disastrous in its effect upon the honor of a noble family as the blot on its *limpieza*, or purity of blood, resulting from such a sentence. The extreme length to which this was carried will be considered hereafter; at present it suffices to point out that, while Villanueva's worldly career was ruined already and his wanton incarceration in the secret prisons had been a severe infliction on him and his kindred, there had still been hope that this might yet be at least partially effaced by an acquittal. Penance and abjuration destroyed this hope and, to the Spanish noble, no effort was too great to avert so crushing a misfortune.

The nature of the sentence must have leaked out, for before its publication by the tribunal of Toledo, to which it was sent, the brother and sister of Villanueva, Agustin the Justícia and Ana, now abbess of San Placido, with Luis de Torres as proctor of Gerónimo, presented an appeal from it to the pope and a recusation of Arce y Reynoso and of others of the judges. The appeal was not admitted and they were told that the Inquisition did not listen to kindred in matters of faith. Then, on March 18th, Torres, in the name of Gerónimo, presented to the tribunal of Toledo a recusation of all the inquisitors and fiscals of Spain as being dependents of the inquisitor-general. It was all in vain. On March 23d Villanueva was brought into the audience-chamber to hear the sentence, but he acted in a manner so disorderly and

[1] Relacion, fol. 292.

made such outcries that the publication was suspended—a thing, we are told, unexampled in the history of the Inquisition—and the presiding inquisitor ordered the alcaide to take that man back to his cell. He recused every one who had acted as judge and appealed to the pope, to the king, and to any other competent judge.[1]

The tribunal consulted the Suprema and was ordered to execute the sentence. Another attempt was made on March 29th, but Villanueva refused to abjure and this was repeated on several subsequent occasions, in spite of warnings of the excommunication that would follow persistent obstinacy. At length, on June 7th, he offered to abjure under a protest, which he presented in writing, to the effect that he did so through fear of the censures and without prejudice to his appeal or other recourse that he might take and, on this protest being publicly read, he made the abjuration.[2] He was not set at liberty, but was transferred from the secret prison to the Franciscan convent, the tribunal giving as a reason his outcries and the disturbance that he made. This leniency the Suprema disapproved and, in a few days, he was remanded to the secret prison, where he was treated with much rigor. On June 18th he was notified that the fiscal accused him of contumacy for not complying simply with his sentence and, on July 18th, he made the abjuration and was released. There is an intimation that he withdrew the recusation and appeal, but the statement is not clear, though it is quite possible that means were found to effect it. John Huss was burnt for refusing to abjure; a bull of Martin V, quoted by the Inquisition, authorized the prosecution and relaxation of suspects who refuse to abjure and there is probably truth in a contemporary statement that the fiscal of the Suprema went to Toledo and threatened Villanueva that he would be publicly stripped of his habit as a knight of Calatrava and be relaxed to the secular arm for burning.[3] He was helpless in the hands of those who would shrink from nothing to accomplish their ends; they had gone too far to hesitate now and his power of endurance was exhausted.

Meanwhile his brother Agustin had not been idle. In several

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[1] Relacion, *loc. cit.*—Archivo de Simancas, Inquisicion, Libro 54, fol. 409.—Cartas de Jesuitas (Memorial hist. español, XVIII, 473).

[2] Relacion, fol. 293.—Cartas de Jesuitas (Memorial, XIX, 5).

[3] Relacion, fol. 293.—Martin. PP. V Bull *Inter cunctas*, 22 Feb. 1418 (Pegnæ Append. ad Eymeric., p. 76).—Cartas de Jesuitas (XIX, 5-7).

interviews with the king he had presented memorials which Philip forwarded to Arce, March 27th, exhorting him to observe justice but to take care that the severity and authority of the Inquisition do not suffer. He added that the memorials showed that the secrecy of the Inquisition had been violated; this must be investigated and exemplary punishment be administered.[1] There was no hope of justice in this quarter and Agustin turned to Rome as a last resort. Don Joseph Navarro, who is spoken of as secretary, a devoted follower of Villanueva, was despatched thither to procure a brief and was doubtless well provided with funds. His errand soon was known and, on June 7th, Philip wrote to his ambassador, the Count of Oñate, to use every means to prevent the granting of the brief and, if issued, to procure its revocation; a personal note to the pope, at the same time, pointed out the irreparable injury which the admission of the appeal would cause to the holy Catholic faith and the free exercise of the Inquisition. Communications were slow for, on July 26th, Oñate reported the arrival of Navarro and asked for instructions.[2]

Navarro found little difficulty in obtaining the desired brief, in spite of Oñate's efforts. Villanueva seems to have awaited it, while recuperating in retirement from his three years' incarceration and final struggles. When it arrived he went to Saragossa, which he reached August 31st. His coming aroused many fears, for people thought it might be the prelude to a bloody drama, like that of Antonio Pérez. On September 2nd he presented himself at the prison of Manifestacion, where bail was entered for him by the sons of his brother Agustin and of the Count of Fuentes, after which he applied for a firma, to protect him from molestation during the course of his appeal, which was duly granted. He was given the city—or as some said the kingdom—as a prison and, on September 4th the Bishop of Málaga, who was captain-general, reported to the Count of Haro, Philip's new minister, that the city was quiet and there was nothing to fear. The bishop enclosed a letter of September 1st from Villanueva to the king, announcing that, during his imprisonment, his representatives, without his knowledge, had appealed to the pope, who had granted a brief empowering either the Bishop of Cuenca, Segovia or Calahorra, to hear the case in appeal and to render a final

[1] Archivo de Simancas, Inquisicion, Legajo 1495, fol. 73.

[2] Ibidem, Gracia y Justicia, Inquisicion, Leg. 621, fol. 111, 131, 132.—Bibl. nacional, MSS., X, 157, fol. 244.

decision. While anxious for this means of obtaining justice, he would desist from it if such were the royal pleasure; the brief had not been presented to either of the prelates, nor would it be without the royal licence.[1]

Arce had already been informed of the brief and had lost no time in taking steps to neutralize it. On September 3rd orders were sent to the Bishop of Calahorra—and doubtless to the others—ordering him not to receive it. He promptly replied that it had not been presented, but that if it should come he would refuse to accept or to execute it, trusting to the royal protection against all penalties that it might contain; he had been connected with the Inquisition and knew its justice with regard to Villanueva and, if these appeals to Rome were allowed, the consequences to the Catholic religion would be lamentable.[2] Apparently the Spanish episcopate had small reverence for the Vicegerent of God.

The leading statesmen of Spain took a different view. A junta had been assembled to consider the situation, of which five members out of six (including the President of Castile and the Commissioner-general of the Cruzada) united in a consulta of September 15th. This set forth that when the Toledo tribunal sentenced Villanueva he had a right of appeal to the Suprema; he presented reasons for recusing the inquisitor-general and some of the members and was denied a hearing; he was seized again for the protest and appeal and held until he accepted the sentence and renounced all defence. He was thus forced to have recourse to the pope, whose jurisdiction is supreme in matters of faith and is the source of that of all inquisitors. In ordinary cases three decisions in conformity [through appeals] are required to render a sentence conclusive, while here, in a case involving the honor of a whole family, the single sentence of an inferior tribunal is all that has been allowed. Villanueva did not violate his sentence in going to Saragossa, for it required him not to come within twenty leagues of the court, and he had gone away fifty leagues. He was justified in applying for the firma, for the right of appeal includes the means necessary to enjoy the appeal. The inquisitor-general should be instructed not to order his arrest for, besides that no man should be deprived of his defence, it might cause some disturbance in Saragossa, under pretext of a

[1] Archivo de Simancas, Inquisicion, Lib. 54, fol. 128; Gracia y Justicia, Inquisicion, Leg. 621, fol. 112, 114.

[2] Bibl. nacional, MSS., S, 294, fol. 214.

violation of the fueros, for it is notorious that he was discharged by the Inquisition. There are two courses open—one to solicit the pope to withdraw the brief; the other that the fiscal of the Suprema apply for it and then retain it; but these raise the scruple that a man struggling for his honor and that of his family is denied all defence, after he has been forced to seek it beyond the kingdom and moreover, in the disturbed condition of Naples [then in revolt under Masaniello], it is well not to offend the pope, who might cause the loss of the Italian possessions of Spain. The sixth member of the junta, the Licenciado Francisco Antonio de Alarcon, denounced Villanueva as guilty for going to another kingdom [Aragon]; he was impeding the Inquisition and inviting the papal interference which would destroy its usefulness; the fiscal should demand the papal brief and the Council should retain it.[1]

The opinion of the junta doubtless prevented the re-arrest and renewed prosecution of Villanueva, which was evidently contemplated, but otherwise all reasons of justice and reasons of state were wasted on Philip, who was completely under the domination of Arce y Reynoso and ready to rush blindly into a contest with Rome. Equally fruitless was an appeal, made September 23rd, by Agustin Villanueva, who furnished a list of cases in which appeals to the pope had been admitted.[2] A warning came from Oñate, who wrote, December 17th and again February 12, 1648, that Navarro was busily utilizing the impediments thrown in the way of the brief to procure another, that the curia attributed all the trouble to Arce, that the delay was producing a bad impression and that there was serious talk in the Congregation of the Inquisition of disciplining him for it. This brought from Philip, March 17th, a rambling and inconsequential letter, scolding Oñate for his lack of success and urging him to fresh efforts; the brief was invalid as being obreptitious and surreptitious; Navarro was ordered home and Oñate must see that he left Rome forthwith. Letters, moreover, to the pope and the cardinals in the Spanish interest, drawn up by the Suprema and signed by Philip, manifest how every influence that Spain possessed was employed to deprive Villanueva of his last resource.[3]

Innocent X, in fact, had grown indignant at the opposition to

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 115.
[2] Ibidem, fol. 116.
[3] Ibidem, fol. 118, 122, 130, 131, 132, 133, 151.

his brief and had transmitted through his nuncio another to Arce, forbidding all further resistance under pain of deprivation of the inquisitor-generalship, suspension of all functions and interdiction from entering a church, while other officials would be removed from office and excommunicated. To this Arce replied, March 12th, assuring the pope that the case had been suspended awaiting the papal decision, and representing, what he knew to be also false, that for a hundred and fifty years the popes had refused to entertain appeals or had revoked the briefs and remanded the cases to the inquisitor-general. The authority of the Inquisition, he argued, was now more necessary than ever, in consequence of the spread of Judaism and heresy. Villanueva had been treated with extreme kindness and benignity, as would be learned from a person about to be sent to inform the pope, wherefore he begged that the case be remitted to him and the Suprema.[1]

This was a typical specimen of inquisitorial methods of misrepresentation and of evasion—of practical but not open disobedience. Innocent, however, was not to be thus juggled with. He had substituted the Bishop of Sigüenza for him of Cuenca. Then the Bishop of Segovia died and Calahorra was transferred to Pampeluna, whereupon further letters commissioned Sigüenza, Pampeluna and the Bishop-elect of Segovia, but Pampeluna died and was replaced by the Bishop of Avila, so finally a brief of April, 1648 ordered Avila, Sigüenza and Segovia to act, on their obedience and under penalty of suspension from all functions and of ingress to their churches. They all refused the dangerous office, under various excuses, but the nuncio brought great pressure to bear on Avila and he finally accepted. It is noteworthy, however, that Villanueva never presented himself before the bishop, either in person or by procurator, to have the case reopened.[2]

The matter was evidently growing serious and juntas were held, July 14th and August 27th, to consider the situation. As the latter was presided over by Arce, whom Philip had made President of Castile, so as to increase his powers of evil, it decided that the king should not submit to the abuses of the curia in a matter in which the Catholic religion was at stake[3] Philip scarce

[1] Archivo de Simancas, Inquisicion, Lib. 54, fol. 416.
[2] Ibidem, Gracia y Justicia, Inquisicion, Leg. 621, fol. 154, 171.
[3] Ibidem, Leg. 621, fol. 134, 135.

needed urging, but it was not until November 5th that he took the offensive by sending Don Pedro de Minerbe, of the Royal Council, to seize the brief, in whomsoever's hands it might be, and any others that Villanueva might have procured, together with all papers relating to it. These were to be considered by a junta to be assembled for the purpose so that, if they did not contravene the privileges of the Inquisition, they might be executed and, if otherwise, that his Holiness should be advised of it and be supplicated to revoke them. Any notaries who had served the briefs were to be arrested and imprisoned with a view to their prosecution.[1]

Minerbe fulfilled his mission, but the time had passed when Ferdinand and Charles V had treated papal letters thus irreverently. Philip IV was a prince of very different caliber and his tottering monarchy inspired but little respect. Arce felt the danger of his position, for Innocent had threatened him with deposition if the execution of the brief was impeded and an explosion of papal wrath was inevitable. He sought shelter in playing a double game and, on January 19, 1649, he presented to Philip a report as to cases which had been evoked by the pope. In this, after citing a number, he added that there were many more recent ones in which the cases and papers had been demanded and the demands had been obeyed, notably in 1626 and 1627; these proved the subordination of the Spanish Inquisition to Rome and even without them the papal supremacy was incontestable; Villanueva's appeal was directly to the pope, whom all the faithful were bound to obey.[2] Having thus placed himself on the record, doubtless with the royal connivance, he felt free to repeat his assertions that papal interference was unprecedented and to urge his master to stand fast.

The Suprema had sent its fiscal Cabrera to Rome on this business and his efforts, added to those of Oñate, were inclining Innocent to yield, when the news came of the seizure of the briefs. The papal displeasure was extreme and there was no hesitation in taking up the gage of battle. It had become a struggle for independence on the one side and for supremacy on the other, which had to be fought out, for there was no ground for compromise. All the advantage was on the side of the curia in the contest thus rashly provoked; it knew this and its next move

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 136, 184.
[2] Ibidem, fol. 139.

showed that it felt assured of victory. A brief of March 1st recited the preliminaries of the case and then evoked it from the Inquisition and the bishops to the Apostolic See. Perpetual silence was imposed on the Inquisition, the inquisitor-general and other officials, any action by whom would bring upon them, *ipso facto* and without further sentence, perpetual and irrevocable suspension from divine service, the exercise of pontifical functions and ingress into churches, together with deprivation of their offices and ecclesiastical revenues. Moreover, within three months after notice of this, they were to transmit to Rome all papers and documents, public and private, concerning Villanueva, under the same penalties, and finally all bulls, from those of Alexander VI onward, concerning appeals were derogated.[1]

The Suprema might well characterize to Philip this document as containing extraordinary and unusual clauses and it could only suggest to him the favorite Spanish formula, *obedecer y no cumplir*—to obey and not to execute. The first thing done was the customary supplication to the pope to withdraw it, based on the laws of the kingdom and the high deserts of the Holy Office. This was done in such haste that there was no time to make a clean copy and it was despatched by a courier, April 24th. This gave breathing time, and more was gained by representing that it was impossible to trust the originals of the documents to the risks of transportation and that the copying of them would consume much more than the three months allowed, as the secretaries were busy and the records so voluminous that they occupied more than eight thousand pages—a gross exaggeration for when copied they amounted only to forty-six hundred. This served for the present, however, and successive postponements were obtained.[2]

The supplication against the brief was of course useless and the papal anger increased on learning that Villanueva's salaries had all been stopped—a petty persecution most unwise under the circumstances. At this time a curious incident was a memorial from Villanueva, May 23rd, asking that his case be heard by the Council of Castile—although that body could not assume jurisdiction in such a matter. It was probably a despairing effort to find some exit from the complication, for Philip transmitted it to the Council, with some subsidiary papers, to be considered in

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 154, 197.
[2] Ibidem, fol. 164, 141, 171.

the junta which he had ordered and a consulta to be presented to him.[1] It of course had no result, but it indicates the perplexities with which the situation had become surrounded.

These perplexities were increased by a demand from Innocent for satisfaction for the treatment of his brief to the Bishop of Avila. A junta was assembled which could do nothing but refer it to the Suprema and the latter could only reply with a consulta of July 15th, exculpating itself for paying no regard to Villanueva's appeal. Nor did it succeed much better in a paper, drawn up July 17th, for the benefit of the Duke del Infantado, the new ambassador to Rome, for it could only recite the old briefs granting exclusive jurisdiction and endeavor to explain away as exceptional the cases in which the pope had insisted on his rights. All this, however, was felt to be useless and there was preparation for war in instructions sent to the sea-ports to keep close watch on all vessels arriving from Italy, when, if there appeared to be papal agents or notaries among the passengers, their baggage was to be minutely examined and any papal briefs addressed to bishops or judges were to be sent to the secretary of state and the bearers were to be held until further orders—this being done with the utmost secrecy and as if in the ordinary routine of business. The precaution proved superfluous, but in December the Duke del Infantado reported that his efforts and Cabrera's had been in vain; the pope insisted that the process should be brought to Rome.[2]

On the plea of the time required for copying, successive postponements had been obtained, the latest of which expired in April, 1650. The pope was becoming more and more impatient, especially as no satisfaction had been given for the seizure of the brief to the Bishop of Avila, nor had it been returned as he demanded. February 5th orders were sent to the nuncio that, if the papers were not forthcoming in April, the full penalties of the brief of evocation must be inflicted, and due notice of this was given to Arce. These penalties withdrew all functions from the inquisitor-general and Suprema—abrogated their offices, in fact—and the friends of Villanueva were busy collecting evidence of their being at work so as to prove to Innocent the disregard of his withdrawal of faculties. The gravity of the situation is reflected in a consulta presented to Philip at this time, weighing

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 155.
[2] Ibidem, fol. 164–8, 181.

the courses that might be followed and hinting at a possible schism as the result of the king's standing firm in defence of the Inquisition. To avert this it is hoped that a further delay may be obtained and the pope be placated by returning the Avila brief. The plan finally adopted of offering to send the papers and letting the king detain them was deprecated because the pope would see through it, and the blame of the perilous situation was thrown on the Spanish cardinals whose indifference was ascribed to their belief that the king favored Villanueva.[1] Arce's court intrigue had brought matters to such a pass that the sundering of Spain from Catholic unity was looming on the horizon.

On April 8th, the Archbishop of Tarsus, the papal nuncio, made a formal demand on the king for the papers; the latest term of delay had expired and the penalties for contumacy would operate of themselves. The policy of delay was still followed and, on May 2nd, Arce notified the nuncio that the copying was completed—two secretaries and five other officials had been working on them for twelve or fourteen hours a day—but in view of certain risks it was thought better to wait till the pope should indicate how they should be sent. The nuncio asked for a formal certificate that the papers were ready, on the strength of which he would ask the pope for instructions, and thus a month or two were gained.[2]

This was all mere playing for time. There was no intention of letting the papers go to Rome for, on April 24th, the king sent secret instructions to Infantado to avert it, but he replied June 27th and again July 26th, that Innocent refused all suggestions and there was little hope of an adjustment. Then another scene of the comedy was acted, September 14th, by issuing a formal order to forward the papers and, on the 16th they were delivered to Damian de Fonolleda, notary of the tribunal of Barcelona, in five volumes aggregating 4600 pages. There was no intention of sending them, however, and Fonolleda was detained in Madrid until November 5th. Meanwhile a junta, assembled for the purpose, presented a consulta, September 24th, setting forth that in no case should the papers be allowed to leave the kingdom and suggesting as a compromise that the matter be decided by three bishops sitting in the Suprema, without Arce and the members. Innocent of course rejected this and Fonolleda was allowed to

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 171.
[2] Ibidem, fol. 170: Libro 54, fol. 330, 332.

depart on November 5th. In due time he reported his arrival at Valencia and was instructed to take passage by the first vessel and deliver the papers to the pope, but before he could obey this order it was countermanded and he was told to wait. Meanwhile the Suprema, to keep itself right on the record and avert the papal wrath, addressed to Philip on September 16th, October 3rd and 19th and January 23rd and February 4, 1651, repeated requests to allow the messenger to sail.[1]

This transparent by-play did not deceive Innocent. Cabrera had an audience, January 8, 1651, and told him that Fonolleda was only waiting for a vessel, to which the pope replied that he had been in Spain and knew how things were managed there—there was collusion between the king and inquisitor-general. He added that he bore ill-will to Villanueva, of whom he had had to complain, and would probably punish him more severely than the Inquisiton had done, to which Cabrera replied that this was a matter of indifference, for all that the Inquisition wanted was to close the door on these appeals. The tension was becoming dangerous for, on February 18th, the nuncio notified Arce that he and the Suprema had incurred the penalties of the brief of evocation, that they could not be absolved until the papers reached Rome and that still stronger measures would be adopted. When Arce attempted to explain, the nuncio told him that the pope would abolish the Inquisition, to which Arce rejoined that God would not permit him to do so. In reporting this to Philip, Arce recapitulated the heavy penalties incurred *ipso facto*, adding that if the pope should publish such a sentence there would be scandal and discredit to the Inquisition, wherefore, in the name of the Suprema, he begged, as had frequently been asked before, that there should be no further delay in Fonolleda's departure. Of this a certificate was asked for transmission to the pope, as was likewise a supplication of much urgency from the Suprema on March 1st.[2]

This was all purely for papal consumption. Philip himself was beginning to hesitate and, on March 2nd, he ordered the Council of State to consider the tenacity with which the pope was insisting upon his encroachment on the regalías and the privileges of the Inquisition. Arce at once took the alarm and, in a

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 172, 173, 175, 176; Inquisicion, Lib. 54, fol. 20, 342, 378.

[2] Archivo de Simancas, Inquisicion, Libro 54, fol. 1, 6, 20, 26, 29, 31, 35.

memorial to the king, he sought earnestly to dissuade him from yielding. He repeated the falsehood that, for a hundred and fifty years, there had not been an instance of the pope disregarding the royal wishes, and reminded him that he had declared that he would rather lose his crown than allow the case to go to Rome. Now he learns that the king, in consultation with the Council, has resolved to let the papers go to Infantado with instructions not to deliver them or to ask the pope to return the package without opening it; it is folly to believe that he would do so and such precedent will be ruin to the Inquisition.[1]

In this memorial, Arce alludes to a papal command, received some time before, to retire to his see of Plasencia, from which he had been absent for eight years—a favorite method, as we have seen, of getting rid of a troublesome inquisitor-general. The command had been disregarded and now it was emphatically repeated. Philip complained to his ambassador that this was even more offensive than the evocation of Villanueva's case; it would result in irretrievable damage to religion and to the state; he had asked the nuncio to suspend the order and now he requests the pope to accept Arce's resignation of his bishopric and pass the bulls of presentation for his successor. Innocent was too shrewd to forfeit his hold on his antagonist; he played fast and loose with the resignation until he had carried his point and it was not until December 2, 1652, that it was accepted and Arce's successor, the Bishop of Zamora, was preconized. Arce lost his see, but he gratefully acknowledged that Philip's liberality was such that he could forego the revenues. It must have cost the king dear, for Plasencia was one of the wealthy sees, estimated, in 1612, as worth forty thousand ducats a year.[2]

In spite of Arce's remonstrance, Philip yielded to the advice of his counsellors. In a letter of April 11, 1651, he announced to Infantado that orders have been given to Fonolleda to sail and deliver to him the papers. Then, with an earnestness that betrays the cost of the sacrifice, the duke is told to refresh his memory with all the arguments advanced in previous despatches and, when thus fully prepared, he is to seek an audience and express the king's mortification at being forced to submit to an innova-

[1] Archivo de Simancas, Inquisicion, Libro 54, fol. 31; Gracia y Justicia, Inquisicion, Leg. 621, fol. 184.

[2] Ibidem, Lib. 54, fol. 44, 54, 80.—Salazar, Inventaire general des Royaumes d'Espagne, fol. 142 (Paris, 1612).

tion so unexampled and so subversive of the rights of the Inquisition. If this fails to move the pope, he is to ask that the process be returned unopened, when the Inquisition will revise the case. If this is unsuccessful he is to request that the case be referred back to the three bishops. In the event of the rejection of these proposals, the process is to be laid at the pope's feet with an exhortation to consider, before opening it, the disfavor shown to the royal person and to the kingdom of Spain, in the sight of all Christendom.[1] Philip was fairly beaten. If his humiliation was extreme it was because he had attributed such absurd adventitious importance to the question and had staked everything on a struggle in which the papacy had unquestionable right on its side. There was nothing left for him but retreat and, with curious infelicity born of weakness and obstinacy, he contrived to render his defeat as undignified as possible.

Permission to sail was issued to Fonolleda, April 14th, but it was not until September 17th that Infantado reported that he had delivered the process to the pope with the hope that it would be speedily returned without being read by the ministers, or at least by more than one. It suited the Spaniards subsequently to assert that a promise had been given that the package should not be opened, but such a promise would have been grotesque and this letter shows that at most there was some assurance that a knowledge of the contents would be confined to a few. At the same time there can be no wonder that the Inquisition felt acutely the disgrace of having such a record exposed to unfriendly eyes, and the effort to get the papers back commenced at once. As early as October 31st, Infantado reports his efforts to accomplish this, but as yet without success.[2]

Infantado was replaced by the Count of Oropesa, whose letter of instructions, April 23, 1652, orders him to pay special attention to the matter. Innocent had committed it to Cardinals Lugo and Albizi, but in June he stated to Cardinal Trivulzio, then the representative of Spain, that he had given much labor to it and had recognized in it contradictions and variations, leading him to the conviction that it was a matter of vindictiveness. He refused to return the papers, but did not care to intervene personally in the case and thought he might delegate it to some

[1] Archivo de Simancas, Inquisicion, Lib. 54, fol. 44.

[2] Ibidem, Lib. 54, fol. 40; Gracia y Justicia, Inquisicion, Leg. 621, fol. 186, 187.

bishops.[1] Now that he had vindicated his jurisdiction he evidently felt little interest in what he regarded as merely an intrigue.

Nothing further was done until, October 12th, Innocent addressed two briefs, one to the king and the other to Arce. It is evident that the acquittal in 1632 and the condemnation in 1647 had excited no little comment in Rome, for in these briefs great surprise is expressed at the mutability in the opinions of calificadores, consultors and judges, such as might be expected of the populace but not of learned and thoughtful men. To soften this reproof some expressions followed highly commending the Inquisition as the ornament and protection of Spain and, to the king, Innocent added that, owing to the importance and prolixity of the case, he had not been able to reach a conclusion. The nuncio, however, in handing his brief to Arce, told him that the pope had concluded to place the case at the disposition of the king and that the papers had been returned to Trivulzio in Rome. Arce was radiant with triumph; Cabrera had reported the same and petitioned to be allowed to return and nothing remained but to get the papers back. They did not come, however, nor any brief recommitting the case; Arce grew anxious and begged the king, January 4, 1653, to urge Trivulzio to obtain them.[2]

Innocent either was taking malicious pleasure in exciting hopes and then disappointing them or else he was using the position to obtain diplomatic advantage in the growing tension between the courts over the Barberino marriage of the grand-daughter of his brother—a transaction in which he complained that the Spanish ministers had almost threatened him and that no present had been sent on the occasion. Cabrera's letters of December, 1652 and the first half of 1653 report a series of tergiversations and of promises made and broken by Innocent which show that to him Villanueva was merely a pawn in the game between Rome and Madrid.[3]

Villanueva died in Saragossa, July 21, 1653. In his will, exe-

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[1] Archivo de Simancas, Inquisicion, Lib. 54, fol. 61, 69, 78.

[2] Ibidem, Inquisicion, Lib. 54, fol. 84, 94. Cf. fol. 294.

[3] Ibidem, fol. 100, 116, 120; Gracia y Justicia, Inquisicion, Leg. 621, fol. 110. For the intrigues connected with the Barbarino marriage see the virulent pamphlet of Gualdi [Gregorio Leti] "Vita di Donna Olimpia Maldachini" pp. 185, 199. Cosmopoli [Leyden], 1666.

cuted the day before, he made ample provision for the salvation of his soul, and San Placido was in his mind to the last, for he appointed as its patron his nephew Gerónimo and his descendants, or in their default his niece Margarita and her descendants, they being the principal heirs of his large estate. The only change which this brought into the affair was that the Inquisition proposed to take advantage of the opportunity to commence a new prosecution aganist his fame and memory—apparently with the double purpose of vindicating its jurisdiction and, by sequestrating his property, of restraining the family, who continued their efforts in Rome for a vindication. Fortunately for them, Alexander VII, who saw in such action an invasion of his jurisdiction, prohibited, in 1656, this cowardly profanation of the ashes of the dead and when, with quenchless malignity, Arce, in 1659, sought to get this prohibition removed, the attempt was unsuccessful.[1]

It is scarce worth while to follow in detail the further weary progress of this affair, in which Spanish tenacity was pitted against the wily diplomacy of Rome. Pertinacious efforts continued for years to get the case remitted back, or at least to have the papers returned, in order to create the belief that it had been remitted. Stimulated by energetic instructions of August 24, 1658 from Philip, his ambassador Gaspar de Sobremonte had a stormy interview with Alexander VII, in which the pope finally told him that the case had never been considered by the Congregation of the Inquisition and that the king must content himself with the brief of October 12, 1652. To this Sobremonte retorted that that brief settled nothing, when the pope said vaguely that he would see whether any satisfaction could be given to the Inquisition. So it continued until Alexander, grown weary of the urgency which promised to be interminable, cut it short, March 29, 1660, by a brief to the king in which he said that the case had been finally concluded by Innocent X, as appeared from his letters to Philip and Arce of March 12 (October 12, 1652). There was nothing more to be said about it, as would be fully explained by the Archbishop of Corinth, the nuncio, to whom full credit was to be given.[2]

This ended the case which, from its inception in 1628, had lasted for thirty-two years. Cabrera had spent nearly twelve

[1] Archivo de Simancas, Inquisicion, Lib. 54, fol. 128, 132, 188, 292.

[2] Ibidem, Legajo 1465, fol. 73; Libro 54, fol. 230, 292, 330, 332.—Bulario de la Orden de Santiago, Lib. V, fol. 71.

years in Rome and had richly earned the bishopric of Salamanca which rewarded his labors, but his efforts while there had cost the Suprema nearly a hundred thousand ducats, at a time when it was representing itself as wholly impoverished. Arce had succeeded in removing Villanueva from the court and in blackening his memory, but the victory remained with the papacy, which had vindicated its appellate jurisdiction, for, although it never decided the case it retained possession of it and the papers which were the symbol of its rights.

With its customary unscrupulousness, the Suprema endeavored to evade the precedent when, in 1668, it was alleged in the quarrel with the Bishop of Màjorca (Vol. I, p. 501). In a consulta of that year it gives a summary of the case up to the delivery of the papers to the pope, who then, it proceeds to state, sent a brief full of favors to Arce, approving of Villanueva's sentence and the method of procedure; there was, it is true, an irregularity in allowing the papers to remain in Rome, but the pope excused himself because the originals were in Spain; the evil example led several powerful men to seek appeals to the Holy See, but the pope refused to entertain them, recognizing that it was injurious to the faith. When, in the same quarrel, it boasted of the bulls which it held prohibiting appeals, the Council of Aragon pointed out that the popes always preserved their reserved rights by a clause excepting cases in which they should insert in their letters the text of the bulls thus derogated.[1]

In the subsequent quarrel with the canons and clergy of Majorca, in 1671 (Vol. I, p. 503) the latter appealed to the Holy See, under the brief obtained in 1642, and procured letters declaring void the excommunications fulminated by the tribunal and valid those uttered by the executors of the brief. The nuncio exhibited these letters to the inquisitor-general with a paper arguing that these appeals should be allowed and asking, in case there was a privilege or regalía to the contrary, that it should be shown to him. This was a test which the Suprema could not meet and, after a long delay, it sent, June 11, 1676, to the king all the documents bearing on the subject and asked him to assemble a junta to consider them and advise him what to do. It must have been impossible to solve the question favorably for, in a consulta of July 28, 1693, on the occasion of a fresh disturbance, it expressed

[1] Archivo de Simancas, Inquisicion, Lib. 25, fol. 103; Lib. 52, fol. 125.

its profound regret that the junta had failed to reach any conclusion.[1]

Two centuries of bickering thus left the Holy See in possession of its imprescriptible jurisdiction, but the Bourbons were less reverential than the Hapsburgs. In 1705, the hostility of the papacy led Philip V to forbid the publication of papal briefs without the royal exequatur and to prohibit all appeals to Rome. He held his ground in spite of the furious manifestos of Monroy, Archbishop of Santiago, proving that obedience was due to the pope rather than to the king, and the more temperate argumentation of Cardinal Belluga, then Bishop of Cartagena.[2] We hear little after this of appeals of individuals and, indeed, the experience of Villanueva, while apparently a defeat for the Inquisition, was in reality a victory, for it showed how hopeless was the contest of a prisoner against the whole power of the Inquisition and of the crown. Even when the Holy See had the advantage of being in possession of the person in dispute it could only fight a drawn battle, as in the case of Manuel Aguirre who, in 1737, escaped from the prison of the Inquisition, made his way to Rome, and presented his appeal in person. When the curia demanded the papers necessary for his trial, the Inquisitor-general Orbe y Larrategui did not in terms deny the papal rights but argued that the Inquisition was privileged to conclude a case before forwarding the papers for review and offered that, if the Holy See would return the prisoner, his flight should not be held to aggravate his offence and in due time all the desired information would be furnished to Rome. The acceptance of such a proposition was impossible, but the papacy was in no position to contest the matter. After the death of Orbe, in 1740, the curia took the case up again for discussion, but the only course open seemed to be to instruct the nuncio to persuade the Inquisition to obedience and we may safely conclude that Aguirre escaped without a trial.[3]

The ecclesiastical organizations, as in the Majorca cases, were in better position to engage in such conflicts, but Philip V was as little disposed as his predecessors to permit them. The multitudinous quarrels over suppressed prebends and the benefices

[1] Archivo de Simancas, Inquisicion, Lib. 52, fol. 335.

[2] Revista crítica de Historia y Literatura, Jan.–Mar., 1900.—Memorial del Doctor Don Luis Belluga, Murcia, 1709.

[3] MSS. of Trinity College, Dublin, Class 3, Vol. 27.

held by officials of the Inquisition had always been a fruitful source of such appeals and the curia was never loath to entertain them. A typical case was that of Francisco Vélez Frias, private secretary of Inquisitor-general Camargo, who obtained the dignity of precentor in the cathedral of Valladolid, much to the disgust of the chapter. It applied to the inquisitor-general for the papers in the case, alleging that it would reply, but returned them without comment and appealed to Rome, where it obtained a rescript from Benedict XIII, committing the case to an auditor of the Camera and inhibiting the inquisitor-general from its cognizance. When Philip was informed of this he intervened in the spirit of Ferdinand. By his order the Marquis de la Compuesta wrote to the dean and chapter, June 19, 1728, expressing in vigorous terms the royal displeasure at an act so offensive to the inquisitor-general, whose jurisdiction in such matters was exclusive, and so contrary to the will of the king and to his regalías. They were ordered, without making a reply, to abandon the appeal and to apply to the inquisitor-general and the Suprema who would render justice in the case. It is safe to assume that they did not venture to disobey.[1]

The papacy of the eighteenth century was in no position to contest the growing independence of the temporal powers, while the revival of Spain under the Bourbons rendered hopeless any struggle against the resolve of the monarchs to regulate the internal affairs of the kingdom. Yet in this the Holy See was deprived of its inviolable rights, for the latest authoritative utterance of the Church, in the year 1899, tells us that it is an article of faith that the Roman pontiff is the supreme judge of the faithful and that in all ecclesiastical cases recourse may be had to him. It is therefore forbidden, under pain of excommunication, to appeal from him to a future council or to impede in any way the exercise of ecclesiastical jurisdiction, whether in the internal or external forum. Moreover it is against right reason to exalt human power over spiritual power, which is supreme over all powers.[2]

[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 17.

[2] Concil. Plenar. Americæ Latinæ, Tit. I, cap. viii, n. 65, 66, 72 (T. I, pp. 37, 40. Romæ, 1900).

BOOK IV.

ORGANIZATION.

CHAPTER I.

THE INQUISITOR-GENERAL AND SUPREME COUNCIL.

THE superior efficiency of the Spanish Inquisition was largely due to its organization. The scattered subordinate tribunals, which dealt directly with the accused, were not independent, as in the old papal Inquisition, but were under the control of a central head, consisting of the inquisitor-general and a council which, for the sake of brevity, we have called the Suprema. It has been seen how Ferdinand and Isabella, after a few years' experience, obtained from the Holy See the appointment of Torquemada as inquisitor-in-chief with power of delegating his faculties and of removing his delegates—a power which gave him absolute control. At first the commission of the inquisitor-general was held to require renewal at the death of the pope who issued it, although, in the old Inquisition, after considerable discussion, it was decided, in 1290, by Nicholas IV, in the bull *Ne aliqui*, that the commissions of inquisitors were permanent.[1] This formality was subsequently abandoned and, towards the close of the sixteenth century, the commissions were granted *ad beneplacitum*—during the good pleasure of the Holy See—and this continued until the end.[2] Similarly there was a question whether the powers of the inquisitors lapsed on the death of the inquisitor-general. When Mercader of Aragon died, in 1516, the Suprema, in conveying the news to the tribunals, instructed them to go on with their work; in some places the secular authorities assumed that they were no longer in office, a royal letter had to be

[1] Potthast, Regesta, No. 23,302.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 118, 137.—Archivo de Simancas, Gracia y Justicia, Inquisicion, Legajo 629.

procured to prevent interference with them, and, when Cardinal Adrian was appointed, he confirmed their faculties.[1] It became customary for each new inquisitor-general to renew the commissions on his accession, but as there frequently was a considerable interval, the question arose whether, during that time, all the acts both of the Suprema and the tribunals were not invalid. In 1627 it was concluded that they held delegated power directly from the pope and not from the inquisitor-general, so that their faculties were continuous.[2] This was a forced construction, somewhat derogatory to the authority of the inquisitor-general, and was upset in 1639, when the Suprema decided that the inquisitor-general could confer powers only during his own life and therefore each one on his accession confirmed the appointments of all officials during his pleasure, which continued to be the formula employed.[3] This left open the question of the interregnum, which seems to have been somewhat forcibly settled by necessity, as when Giudice resigned in 1716 and his successor, Joseph de Molines, was serving as auditor of the Rota in Rome. The Suprema, in notifying the tribunals of his appointment, told them that, until his arrival in Madrid, they were to continue their functions.[4]

As regards the Suprema, it would appear at first to have been merely a consultative body. I have already alluded to the case in which Torquemada ferociously overruled the acts of the tribunal of Medina del Campo, acting autocratically and without reference to the Council, as though it had no executive functions. Neither had it legislative powers. The earlier Instructions were issued in the name of the Inquisitor-general and, when he desired consultation and advice in the framing of general regulations, he did not confer with the Council, but assembled the inquisitors and assessors of the tribunals, who discussed the questions and formulated the rules of procedure, as in the Instructions of Valladolid, in 1488.[5] The crown, in fact, was the ultimate arbiter

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[1] Archivo de Simancas, Inquisicion, Libro 72, fol. 45, 49, 80, 81, 103.

[2] Ibidem, Gracia y Justicia, Inquisicion, Legajo 621, fol. 63.—Cf. Eymerici Director. P. III, Q. vi.—Simancæ de Cath. Institt. Tit. XXXIV, § 14.

[3] Archivo de Simancas, Inquisicion, Lib. 50, fol. 82.—Ibidem, Sala 39, Leg. 4, fol. 57.

[4] Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 15, n. 11, fol. 30; Leg. 16, n. 6, fol. 33; no. 9, fol. 17, 26.

[5] Arguello, fol. 9.

for, in the supplementary Instructions of 1485, inquisitors were directed, when doubtful matters were important, to report to the sovereigns for orders.[1] It was the inquisitor-general also who held the all-important power of the purse. The instructions of Avila in 1498, still issued in the name of Torquemada, fix the salaries of all the officials of the tribunals and add that, when the inquisitors-general see that there is necessity or especial labor, they can make such *ayudas de costa*, or gratuities, as they deem proper.[2]

It was inevitable, however, that the Council should acquire power. Torquemada was aging and, although at this period the tribunals acted independently, convicting culprits and holding autos de fe at their discretion, yet he held appellate jurisdiction, which doubtless brought a larger amount of business than he could attend to individually, in addition to his other functions. Cases also must have been frequent in which the *consultas de fe*, or juntas of experts called in to assist in pronouncing judgement, were not unanimous, or where there were doubts which the local judges felt incompetent to decide. Thus we are told that, in the gathering of inquisitors at Valladolid, in 1488, there was full discussion as to the difficulties arising from the incompetence or insufficient number of the consultors, and it was resolved that when there was doubt or *discordia* (the technical name for lack of unanimity) the fiscal of the tribunal should bring the papers to Torquemada, who would refer them to the Suprema or to such of its members as he might designate—thus indicating how completely its powers were derived from him and how subordinate was its position.[3] As Torquemada grew more infirm, even though four colleagues were adjoined to him, the importance of the Suprema increased, as is seen in the 1498 Instructions of Avila, where this provision wears the altered form that when difficult or doubtful questions arise in the tribunals, the inquisitors are to consult the Suprema and bring or send the papers when so ordered.[4]

When Torquemada passed away, in the absence of his vigorous personality, the Council rapidly became a determining factor in the organization. In 1499 and in 1503, instructions of a general

[1] See Vol. I, Appendix, p. 578. [2] Arguello, fol. 22.

[3] Arguello, fol. 9. In the Simancas copy of these Instructions (Lib. 933) it is one of the inquisitors, or the assessor, to whom the duty was assigned.

[4] Ibidem, fol. 13.

character, although signed by one inquisitor-general, also bear the signatures of two or three members of the Council and are countersigned by the secretary "por mandado de los señores del consejo." A decree of November 15, 1504, although signed by Deza alone, bears that it is with the concurrence, opinion and vote of the Council.[1] It was also assuming the appellate jurisdiction, for it announced to inquisitors, January 10, 1499, that, if any parties came before it with appeals, it would hear them and administer what it deemed to be justice.[2] If papal confirmation of this were lacking it was supplied by Leo X, in his bull of August 1, 1516, in which he conferred on members of the Council, in conjunction with the inquisitor-general, power to act in all appeals arising from cases of faith.[3]

The death of Ferdinand, January 23, 1516, the preoccupations of Ximenes who, till his death in November, 1517, was governor of Spain, and the youth and inexperience of Charles V, gave the Suprema an opportunity of enlarging its functions. We find it regulating details and giving instructions to the tribunals much after the fashion of Ferdinand himself.[4] This was facilitated by the fact that it had a president of its own who, during vacancies, acted as inquisitor-general, a practice apparently commenced in 1509 when Ximenes, on the eve of his departure with his expedition to Oran, was required by Ferdinand to appoint the Archbishop of Granada, Francisco de Rojas, president of the Council during his absence.[5]

The Suprema, with a permanent president of its own, was evidently well fitted to encroach on the functions of the inquisitor-general and, as policy varied with regard to this presidency, it is perhaps worth while to follow such indications as we can find with regard to it. In 1516 Martin Zurbano was president of the supreme Councils of both Castile and Aragon and, in the interval between the death of Mercader and the accession of Cardinal Adrian, he acted as inquisitor-general of Aragon.[6] In 1520,

[1] Arguello, fol. 16, 20, 23.

[2] Archivo de Simancas, Inquisicion, Lib. 933, p. 89.

[3] Bulario de la Orden de Santiago, Lib. I de copias, fol. 219.

[4] Archivo de Simancas, Inquisicion, Libro 72, fol. 49.

[5] Archivo de Alcalá, Estado, Leg. 3137.

[6] Archivo de Simancas, Inquisicion, Lib. 9, fol. 68; Lib. 72, fol. 45.

During the separation of the Inquisitions each of course had its Suprema, and even after their union under Adrian the particularist tendencies of the kingdoms kept up for some time distinct organizations. Adrian continued to sign as inquis-

when Charles at Coruña was departing from Spain, he appointed Francisco de Sosa, Bishop of Almería, as president. In 1522, Cardinal Adrian on August 5th, the day of his departure from Tarragona for Rome, appointed Garcia de Loaysa, the future inquisitor-general, president of the Councils of both Castile and Aragon.[1] It was inevitable that questions should arise as to the comparative standing of such an official and the inquisitor-general. Sosa, as president, had a salary of 200,000 maravedís, while Adrian as inquisitor-general had only 150,000, the same as the other members of the Council.[2] This implied superiority and it was evidently necessary to enforce subordination as when, in 1539, Cardinal Tavera was made inquisitor-general and Fernando Valdés president, the latter was told that he was not in any way to modify the orders of the former. So when, in 1549, Valdés succeeded Tavera and Fernando Niño, Bishop of Sigüenza, became president, Charles V wrote to him from Brussels, March 26th, that he was to obey the instructions given to Valdés on his accession.[3] It was doubtless found that this duplicate headship led to trouble, and the position of president was allowed to lapse for, in 1598, Páramo tells us that the inquisitor-general was president.[4] In 1630 Philip IV proposed to revive it under the title of governor of the Suprema, but the Council protested, arguing that it had from the beginning functioned successfully without such a head; if the office had no special prerogatives, it would be superfluous; if it had, there would be collisions with the inquisitor-general; in either case, the innovation would be regarded by the public as evidence that the Council needed improvement.[5] This may have postponed but did not prevent the creation of the office for, in 1649, we find a president acting.[6] It was probably soon discontinued for, in some lists of members about 1670, none

itor-general for Aragon in all business under that crown (Archivo de Simancas, Libro 940, fol. 190). The two councils continued to keep their organizations complete, except that one relator served for both (Ibidem, fol. 188, 191; Sala 40, Lib. 4, fol. 98). Even as late as 1540 we have seen that payments for Aragon required special powers from the king (Sala 40, Lib. 4, fol. 107). To the last there were two secretaries, one for Castile and one for Aragon (Ibidem, Lib. 940, fol. 65–7).

[1] Ibidem, Lib. 940, fol. 53.

[2] Ibidem, Lib. 5, fol. 21.

[3] Salazar y Mendoza, Crónica del Cardenal Juan Tavera, p. 217 (Toledo, 1603).

[4] Páramo, p. 150.

[5] Archivo de Simancas, Inquisicion, Lib. 31, fol. 34.

[6] Ibidem, Gracia y Justicia, Legajo 624, fol. 181.

is designated as president and if, in 1815, there is one found occupying the seat of honor as dean, he was probably only the senior member.[1]

Irrespective of the influence which the office of president may have had, the relations between the inquisitor-general and Suprema were ill-defined and fluctuating. Under Cardinal Adrian we sometimes find the Councils acting as though independent and sometimes Adrian doing the same. In the Aragonese troubles over Juan Prat, the Suprema nowhere appears—everything is in the name of Adrian or of Charles. During the interval between Adrian's election as pope, January 9, 1522, and his leaving Spain, August 5th, he and the Suprema acted at times each independently of the other.[2] As the vacancy was not filled until September 1523, by the appointment of Manrique, there can be little doubt that this effacement of the inquisitor-generalship established precedents for a development of the activity and functions of the Suprema which, under Manrique, is found taking part in all business, the signatures of the members following his in the letters and decrees; it was rapidly becoming the direct executive and legislative head of the Holy Office.[3] His disgrace and relegation to his see, in 1529, could not but stimulate this tendency. During his absence there are many letters from it submitting questions for his decision, but there are also many to the tribunals, showing that it was acting in full independence.

The result of this is seen, in 1540, when Cardinal Tavera, in announcing to the tribunals his accession to office, tells them that he will act with the concurrence and opinion of the members of the Council and when, in the same year, he appointed Nicolao Montañánez inquisitor of Majorca, he refers him to what the Council writes to him with regard to his duties. The appointing power continued to give to the inquisitor-general a certain predominance, but otherwise he and the Suprema had coalesced into one body—a fact emphasized by a declaration, May 14, 1542, that they formed together but a single tribunal and that there was no appeal from the one to the other.[4] Still, there was a

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[1] Archivo de Simancas, Inquisicion, Registro de Genealogias, n. 916, fol. 66.

[2] Ibidem, Lib. 5, fol. 29; Lib. 73, fol. 52, 100, 115, 142, 143, 144, 182, 193, 240, 315; Lib. 74, fol. 116.

[3] Ibidem, Lib. 76, fol. 227, 235.

[4] Ibidem, Libro 939, fol. 136; Sala 40, Libro 4, fol. 104, 115.

primacy of honor in the inquisitor-generalship. When the *Instrucciones nuevas*—the elaborate code of procedure embodied in the Instructions of 1561—were sent to the tribunals, it was in the name of Inquisitor-general Valdés but, in the prefatory note, he is made to state that they had been maturely discussed in the Council, where it was agreed that they should be observed by all inquisitors.[1]

Thus the Suprema had fairly established itself as the ruling power of the Inquisition, and its independent position is described by the Venetian envoy, Simone Contarini, in his Relation of 1605, where he says that it is absolute in everything concerning the faith, not being obliged, like the other Councils, to consult with the king. The inquisitor-general, he adds, fills all the offices except the membership of the Council, whose names are presented to the king.[2] Even in the matter of these appointments, as we have seen, the instructions of Philip II, III, and IV, from 1595 to 1626, require the inquisitor-general to consult with the Suprema in appointing inquisitors and fiscals.

Various documents, during the seventeenth century, show that the inquisitor-general by no means attended all the daily sessions of the Council and rarely voted on the cases brought before it.[3] In the letters of the Suprema, a decision reached when he was present records the fact—"visto en el consejo, presente el ex^{mo} señor inquisidor-general"—but by far the greater number have no such formula, indicating that it acted without him and that its acts were binding.[4] Another formula frequently employed is "consultado con el ex^{mo} señor inquisidor-general," which makes the Suprema act and the inquisitor-general merely consult.[5] Yet of course the power wielded by the inquisitor-general must have varied greatly with the character of the individual and the influence which he had with the king. A man like Arce y Reynoso, in such a case as Villanueva's or Nithard under the queen-regent, used the tremendous authority of the Holy Office at his pleasure.

In the deliberations of the Council, as early as 1551, we find

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[1] Arguello, fol. 27. [2] Cabrera, Relaciones, Append. p. 571.

[3] Archivo de Simancas, Inquisicion, Libro 31, fol. 34.

[4] Libro XIII de Cartas (MSS. of Am. Philos. Society).

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 4. Under Rocaberti, in 1696, there is still another formula "El ex^{mo} señor inquisidor-general con consulta de los señores del consejo.—Ibidem, fol. 194.

decisions reached by a majority vote and when, about 1625, there chanced to be a tie and the imperious Pacheco endeavored to decide the matter, he was bluntly told that he could not do so —his vote counted no more than that of any other member.[1] An elaborate account of the procedure, dating between 1666 and 1669, tells us that, when a letter, petition or memorial is read, if it is a matter of routine, the inquisitor-general decides it without taking votes; if it is doubtful, he takes the vote, beginning with the youngest member. If it is a question of justice, the majority decides; if there is a tie, it is laid aside until other members can be called in; all sign the papers, irrespective of how they had voted. It is not necessary for the inquisitor-general to be present throughout the session; it suffices for him to be there for two hours in the morning, for what especially concerns his jurisdiction and he need not assist in the afternoons, when matters not of faith are discussed with the two adjunct members of the Council of Castile. Another writer tells us that it was forbidden to give reasons for the vote and that absent members could vote in writing.[2]

The relations between the inquisitor-general and the Suprema thus had grown up without any precise definition and consequently were open to diversity of opinion. A writer who, about 1675, drew up an exhaustive account of the working of the Inquisition, admits that it was a disputed question whether the inquisitor-general could act by himself and dispense with the Suprema, but he states that the prevailing opinion is that the members are independent and act by immediate delegated papal powers; in his absence their acts are final and it is the same when the office is vacant. This, he says, is the invariable custom, nor can there be found an instance of his acting without the Suprema, while the Suprema in his absence acts without him.[3]

As we have seen, this was a usurpation, grown strong by prescription. It was fairly put to the test, in 1700, by Inquisitor-general Mendoza, in the trial of Fray Froilan Díaz, which was, in some respects, one of the most noteworthy cases in the annals of the Inquisition.

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 136.—MSS. of Royal Library of Copenhagen, 218b, p. 320.

[2] Archivo de Alcalá, Hacienda, Leg. 544² (Lib. 10).—MSS. of Royal Library of Copenhagen, 218b, p. 341.

[3] Bibl. nacional, MSS., Pp, 28, ff. 58–88.

Carlos II, the last of the Hapsburgs who were the curse of Spain, was imbecile equally in mind and body. A being less fitted to rule has probably never encumbered a throne and it was his misfortune, no less than that of his people, that, reaching it in his fourth year, through thirty-five weary years, from 1665 to 1700, he staggered under the burden, while his kingdom plunged ever deeper in misery and humiliation. He was but a puppet in the hands of any intriguing man or woman or artful confessor who might obtain ascendancy; prematurely old, when he should have been in the prime of manhood, with mental and bodily sufferings continually on the increase, he was restlessly eager for whatever might promise relief. His first wife, Marie Louise of Orleans, had died childless, and the second, Maria Anna of Neuburg, whom he married in 1690, in the vain hope of an heir, was an ambitious woman who speedily dominated him and ruled Spain through her favorites. It soon became recognized that a successor would have to be selected from among the collateral branches and, after active intrigues, parties formed themselves in the court in support of the two most prominent aspirants—Philip Duke of Anjou, grandson of Louis XIV, who was preferred by the mass of the people, and the Archduke Charles, son of the Emperor Leopold I, whose claims were urged by the queen. It was the misfortune of Froilan Díaz that he became the sport of the contending factions.

In 1698 there was a court revolution. The kingdom was practically governed by the royal confessor, a Dominican named Pedro Matilla, who controlled the queen by enriching and advancing her favorites, prominent among whom was Don Juan Tomás, Admiral of Castile. He asked nothing for himself—as he told Count Oropesa, he preferred making bishops to being one. Carlos hated and feared him and at last secretly unbosomed himself to Cardinal Portocarrero, Archbishop of Toledo, one of the leaders of the French faction. No time was lost in utilizing the opportunity and Carlos welcomed the suggestion of replacing Matilla by another Dominican, Fray Froilan Díaz, a professor of theology in the University of Alcalá, a simple-minded and sincere man, whose life had been passed in convents and colleges and who knew nothing of intrigues and politics. Carlos asked to have him brought secretly to court and Matilla's first intimation of his disgrace was seeing Díaz conducted to the king through the royal antechamber. He retired to his cell in the convent

del Rosario where, in a week, he died—it was said of mortification.

In April 1698 Froilan Díaz took possession of the seat in the Suprema reserved for the royal confessor. Plots for his overthrow commenced at once and he unconsciously aided them by fomenting strife in his own Dominican Order so injudiciously that, at the next chapter, his most bitter enemy, Nicolás de Torres-Padmota, was elected provincial. His inconsiderate zeal soon led him into still more dangerous paths, which inflamed hostility and afforded opportunity for its gratification. The king's health had been growing steadily worse, the convulsions and fainting-spells which afflicted him had constantly increased, and the opinion had spread that he was bewitched. Inquisitor-general Valladares had brought the matter before the Suprema, when it had been anxiously discussed without taking action. Valladares had died in 1795 and had been succeeded by the Dominican Juan Tomás de Rocaberti, Archbishop of Valencia, who, in January 1698, was secretly consulted by Carlos concerning the rumors attributing his sickness to sorcery, and was asked to investigate the matter and devise a remedy. It was again laid before the Suprema but, as before, the council deemed it too perilous a matter to be meddled with. When Díaz became a member, Rocaberti appealed to him and he eagerly promised to assist.

There were no indications to guide an investigation until Díaz chanced to learn that, in the nunnery of Cangas (Oviedo), there were several nuns demoniacally possessed who were being exorcised by Fray Antonio Alvarez de Argüelles, a former fellow-student of his. It had for ages been the belief that possessing demons, under the torture of exorcisms and abuse lavished on them by the priest, could be compelled to reveal facts beyond human capacity to ascertain. Much of the current medieval conceptions concerning the spiritual universe were derived from this source and the practice of thus seeking knowledge for laudable purposes was recognized as lawful, provided it was done imperatively and not solicited as a favor. Even the gratification of idle curiosity with demons was merely a venial sin.[1] Froilan Díaz

[1] Tomás Sánchez, the supreme Spanish theologian, says "Licitum quoque est interrogare, non deprecative sed coactive, aliquam veritatem ad peculiariam Dei gloriam et astantium utilitatem quando adjurans prudenter judicaverit id expedire . . . Ex levitate tamen et curiositate quadam res vanas et

was therefore merely adopting a legitimate method when he suggested that the demons of Cangas should be made to reveal the causes of the king's illness, which would be a step to its cure. Rocaberti eagerly assented and applied to the Dominican Bishop of Oviedo, but that wary prelate hesitated to embark in a matter so dangerous and discouraged the suggestion. Díaz then addressed Argüelles, who at first refused but finally consented, if he could have written commands from the inquisitor-general and confessor. Rocaberti accordingly wrote, June 18th, to inscribe the names of the king and queen on a piece of paper, place it in his breast and ask the demon if either of them were suffering from sorcery; Díaz enclosed this in a letter of his own and arranged a cipher for the correspondence. The obliging demon swore by God that the king had been bewitched at the age of fourteen to render him impotent and incapable of governing. With this Argüelles endeavored to withdraw, but Rocaberti and Díaz were insistent that he should ascertain further particulars and antidotes for the sorcery and, on September 9th, he wrote that the spell was administered April 3, 1675 in a cup of chocolate by the queen-mother, in order to retain power; the charm was made with the members of a dead man and the remedies were inunction with blessed oil, purging and separation from the queen.

Carlos was industriously stripped and anointed and purged and prayed over, but to no purpose save to terrify and exhaust him. For a year correspondence was vigorously kept up, obtaining from the demons answers curiously explicit and yet evasive and contradictory. At one time it was said that he had been bewitched on a second occasion, September 24, 1694; then the demons refused to say more except that their previous assertions had been false and that Carlos had not been bewitched. There were also contradictions as to the sorceresses employed, who were named and their addresses were given, but the efforts to find them were fruitless. The destinies of Spain were made to hang on the

inutiles interrogare dæmonem in energumeno existentem est veniale propter actus imperfectionem."—In Præcepta Decalogi Lib. II, cap. xlii, n. 24, 25.

The offence of Villanueva consisted in enquiring about the future and believing the responses of the demons. This was divination, which infers denial of free-will and is therefore forbidden as heretical. This is well defined in the Edict of Faith of 1696, which restricts the offence to enquiries as to the future—"O si sabeis . . . que alguna ó algunas personas ayan preguntado en los cuerpos endemoniados ó los espiritados ó lunáticos cosas por venir ocultas, preguntandolas á los demonios."

flippant utterances of hysterical girls, who unsaid one day what they had averred the day before. The affair reached such proportions that the Emperor Leopold officially communicated the revelations of a Viennese demoniac implicating a sorceress named Isabel, who was searched for in vain, and he also sent to Madrid a celebrated exorcist named Fray Mauro Tenda, who secretly exorcised the king for some months, which naturally aggravated his malady.

Meanwhile a storm was brewing. The queen's temper had been aroused by her political defeat; she was angered by the enforced separation from her husband and she was inflamed to fury when she secretly heard of the second bewitching of September, 1694, which was attributed to her. A month after her learning this Rocaberti died, with suspicious opportuneness, June 19, 1699. This failed to relieve her, for soon afterwards three *endemoniadas* in Madrid were found confirming the story and implicating both her and the former queen-regent. Her wrath was boundless and she vowed Fray Froilan's destruction, for which the Inquisition offered the readiest means. To this end she sought to induce Carlos to appoint in Rocaberti's place Fray Antonio Folch de Cardona, a friend of Don Juan Tomás, Admiral of Castile, who had fallen from power when Matilla was dismissed. The king, however, who was resolved on pushing the investigation, appointed Cardinal Alonso de Aguilar and sent for the papal commission. In announcing his choice to Aguilar he said it was for the purpose of probing the matter to the bottom. To this Aguilar pledged himself and promptly sent for the senior member of the Suprema, Lorenzo Folch de Cardona (a half-brother of Antonio), telling him that all indications pointed to the guilt of the Admiral who must at once be arrested and his papers seized. Cardona replied that this was impossible; semi-proof was requisite prior to arrest and here there was no evidence. The queen grew more anxious than ever; Aguilar was taken with a slight indisposition, he was bled *secundum artem* and in three days he was dead—on the very day that his commission arrived from Rome. Suspicion was rife but there was no proof.

Carlos by this time was so enfeebled that the queen obtained from him the appointment of Baltasar de Mendoza, Bishop of Segovia, with whom she had a satisfactory understanding, he pledging himself to gratify her vindictiveness and she promising him a cardinal's hat as the reward of success. The first move

was against the Austrian exorciser Fray Tenda, who was arrested in January, 1700, on a different charge, but under examination he described the revelations of the Madrid demoniacs, made in Froilan's presence and he escaped with abjuration *de levi* and banishment. Froilan was then examined, but he refused to speak without the consent of the king, under whose orders he had acted and with strict injunctions of secrecy. Meanwhile the Dominican Provincial Torres-Padmota used his authority to obtain from Argüelles at Cangas the letters of Froilan, on the strength of which he promptly accused him to the Suprema in the name of the Order, to which Froilan answered that he had acted under Rocaberti's order at the pressing instance of the king, in what was sanctioned by Aquinas and other doctors.[1] Mendoza informed the king that Froilan was accused of a grave offence but could not be prosecuted without the royal permission; Charles resisted feebly and then yielded to the pressure of the queen and Mendoza by dismissing him and replacing him with Torres-Padmota. Stunned, dazed and helpless, Froilan obeyed Mendoza's order to betake himself to the Dominican convent at Valladolid, but on the road he turned his steps and sought refuge in Rome. A royal letter to the Duke of Uceda, then ambassador, was speedily obtained ordering the arrest of Froilan on his arrival, as he was under trial by the Inquisition which permitted no appeal to Rome, while the tribunals of Barcelona and Murcia were instructed to throw him on arrival into the secret prison. He was shipped back to Cartagena and duly immured by the Murcia tribunal.

Then followed a struggle for mastery in the Suprema. Mendoza procured the assent of the members to the appointment of special calificadores or censors to consider the charges and evidence. Five theologians were selected who reported unanimously, June 23, 1700 that there was no matter of faith involved, whereupon the Suprema, with the exception of Mendoza, voted to suspend the case, which was equivalent to acquittal. Then, on July 8th, Mendoza signed an order of arrest and sent it around for the signatures of the members, who unanimously refused, whereupon he summoned them to his room and with alternate wrath and entreaty vainly sought their co-operation. In a gust of passion

[1] S. Th. Aquinat. Summæ Sec. Sec. Q. xcv, Art. iv ad 1. "Aliud autem est inquirere aliquid a dæmone sponte occurrente; quod quandoque licet propter utilitatem aliorum, maxime quando divina virtute potest compelli ad vera dicenda."

he declared that he would have his way and in an hour he had ordered three of them to keep their houses as prisons and the Madrid tribunal to prosecute the secretary for refusing to countersign the warrant. Folch de Cardona was the only member left and this was because his half-brother Antonio, now Archbishop of Valencia, was a favorite of the queen. This violence caused no little excitement, which was increased when Miguélez, one of the members, who talked freely, was arrested one night in August and hurried off to the Jesuit college in Compostella, followed by the jubilating, or retiring on half-pay, of all three in terms of reprobation, as unfaithful to their duties, while the secretary was banished.

The Council of Castile intervened with a consulta pointing out to the king that the members had been punished without trial for upholding the laws, the canons and the practice of the Holy Office. The queen became alarmed and urged Mendoza to be cautious but he assured her that in no other way could her wishes be gratified. Meanwhile he had sent the papers to the tribunal of Murcia with orders to prosecute Froilan and send the sentence to him. It obeyed and twice submitted the case to its calificadores and other learned men, who reported in favor of the accused, whereupon it voted for his discharge. Then Mendoza evoked the case to himself and committed it to the Madrid tribunal; he brought Froilan there and confined him in a cell of the Dominican house of Nuestra Señora de Atocha where, in the power of Torres-Padmota, he lay for four years, cut off from all communication with the outside world, his very existence being in doubt, while the tribunal selected another group of calificadores who had no difficulty in finding him suspect of heresy.

Carlos had died, November 1, 1700, appointing in his will Philip of Anjou as his successor, until whose coming the queen-dowager was regent. For some months the members of the Suprema, jubilated by Mendoza's arbitrary assumption of authority, were kept in reclusion, but were finally liberated. Mendoza, who belonged to the Austrian faction, was relegated to his see of Segovia, but this brought no redress to Froilan. The Dominican General, Antonin Cloche, a Frenchman without bias to either party in the Inquisition, felt keenly the injustice committed against him and sent from Rome successively two agents who for three years labored in vain for his release. Mendoza was at bay and, in defiance of the traditions of the Spanish Inquisition,

he appealed to the pope, to whom he sent an abstract of the proceedings. Clement XI was delighted with this surrender of Spanish independence and referred the case to the Congregation of the Inquisition which, after much deliberation, reported that it could not act without seeing all the papers. Mendoza replied that he was in exile through political reasons and could not furnish them, which was false, as he had carried them with him; he sent an agent with an argument drawn up by the new fiscal of the Suprema, Juan Fernando de Frias, at the instance of the nuncio at Madrid, in which the Suprema was denounced as the canonizer of a doctrine, heretical, erroneous, superstitious and leading to idolatry. This paper had been prepared in answer to one by Folch de Cardona, arguing that the members of the Suprema had not merely a consultative but a decisive vote and that the inquisitor-general had no more. Frias, however, had foolishly devoted himself to proving that the interrogations of the demoniacs were heretical; this did not suit the nuncio who openly declared that, in place of refuting Cardona, he had published a thousand scandals and was a fool of no account. The argument, which he had printed, was condemned and suppressed and he himself was suspended from office, in 1702, by the queen, Marie Louise Gabrielle of Savoy, who was regent during the absence of Philip in Naples. It was probably about this time that the Suprema notified the tribunals that any orders from Mendoza, contrary to its own, were suspended.[1]

The intervention of the nuncio shows that the struggle had widened far beyond the theological question as to the lawfulness of interrogating demons and the guilt of the luckless Froilan Díaz. Two important principles had become involved—the appellate jurisdiction of Rome and its original jurisdiction in determining disputed points in the internal organization of the Spanish Inquisition. Pope Clement had eagerly welcomed the opening afforded by Mendoza, not only to claim that Froilan's case should be submitted to him, but he had also assumed, in Mendoza's favor, that the Suprema was subordinate to the inquisitor-general, through whom its powers were derived from the Holy See, which alone could decide the question. All this was vigorously combated by Cardona, with the aid of the Council of Castile. In the name of the Suprema, which now had three new members, he

[1] MSS. Bibl. nacional de Lima, Protocolo 225, Expediente 5278.

rehearsed all of Ferdinand's decrees against appeals and argued that the Suprema had always been a royal council, subjected to the king, and that the only distinction between its members and the inquisitor-general lay in his prerogatives as to appointments. He earnestly supplicated the king to order the seizure of a letter of Cardinal Paolucci, papal secretary of state, committing Froilan's case to Mendoza or to the Archbishop of Seville. The nuncio, on the other hand, insisted that the papacy had never divested itself of its supreme authority to judge everything throughout the world, and that the pope was the only authority entitled to construe papal grants, including the functions of the Suprema. While the controversy thus raged, Froilan lay forgotten in his dungeon.

Practically the decision lay with the king and, in the vicissitudes of the War of Succession, Philip had more pressing matters to vex his new and untried royalty. He seems to have vacillated for, in July 1703, there was circulated a paper purporting to confirm the jubilation of the members of the Suprema and to commit Froilan's case to Mendoza. This drew from the Suprema two energetic consultas, pointing out Mendoza's arbitrary course and the injury to the regalías of his appeal to Rome. Philip was embarrassed and, by a royal order of December 24th, sought advice of the Council of Castile, which responded, January 8 and 29, 1704, by vigorous consultas denouncing Mendoza's actions as inexcusable violence. The case seemed to be drawing to a conclusion when it was delayed by a new complication. The succession to Mendoza was actively sought by two churchmen of the highest rank, but the king declared that he would not appoint any one of such lofty station, when both withdrew and one of them, or some one in his name, started what Cardona calls the diabolical proposition that the Inquisition had become superfluous; the few Judaizers and heretics remaining could be dealt with by the episcopal jurisdiction—the case of Froilan Díaz could be settled by his bishop—and thus the enormous expense of the Holy Office could be saved. This revolutionary suggestion was warmly supported by the Princesse des Ursins but Philip rejected it—wisely, no doubt, for even had he been inclined to it his throne was as yet too insecure to risk the results of such an innovation.

The Admiral of Castile was a refugee in Portugal, whence he was actively fomenting resistance to Philip. Mendoza notori-

ously belonged to the Austrian party and Philip could ultimately scarce fail to decide against him. On October 27th he sent for Cardona, with whom he had a secret interview, resulting in a paper drawn up for his signature the next day. On November 3rd a royal order was read in the Suprema restoring to their places the three *jubilado* members, who were to receive all the arrears of their salaries. This was followed November 7th by a decree addressed to Mendoza ordering him and his successors to respect the members of the Suprema as representing the royal person, as exercising the royal jurisdiction and as entitled to cast decisive votes. Moreover, he was, under pain of exile and deprivation of temporalities, within seventy-two hours, to deliver to the Suprema all the papers concerning Froilan Díaz and to make known whether he was alive and in what prison. The next day it was ordered that the Suprema should decide the case and, on November 17th, after hearing the proceedings, a sentence was unanimously rendered, absolving Froilan, restoring to him his seat in the Suprema, with all arrears of salary, and also the cell in the convent del Rosario assigned to the royal confessors, of which he had been unjustly deprived. A copy of this sentence was ordered to be transmitted to all the tribunals for preservation in their archives.[1]

Froilan Díaz was duly reinstated in the Suprema and we find his signature to its letters at least until 1712.[2] In reward of his sufferings, Philip nominated him to the see of Avila; he was not, however, a *persona grata* in Rome and Pope Clement refused his confirmation on the ground that he must first see the papers in the case and determine whether the acquittal was justified, thus asserting to the last his jurisdiction over the matter.[3] Philip held

[1] For most of the details of this case we are indebted to an anonymous memoir, evidently written by Folch de Cardona. It was largely circulated in MS. and finally was printed by Valladares, in 1788, under the title "Proceso criminal fulminado contra el R^mo P. M. Fray Froilan Díaz" and was followed by another volume of the same date "Criticos Documentos que sirven como de segunda parte al Proceso criminal etc."

Consultas by Cardona, in the name of the Suprema, are in the Bibl. nacional MSS., G, 61; D, 118. A review of the case from the Roman standpoint is in the library of Trinity College, Dublin, Class 3, Vol. 27. The decree of Nov. 3, 1704, is also in Simancas, Inquisicion, Legajo 1465, fol. 74.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 4, fol. 123, 134; Leg. 13, n. 2, fol. 13, 17, 54.

[3] MSS. Trinity College, Dublin, *loc. cit.*

good and would make no other nomination until after Froilan's death, the see remaining vacant from 1705 until filled by Julian Cano y Tovar in 1714.

As for Mendoza, he was obliged to resign the inquisitor-generalship early in 1705. When, in 1706, Philip returned to Madrid, after his flight to Burgos, Mendoza and the Admiral, with many others, were arrested as traitors and the queen-dowager was escorted to Bayonne. Mendoza, of course, missed the coveted cardinalate, but he survived until 1727, in peaceful possession of his see. In replacing him as inquisitor-general, Philip was true to his maxim not to appoint a man of high rank and he nominated Vidal Marin, bishop of the insignificant see of Ceuta, who had distinguished himself, in 1704, by his gallant defence of that place against the English fleet that had just captured Gibraltar. In confirming him, after some delay, Clement took occasion, in a brief of August 8, 1705, to reassert the papal position and urgently to exhort him to maintain the subordination of the Suprema. He is to remember that he is supreme and in him resides the whole grant of apostolic power, while the members of the council derive their power from him; over them he has sole and arbitrary discretion by deputation from the Holy See, and the consultas of the Royal Council have caused great scandal and spiritual damage to souls by seeking with fallacious and deceitful arguments to prove that he, after receiving his deputation, is independent of the Holy See. If he will examine his commission he will see that his powers are derived from the Vicar of Christ and not from the secular authorities, who have no rights in the premises, and whatever is done contrary to the rights of the Holy See is invalid and is hereby declared to be null and void.[1]

This was doubtless consoling as an enunciation of papal claims and wishes, but the Bourbon conception of the royal prerogative was even more decided than that of the Hapsburgs. The exhortation to reassert the supremacy of the inquisitor-generalship fell upon deaf ears and the rule in the Suprema continued to be what Folch de Cardona described in 1703—that the majority ruled; if there was a tie, the matter was laid aside until some absent member attended, while, if the meeting was a full one, the fiscal was called in to cast the deciding vote.[2]

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[1] Bulario de la Orden de Santiago, Lib. 5, fol. 137.

[2] Bibl. nacional, MSS., G, 61, fol. 208.

In its relations with the tribunals the Suprema had even greater success. As it gradually absorbed the inquisitor-general, it exercised his power, which was virtually unlimited and irresponsible, over them, until it became a centralized oligarchy of the most absolute kind. To this, of course, the progressive improvement in communication largely contributed. In the earlier period, the delays and expenses of special messengers and couriers rendered it necessary for the local tribunals to be virtually independent in the routine business of arresting, trying, sentencing and punishing offenders. Only matters about which there could be dispute or which involved consequences of importance, would warrant the delay and expense of consulting the central head. Items in the accounts and allusions in the correspondence show that, when this was necessary, the outlay for a messenger was a subject to be carefully weighed. The matter was complicated by the fact that the central head was perambulating, moving with the court from one province to another, and its precise seat at any one moment might be unknown to those at a distance. The permanent choice of Madrid as a capital by Philip II—broken by a short transfer to Valladolid—was favorable to centralization, and still more so was the development of the post-office, establishing regular communication at a comparatively trivial cost, although at first the Inquisition was somewhat chary about confiding its secret documents to the postmen.

At first there was hesitation in intruding upon the functions of the tribunals. A letter of November 10, 1493, from the Suprema to the inquisitors of Toledo, asks as a favor for the information on which a certain arrest had been made, explaining that this was at the especial request of the queen.[1] Where there was not unanimity, however, a reference to some higher authority was essential, and we have seen that, in 1488, Torquemada ordered that all such cases should be sent to him to be decided in the Suprema and, in 1507, Ximenes went further and required all cases in which the accused did not confess to be sent to the Council.[2] This seems speedily to have become obsolete, but the rule as to *discordia* was permanent. In 1509 a letter of the Suprema extends it to arrests and all other acts on which votes were taken, when a report with all the opinions was to be for-

[1] Archivo de Simancas, Inquisicion, Lib. 933, fol. 136.
[2] Ibidem, Lib. 939, fol. 936.

warded for its decision.[1] The costs attendant on these references were not small, for we happen to meet with an order, May 23, 1501, to pay to Inquisitor Mercado a hundred ducats for his expenses and sickness while at the court examining the cases brought from his tribunal of Valencia. Possibly for this reason references to the Suprema were not encouraged for, about this time, it ordered that none should be brought to it except those in which there was discordia, and in these it expected that the parties should be represented by counsel.[2] The same motive may have led to an order, in 1528, limiting these references to cases of great importance, but this restriction was removed in another of July 11, 1532, when it was explained that, if an inquisitor dissented from the other two and from the Ordinary, the case must be sent up.[3]

Practically, the authority of the Suprema over the tribunals was limited only by its discretion, and inevitably it was making constant encroachments on their independence of action. Its correspondence, in 1539 and 1540, with the Valencia tribunal shows an increasing number of cases submitted to it and its supervision over minute details of current business.[4] In 1543 the case of a Morisca, named Mari Gomez la Sazeda, shows that a sentence of torture had to be submitted to it and its reply indicates conscientious scrutiny of the records, for it ordered the re-examination of certain witnesses, but, if they were absent or dead, then she might be tortured moderately.[5] A further extension of authority is seen during a witch-craze in Catalonia when, to restrain the cruelty of the Barcelona tribunal, in 1537, all cases of witchcraft, after being voted on, were ordered to be submitted to it for final decision and, in a recrudescence of the epidemic, between 1545 and 1550, it required all sentences of relaxation to be sent to it, even when unanimous.[6] On this last occasion, however, the Barcelona tribunal asserted its independence of action by disregarding the command and a phrase in the Instructions of 1561, requiring, in all cases of special importance, the sentences to be submitted before execution, was too vague to be of much practical effect.[7]

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 105.
[2] Ibidem, Lib. 1; Lib. 933.
[3] Ibidem, Lib. 76, fol. 114.
[4] Ibidem, Lib. 78, fol. 235, 275.
[5] MS. *penes me.*
[6] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 191; Lib. 98, fol. 144.
[7] Arguello, fol. 36.

The supervision which the Suprema was thus gradually developing was most salutary as a check upon the irresponsibility of the tribunals, whose acts were shrouded in impenetrable secrecy except when scrutinized with more or less conscientious investigation by visitors at intervals of five or ten years. The conditions in Barcelona as revealed by successive visitations, between 1540 and 1580, show how a tribunal might violate systematically the Instructions, and how fruitless were the exposures made by visitors when the inquisitors chose to disregard the orders elicited by reports of their misdoings. They were virtually a law unto themselves; no one dared to complain of them and the victims' mouths were closed by the oath of secrecy which bound them under severe penalties not to divulge their experiences. The whole system was so devised as to expose the inquisitor to the maximum of temptation with the minimum risk of detection, and it was the merest chance whether this power was exercised by a Lucero or by a conscientious judge. The consulta de fe and the concurrence of the Ordinary furnished but a feeble barrier, for the record could generally be so presented as to produce the desired impression and the consultors, proud of their position and its immunities, were indisposed to give trouble, especially as their adverse votes did not create a discordia. When Salazar, in 1566, took the unusual trouble of investigating the interminable records of the individual trials, the rebuke of the Suprema to the inquisitors of Barcelona speaks of the numbers of those sentenced to relaxation, reconciliation, the galleys, scourging, etc., after the grossest informalities in the conduct of the trials.[1] The world can never know the cruelties perpetrated under a system which relieved the tribunals from accountability, and consequently any supervision was a benefit, even that imperfectly exercised by the distant Suprema.

There seems to have come a dawning consciousness of this, possibly stimulated by the revelations of Salazar's investigations into the three tribunals of the crown of Aragon, which led to the Concordia of 1568. In the same year a carta acordada of June 22nd ordered that even when sentences of relaxation were voted unanimously, the process should be sent to the Suprema for its action.[2] From this time forward its intervention, on one score or another, gradually increased. From the records of the tribunal of Toledo,

[1] Archivo de Simancas, Visitas de Barcelona, Leg. 15, fol. 20.

[2] Ibidem, Libro 939, fol. 121.

between 1575 and 1610, it appears that it intervened in 228 cases out of 1172, or substantially in one out of five, while in only 82 of these cases, or one out of fourteen, was there discordia—sometimes as to arrest and trial, sometimes as to torture, but mostly as to the final sentence.[1]

At this period it would seem to be the practice in the Suprema to refer cases to two members and act on their report. Thus in the matter of Mari Vaez, condemned in 1594 to relaxation in effigy, the two are Vigil de Quiñones and Mendoza, whose names are inscribed on the back of the sentence and under them the word "Just[a]" on the strength of which the secretary writes the formal letter to the tribunal, ending with "hagais, señores justicia"—the customary formula of confirmation.[2] As might be expected the degree of scrutiny exercised in the performance of this duty was variable. In the case of Jacques Curtancion, in 1599, it was observed that the ratification of the confession of the accused had been made in the presence of only one interpreter, when the rules required two; the papers were therefore returned to the tribunal of Granada for the rectification of this irregularity, but this exactitude was of no benefit to the sufferer.[3] On the other hand, Pedro Flamenco was tortured in Toledo at 10 A.M., June 10, 1570, after which the consulta de fe was held which condemned him to relaxation for fictitious confession. At the earliest the papers could not have reached Madrid until late on the 11th, but on the 12th was despatched the formal reply confirming the sentence. There could scarce have been time to read the voluminous record and certainly none to give it more than perfunctory consideration.[4] Again, delays attributable only to negligence were not infrequent. Diego de Horozco was sentenced to relaxation by the tribunal of Cuenca, which sent the process to the Suprema, September 3, 1585 and, at the same time, asked for instructions about the cases of Alonso Sainz and Francisco Caquen which had been previously forwarded. No reply was received for more than a month, when the tribunal wrote again, October 14th, that it was anxious to hold an auto de fe. This brought the prompt answer to torture Horozco and execute justice in accordance with the result.[5]

[1] MSS. of Library of University of Halle, Yc, 20, T. I.
[2] Proceso contra Mari Vaez (MS. *penes me*).
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.
[4] Ibidem, Yc, 20, T. III.
[5] Archivo de Simancas, Inquisicion, Legajo 1157, fol. 153–55.

Besides this direct intervention there grew up a watchfulness over the proceedings of the tribunals through their reports of autos de fe, which were closely scrutinized and returned with criticisms. These reports were required to give full details of all cases decided, whether for public autos or private ones in the audience-chamber, and their regular transmission was enforced by conditioning upon it the payment of the annual *ayuda de costa* or supplement to the salaries of the officials. There was also an opportunity, which was not neglected, of administering reproofs on the reports required from inquisitors of their annual visitations of portions of their districts. These were closely criticized and errors were pointed out without reserve, such as judging cases that ought to have been sent to the tribunal for its action, punishing too severely or too lightly, imperfect reports of cases, etc.[1] Thus in various ways a more or less minute supervision was exercised, and the inquisitors were made to feel the subordination of their position.

This was greatly increased when, in 1632, each tribunal was required to send in a monthly report of all its current business and the condition of each case, whether pending or decided, and this in addition to an annual report on which depended the allowance of the ayuda de costa. It was difficult to enforce the regular performance of this and the command had to be frequently repeated, but it was successful to some extent and afforded an opportunity of criticism which was not neglected. Thus, in 1695, in acknowledging receipt of such a report from Valencia, its slovenliness and imperfection are sharply rebuked as deserving of a heavier penalty, which is suspended through benignity. The character, it is said, of the witnesses should be noted, the number or letter of the prisoner's cell, the ration assigned to him, whether or not he has property and, if sequestrated, a copy of the sequestration should be added; the crime and the time of entering the prison and the property items should be repeated in all successive reports. After this, each individual case is considered and much fault is found with the details of procedure.[2] Even the requests for information, made by one

[1] Archivo de Simancas, Inquisicion, Libro 81, fol. 27.

[2] MSS. of the Royal Library of Copenhagen, 218b, p. 252.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 533, 547, 553, 667; Leg. 9, n. 2, fol. 234; Leg. 12, n. 2, fol. 126; Leg. 11, n. 1, fol. 247, 278.—Archivo de Alcalá, Hacienda, Leg. 544², Lib. 6, Lib. 10.—Archivo de Simancas, Inquisicion,

tribunal of another, were required, by an order of 1635, to be the subject of regular reports by the fiscal every four months.[1] It was impossible, however, to enforce with regularity the rendering of monthly reports and, in 1800, the Suprema contented itself with requiring them thrice a year, a regulation which continued to the end, although it was irregularly observed.[2]

The same process of centralization was developed in the control over individual cases. It was not only when there was discordia or sentences of relaxation that confirmation was required. A carta acordada of August 2, 1625, ordered that no sentence of scourging, galleys, public penance, or vergüenza should be executed until the process was submitted to the Suprema.[3] The records of the tribunal of Valladolid, at this period, not only show that this was observed when corporal punishment was inflicted, but also indicate that a custom was springing up of submitting the sentence in all cases involving clerics, and further that the habit was becoming frequent of consulting the Suprema during the course of trials.[4] When, in 1647, the Suprema required all sentences to be submitted to it as soon as pronounced, it assumed full control over the disposition of cases.[5] It was concentrating in itself the management of the entire business of all the tribunals. The minuteness of detail in its supervision is illustrated when, in 1697, the daily ration of four maravedís for a prisoner in Valladolid was regulated by it and the vote of the tribunal whether a prisoner is to be confined in the *carceles medias* or *secretas* had to be confirmed by it.[6]

Simple arrest by the Inquisition was in itself an infliction of no common severity and, from an early period, the Suprema sought to exercise supervision over it. In 1500, the Instructions of Seville require the tribunals, whenever they make an arrest, to send to the inquisitor-general, by their messenger, the accusation, with the testimony in full, the number of the witnesses and

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Sala 39, Leg. 4, fol. 23.—Libro xiii de Cartas, fol. 266, 274–5 (MSS. of Am. Philos. Society).

[1] MSS. of the Royal Library of Copenhagen, 218b, p. 185

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 17, n. 3, fol. 18.—Archivo de Simancas, Inquisicion, Lib. 559.

[3] Archivo de Simancas, Inquisicion, Lib. 240, fol. 340.

[4] Ibidem, Leg. 522.

[5] Archivo hist. nacional, Inquisicion, de Valencia Leg. 10, n 2, fol. 34.

[6] Archivo de Simancas, Inquisicion, Leg. 552, fol. 52.

the character of the accused.[1] This salutary check on the irresponsible power of the inquisitors was too cumbrous for enforcement and it soon became obsolete but, in 1509, when there was discordia as to sentences of arrest they were ordered, before execution, to be submitted to the Suprema with the opinions of the voters.[2] In 1521, to check the persecuting zeal of the tribunals towards the Moriscos, or newly baptized Moors, Cardinal Adrian ordered that they should not be arrested save on conclusive evidence which must first be submitted to the Suprema—a humane measure speedily forgotten.[3] The religious Orders were favored, in 1534, by requiring confirmation of all sentences of arrest pronounced against their members—a measure which required to be repeated in 1555 and, in 1616, it was extended to all ecclesiastics.[4] The Instructions of 1561 order consultation with the Suprema before arresting persons of quality or when the case is otherwise important[5] and, in 1628, it was ordered that no arrest be made on the testimony of a single witness, without first consulting the Suprema; if escape were feared, precautions might be taken, but in such wise as to inflict as little disgrace as possible.[6] Under these limitations the practice is summarized by a writer, about 1675, who tells us that there are cases in which the tribunals can vote arrest, but not execute it without the assent of the Suprema; these are where there is but one witness (but this is not observed with Judaizers), when the accused is a cleric, religious, knight of the Military Orders, notary or superior officer of justice—unless, indeed, flight be apprehended. In these cases the *sumaria*, or summary of evidence, must be well drawn up and submitted to the Suprema with the votes of the inquisitors.[7]

Thus gradually the independent action of the tribunals was curtailed until it finally disappeared and centralization in the Suprema was complete. The precise date of this I have been unable to determine, but a writer of the middle of the eighteenth century tersely describes the conditions, telling us that the inquisitors determine nothing without the orders of the Council,

[1] Vol. I, Appendix, p. 580.
[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 105.
[3] Ibidem, fol. 89.
[4] Ibidem, fol. 105.—MSS. of Royal Library of Copenhagen, 218b, p. 242.
[5] Instrucciones Nuevas, § 5 (Arguello, fol. 28).
[6] MSS. of Royal Library of Copenhagen, *loc. cit.*
[7] Bibl. nacional, MSS., Pp, 28.

so that, when they draw up the *sumarias* in cases of faith they submit them and, on their return, do what they are told; they do not sentence but only append their opinions to the processes and the Council decides.[1]

This continued to the end. The book of votes of the Suprema, in the restored Inquisition, from 1814 to 1820, shows that the tribunals had become mere agencies for receiving denunciations, collecting evidence and executing the orders of the Council. Even these slender duties were sometimes denied to them. In the case of Juana de Lima of Xeres, tried for bigamy, the sumaria was made up by the commissioner of Xeres and on it the Suprema, without more ado, sentenced her to four years in a house of correction and sent the sentence to the commissioner to be read to her; the functions of the Seville inquisitors were reduced to transmitting the papers and keeping the records.[2] If a tribunal ventured on the slightest expression of dissent, it was roundly taken to task. Thus, December 23, 1816 that of Madrid was sternly rebuked because, in the case of Don Teodoro Bachiller, it had described as unjustified his imprisonment; that imprisonment had been approved by the Suprema and the tribunal was ordered to expunge from the records this improper expression and never to repeat such an offence, if it desired to escape serious action. So, when the fiscal of the same tribunal remonstrated against an order to remove Caietano Carcer, on the ground of ill health, from the secret prison, the Suprema replied, January 14, 1818, that its orders were dictated by justice and there was no fiscal or tribunal that could object to them. It expected that the tribunal and its fiscal would in future be more self-restrained and obedient to its superior decisions, thus escaping all responsibility, and that they would not oblige the Council to enforce its authority by measures necessary although unpleasant.[3] To this had shrunk the inquisitor before whom, in the old days, bishops and magnates trembled.

It is satisfactory to be able to say that, as a rule, the interference of the Suprema with the tribunals was on the side of mercy rather than of rigor. It is true that torture, then the universal solvent of doubt, was frequently ordered, but there seems to have been a fairly conscientious discharge of the respon-

[1] Bibl. nacional, MSS., Mm, 130.

[2] Archivo de Simancas, Inquisicion, Libro 890.

[3] Ibidem.

sibilities which it had grasped. In the Valladolid records of the seventeenth century, the modifications of sentences are almost uniformly mitigations, especially by the omission of scourging, which the tribunals were accustomed to administer liberally, and there would seem to be especial tenderness for the offences of the clergy.[1] A typical instance of this moderation is seen in the case of Margarita Altamira, sentenced by the Barcelona tribunal, in 1682, to appear in an auto de fe, to abjure de levi, to receive a hundred lashes through the streets and to seven years' exile from Barcelona and some other places, the first two of which were to be passed serving in a hospital without pay. All this the Suprema reduced to hearing her sentence read in the audience-chamber and to four years' exile from the same places.[2] This mitigating tendency is especially apparent in the restored Inquisition, from 1814 to 1820, where the sentences are almost uniformly revised with a reduction of penalties. Scourging is more rarely prescribed by the tribunals and, when it is ordered, it is invariably omitted by the Suprema, the power of dispensing with it being attributed to the inquisitor-general.[3]

As the functions of the tribunals thus gradually shrank to mere ministerial duties, the appellate jurisdiction lodged in the inquisitor-general and absorbed by the Suprema, of which we heard so much in earlier times, became less and less important. The bull of Leo X, in 1516, prescribes that appeals shall be heard by the inquisitor-general in conjunction with the Suprema and that, pending the decision, the case shall be suspended.[4] This indicates that appeals were suspensive, although subsequently the Inquisition eluded this by arguing, as in the matter of Villanueva, that they were merely devolutionary—that is, that sentences, in spite of them, were to be promptly executed, thus practically rendering them useless.[5]

At this period the relations between the Council and the inquisitor-general as to appellate jurisdiction do not appear to be definitely settled. In 1520, Antonio de la Bastida appealed about his wife's dowry from the judge of confiscations of Calahorra,

[1] Archivo de Simancas, Inquisicion, Leg. 552.
[2] Proceso contra Margarita Altamira, fol. 198–99 (MSS. of Am. Philos. Society).
[3] Archivo de Simancas, Inquisicion, Libro 890.
[4] Bulario de la Orden de Santiago, Lib. I de copias, fol. 219.
[5] Archivo de Simancas, Gracia y Justicia, Inquisicion, Lib. 621, fol. 165.

and the decision in his favor was rendered by the Suprema "in consultation with the very reverend father, the Cardinal of Tortosa (Adrian)," and, as the crown was concerned, it was confirmed by Charles V.[1] In two cases, however, in 1527 and 1528, in which, on appeal, Cardinal Manrique remitted or mitigated sentences, the letters were issued in his name and without signature by the members of the Council.[2] During Manrique's disgrace, the Suprema apparently acted independently for, in a letter of December 9, 1535, to the Valencia tribunal, alluding to the cases on appeal pending before it, it promises to adjudicate them as speedily as possible.[3] That, by this time, at least its concurrence had become essential would appear from the modification, on appeal by Juan Gómez from a sentence imposed by the Valencia tribunal, when the letter was signed both by Inquisitor-general Tavera and the members of the Council.[4] When, as we have seen, the secular courts endeavored to entertain appeals in cases of confiscation and matters not strictly of faith, Prince Philip's cédula of March 10, 1553 emphatically declared that appellate jurisdiction was vested solely in the Suprema, which held faculties for that purpose from the Holy See and from the crown.[5]

This would seem to dispose of any claim that appellate jurisdiction was a special attribute of the inquisitor-general, and this is confirmed by a case, in 1552, in which Angelica Vidama appealed from the sentence of the Valencia tribunal condemning the memory and fame of her deceased mother Beatriz Vidama. On March 8th, Inquisitor-general Valdés and the members of the Council with some assessors declared that, after examining the matter in several sessions their opinion was that the sentence should be revoked. Then, on March 12th, in the presence of Valdés, the Council adopted a sentence restoring her and her posterity to honor and good fame and releasing the confiscation of her estate. The sentence is not signed by Valdés but only by three members of the Council, which indicates that his signature was unnecessary.[6] When he was held simply to have a vote, like every other member, he could claim no special authority as to

[1] Archivo de Simancas, Inquisicion, Lib. 5, fol. 24.
[2] Ibidem, Sala 40, Lib. 4, fol. 99.
[3] Ibidem, Lib. 77, fol. 354. [4] Ibidem, Sala 40, Lib. 4. fol. 105.
[5] Archivo de Alcalá, Estado, Leg. 3137.
[6] Archivo de Simancas, Inquisicion, Lib. 79, fol. 173.

appeals and, with the gradual intervention of the Suprema in all the acts of the tribunals, appeals themselves became obsolete.

From a comparatively early period the control assumed by the Suprema over the provincial tribunals was absolute. Already, in 1533, it tersely informed them that what it ordered and what it forbade must be obeyed to the letter; this it repeated in 1556 and, in 1568, it took occasion to tell them that it was not to be answered, nor were inquisitors to offer excuses when they were rebuked.[1] This control was not confined to their judicial proceedings but extended to every detail of their affairs. Even Ferdinand, with his minute watchfulness over the management of the tribunals, gave to the inquisitors a certain latitude as to expenses and instructed his receivers that they were to honor the requisitions of the inquisitors for outlays on messengers, lodgings, work on houses, prisons, stagings, etc.[2] The Suprema permitted no such liberty of action; it required to be consulted in advance and roundly scolded tribunals which incurred expenses on their own responsibility.[3] In 1569 a general order specified in minute detail the trifling matters of daily necessity for which they could make disbursements; for everything else reference must first be made to the Suprema.[4] This continued to the end and its correspondence is filled with instructions as to petty outlays of all kinds, and largely with regard to repairs of the houses and other properties belonging to the Inquisition. If Valencia, in 1647, wanted a clock in the audience-chamber, it had to apply for permission to purchase one and, in 1650, the Suprema ordered its price to be allowed in the receiver's accounts. In 1665 it ordered the fiscal of Barcelona to be lodged in the palace of the Inquisition and gave minute instructions how the apartments were to be redistributed so as to accommodate him.[5] It is scarce necessary to add that the determination of salaries, which had originally been lodged in the hands of the inquisitor-general, had passed absolutely under the control of the Suprema.

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 135.

[2] Ibidem, Lib. 3, fol. 225, 313.

[3] Ibidem, Sala 40, Lib. 4, fol. 227; Visitas de Barcelona, Leg. 15, fol. 20.

[4] MSS. of Royal Library of Copenhagen, 218b, p. 212.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 7, 8, 9, 13, 19, 276, 277, 278; n. 3, fol. 142, 253, 259, 320, 323, 324, 332; Leg. 17, n. 10, fol. 47, 81, 99.—Libro XIII de Cartas, fol. 11 (MSS. of Am. Philos. Soc.).

Among the perquisites of the officials was that they were furnished with mourning on occasions of public mourning, and a carta acordada of January 20, 1578 ordered that, when this was to be given, a detailed statement must be made out in advance of the persons entitled to it, how much there would be required, what kind of cloth and at what price. On the death of Philip II, in 1598, two persons in Valencia complained that they had been omitted in the distribution, whereupon it wrote to the tribunal for information, on receipt of which it ordered that one of them should be gratified.[1] So, in 1665, on the death of Philip IV, Dr. Paladio Juncar, one of the physicians of the tribunal of Barcelona, asked for an allowance such as had been given to his colleague Dr. Maruch, whereupon the Suprema called for a report as to the cost of the mourning given to Dr. Maruch and whether it was customary to give it to two physicians. A similar petition from Juan Carbonell, one of the advocates for poor prisoners, led to another demand for information and the result was that the Suprema refused them both.[2]

This close watchfulness did not diminish with time. In 1816, when returning the papers of a case to the tribunal of Madrid, a reprimand was administered because in one place there was a blank of half a page which might have been utilized for a certain record. So, in 1817, Seville was rebuked for the number of blank pages in the processes sent, causing not only a useless waste of paper but an increase of postage; six months later Seville sent the sumaria of Miguel Villavicencio, in which the Suprema counted fourteen blank pages, whereupon it referred to its previous instructions and commanded the tribunal to tell the secretaries that they must obey orders, else they would be not only charged with the excess of postage but would be severely punished.[3]

The development of this absolute authority was largely aided by the complete control over the finances of the tribunals claimed and exercised by the inquisitor-general or the Suprema or concurrently by both. This, after the death of Ferdinand, practically passed into their hands, except when Charles, in his early years,

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 132.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 165, 166.

[2] Libro XIII de Cartas, fol. 84, 89, 114 (MSS. of Am. Philos. Society).

[3] Archivo de Simancas, Inquisicion, Lib. 890; Lib. 435[2]

made grants to his courtiers from the confiscations. All that was gathered in by the labors of the provincial inquisitors was treated as a common fund at the sole discretion of the central power. Most of the tribunals, as we shall see, held investments, partially adequate to their support, in addition to their current gains, but even these were held subject to the Suprema. In 1517, orders were sent to the farmers of the revenue to pay to the receiver-general of the Suprema, instead of to the tribunals, the *juros*, or assignments on the taxes, held by the latter. Of these the holdings of the Seville tribunal amounted to 500,000 maravedís per annum—100,000 on the tithe of oil, 200,000 on the alcavala of oil and 200,000 on the alcavala of the shambles. Córdova suffered less from this, for that tribunal held only 103,000 maravedís of income—63,000 on the alcavala of meal, 16,000 on that of wine and 24,000 on that of fruit.[1] But it was not only on the investments but also on the current earnings of the tribunals that the Suprema laid its hand. Its salary list was considerable, it had no settled source of income and the royal policy was that the Inquisition must pay its own way besides having a surplus for the treasury. In 1515, while the Suprema of Castile was yet separate from that of Aragon, its pay-roll aggregated 750,000 maravedís, with 340,000 additional for ayudas de costa, or in all 1,090,000, without counting Inquisitor-general Ximenes who seems to have disdained the emoluments of his office. This large sum, the receiver of Seville, Pedro de Villacis, was required to defray in 1515, while, in 1516, the demand fell upon Guillastegui, receiver of Toledo; in 1517 the salaries were paid by Seville and the ayuda de costa by Toledo and, in 1518, by Valencia.[2] The burden was apportioned among them according to their luck. In addition to this were the innumerable orders to pay the salaries and expenses of the tribunals, which were sometimes issued in the name of Cardinal Adrian and sometimes in that of the Suprema.

It would seem that the receivers of the tribunals, who were practically treasurers, occasionally hesitated in honoring these calls for, in 1520, Charles V issued cédulas to all the receivers of Castile and Aragon to pay whatever the inquisitor-general and

[1] Archivo de Simancas, Inquisicion, Lib. 5, fol. 15, 21.

[2] Ibidem, Lib. 3, fol. 397, 446; Lib. 940, fol. 34; Lib. 5, fol. 6, 16, 21. Cf. Lib. 9, fol. 27, 66, 192.

For the settlement in 1502, see Lib. 2, fol. 35.

Suprema should order.[1] The theory that the funds belonged to the crown in no way limited the control of the inquisitor-general and Suprema and this, during the disgrace of Manrique, naturally passed into the hands of the Council. Under his successor, Tavera, orders were sometimes drawn in his name and countersigned by the members of the Council and sometimes all reference to him was omitted. There seems not to have been any settled rule until, about 1704, the victory of the Council over Mendoza was emphasized by an instruction that no order for the payment of money, given by the inquisitor-general, was to be recognized unless countersigned by the members.[2]

The Suprema called without stint on the tribunals to meet its expenses and its fluctuating sources of supply are indicated in its varying demands for a few ducats for some special payment to large sums from some tribunal which had made a fortunate raid on wealthy heretics as when, being in Valladolid in 1549, it demanded 2000 ducats from that tribunal for its pay-roll.[3] It seems to have made an attempt to levy a settled contribution on Saragossa which, in 1539, it ordered to furnish the money for its salaries, but the enforcement of this seems to have been difficult for, from 1540 to 1546, we find it paying its receiver-general Loazes 15,000 maravedís a year for making the collection. After an interval of ten years, in 1557, it demanded of Saragossa 10,000 sueldos (400 ducats) a year toward its pay-roll, but again there was trouble, for although the order was issued in April, the inquisitors in October were reminded of it, with the significant hint that, unless the money were forthcoming, their salaries would be cut off.[4] In 1559 a papal grant of 100,000 ducats on the ecclesiastical revenues of Spain kept it in funds for awhile and when the tribunals of the colonies were fairly in operation they contributed largely but, in the eighteenth century, we still find it drawing upon the tribunals, although it had accumulated a considerable invested capital, yielding a handsome income.[5]

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[1] Archivo de Simancas, Inquisicion, Lib. 73, fol. 106, 107.

[2] Ibidem, Sala 40, Lib. 4, fol. 107, 110, 113, 114, 115, 118, 137, 139, etc.—Archivo hist. nacional, Inquisicion de Valencia, Lib. VII de Autos, Leg. 2, fol. 327; Ibidem, Leg. 10, n. 2, fol. 164.

[3] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 184.

[4] Ibidem, fol. 124, 226; Lib. 940, fol. 41, 43, 184.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 177, 238; Leg. 14, n. 2, fol. 41.

While thus caring for itself, it also looked after the tribunals which were less fortunate than their fellows, treating the profits of all as a common fund to be distributed at its discretion. These transfers were incessant; as examples of them may be cited an order, in 1562, to Valladolid to pay 1000 ducats to Barcelona which was deeply in debt and, in 1565, Murcia was called upon to give it 400,000 maravedís for its salaries. Murcia, at this time, seems to have struck a rich vein of confiscations for, in 1567, it was required to contribute 1500 ducats for the salaries of Valencia. Barcelona continued in trouble; there were few heretics there and its chief business was quarrelling with the people, which was not productive financially, so, in 1579, Llerena was required to give it 500 ducats towards its pay-roll and, in 1586, Seville, Murcia and Llerena were ordered to furnish 500 ducats each for the same purpose. The expulsion of the Moriscos, in 1609–10, brought Valencia to destitution and, in 1612, Granada and Seville were obliged to lend it 1000 ducats apiece.[1]

This system remained in force until the last. Under the Restoration the Holy Office was seriously cramped for funds, as we shall see, and its financial troubles were frequent. In 1816, Majorca was required to furnish over 40,000 reales to Logroño and Logroño was called upon to supply the same sum to the Suprema. It was not prompt in meeting this demand but paid 15,000; in March, 1817, the Suprema notified it that the balance would be drawn for; on this a partial payment seems to have been made, leaving 12,000, for which, in 1818, the receiver-general of the Suprema drew, but his draft came back dishonored. This aroused the wrath of the Council which wrote, July 3rd, expressing its surprise; if the tribunal had no funds in hand, it should have gone out and borrowed them; it must do so now and not let such a thing occur again.[2]

A necessary feature of this financial control was the centralization in the Suprema of the auditing of the accounts of all the tribunals. Their receivers or treasurers were supposed to send, at regular intervals, itemized statements with vouchers of all receipts and expenditures, which were audited by the *contador general*, or auditor, of the Council.[3] The efficiency of this system was marred by habitual vices of maladministration and the hesitation to punish offenders, of which a petition of the historian,

[1] Archivo de Simancas, Inquisicion, Lib. 940, fol. 43, 44.
[2] Ibidem, Lib. 559.
[3] Ibidem, Lib. 9, fol. 8.

Gerónimo Zurita, affords us a glimpse. In 1538 he was made secretary, or *escribano de camara* of the Suprema. In 1548 Inquisitor-general Valdés gave this place to Juan de Valdés, presumably a kinsman, and Zurita was transferred to the *contaduria general* for Aragon. In a petition presented May 2, 1560, he represents that he has served as contador for twelve years at a salary less than that of his predecessor and with more work; there were the accounts of the tribunal of Sicily, which had not been rendered for twenty years, and it was notorious that the accounts of the receivers had been very confused and embarrassing, all of which he had straightened out with the utmost care, rejecting, for the service of the Holy Office, opportunities offering him better prospects, and now the only reward he asks is that his son, Miguel Zurita, a youth of 18, may be adjoined to him as an assistant—a moderate prayer which was granted.[1] That Zurita was a laborious and conscientious auditor it would be impossible to doubt, but the frequency of defalcations, as we shall see hereafter, would indicate that such officials were not universal and that the precautions of the system were negligently enforced.

That the Suprema should exact all that it could from the tribunals was a necessity, for its pay-roll grew, partly as the result of its increased functions in the centralizing process, and partly in accordance with the inevitable law of an office-holding class to multiply. As the business and profits of the Inquisition decreased its officials consequently grew more numerous and costly. After the death of Ferdinand in 1516, when Aguirre and Calcena were dismissed, there were for some years only three members, a fiscal, a secretary, an alguazil, a "relator" (to report on cases sent up on appeal), a contador and receiver-general, two physicians, a messenger and a portero—twelve in all—with a pay-roll, including the ayuda de costa, of 1,090,000 maravedís

[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 192; Sala 40, Lib. 4, fol. 169, 239.

As a contribution to the life of one to whom all Spanish students owe a debt of gratitude, I print Zurita's petition in the Appendix. He was probably well paid for his services; in 1542 there is an order on the receiver of Aragon to pay him an ayuda de costa, or gratuity, of 600 ducats (Ibidem, Lib. 940, fol. 42).

There was a secretary of the Suprema, in 1519, named Gerónimo Zurita—probably an uncle of the historian (Arch. hist. nacional, Inq. de Valencia, Leg. 371).

or a little less than 3000 ducats.[1] In the seventeenth century all this had changed. Various gratifications had become habitual additions to the salaries proper, in lieu of the old ayuda de costa. Thus there were three larger *propinas* or *pourboires* a year, on the days of San Isidro (May 15th), San Juan (June 24th) and Santa Ana (July 26th) and five smaller ones, called *manuales* on certain other feasts. There were also *luminarias* or reimbursement for the cost of the frequent illuminations publicly ordered, which seem to have been averaged into a fixed sum, and at times there was an allowance for the Autos of Corpus Christi, or plays represented before the Council on Corpus Christi day, while the *toros* or bull-fights which were celebrated on the days of the three chief propinas sometimes replace the latter. There were other smaller perquisites, such as wax and sugar—the latter a distribution, on each of the feasts of Corpus Christi and San Pedro Martir, of an arroba (25 pounds) of sugar to the inquisitor-general, half an arroba to the members and a quarter to the subordinates, making in all nine arrobas. In 1657 we learn that sugar was worth 161 reales per arroba, making an annual outlay for this purpose of 2900 reales.[2] A larger gratuity was that of houses. The Suprema owned a number and allowed them to be occupied by its officials, while those who were not thus housed received a cash equivalent. Thus in various ways the nominal salaries were largely supplemented and, whatever were the necessities of the State, the Council took care that its members and officials should be abundantly supplied.

When, in 1629, there was some talk of reforming the Suprema, Philip IV called upon Castañeda, the contador-general, for a detailed statement of the salaries, propinas, bull-fights and illuminations, with their aggregate for each person connected with it, from the inquisitor-general down to the lowest employee, and the same information was required as to the tribunals. As usual the Suprema equivocated and concealed. All that it saw fit to reply was that the salary of a member was 500,000 maravedís, of a *consejero de la tarde* 166,666, of the royal secretary and receiver-general 200,000 each.[3] We happen to have a detailed statement of the personnel and emoluments of the Suprema at this period which furnishes the information thus withheld from

[1] Archivo de Simancas, Inquisicion, Lib. 5, fol. 6, 16, 21.

[2] Bibl. nacional, MSS., D, 150, p. 224.

[3] Archivo de Simancas, Inquisicion, Lib. 30, fol. 647, 653.

the king. It shows that the salary of the inquisitor-general was 1,100,000 maravedís and the extras 352,920, or in all, 1,452,920. Each of the full members received one half of this, while the *consejeros de la tarde* had one third of the salary of a full member, one half of his propina and no luminarias. The whole number on the pay-roll was thirty-six; the aggregate of their salaries was 7,152,539 maravedís and of the extras 2,891,088, or in all, 10,043,627, equivalent to 295,400 reales or 26,855 ducats, being about ten-fold the cost of a century earlier.[1] Of course, the purchasing power of money had fallen greatly during the interval, but this does not wholly explain the later extravagance. It is observable, moreover that, in the case of the minor subordinates, where the salaries were low, the extras amount to twice as much as the regular pay, and also that as yet there were but three propinas a year and these and the luminarias were the only extras.

A statement of a few years later, probably 1635, may be summarized thus:

Salaries	7,644,500 mrs.
Propinas	2,382,900 "
Luminarias	1,232,875 "
Allowances to officials for houses, estimated	800,000 "
Expenses, repairs to houses, estimated	890,000 "
" postage, couriers, secret service, estimated	400,000 "
	13,350,275 "

In this for the first time appears the name of the king as a recipient of the propinas and luminarias, with an allowance double that of the inquisitor-general, but though he figured in the estimates he was not paid.[2] So carefully were these extras

[1] Archivo de Simancas, Lib. 940, fol. 205.

[2] Ibidem, Lib. 31, fol. 637.—These royal perquisites were quietly left unpaid until, in 1640, Philip in his distress suddenly remembered them and ordered the receiver to render a statement of the amount due to him, until the settlement of which no other payments were to be made. To this the Suprema replied that orders had been given for its immediate settlement. This was more easily said than done, for three months later it represented that it had responded liberally to his demands; it had paid 35,000 reales of the arrearages and hoped to increase the amount to 40,000 and begged to be forgiven the balance, but the king was obdurate.—Ibidem, Lib. 21, fol. 223, 231. The crown continued to share in these perquisites. In 1670, an order for paying luminarias on the accession of Clement IX, is headed by Carlos II for the amount of 114,240 mrs.—Ibidem, Leg. 1476, fol. 7.

observed that when, in 1679 and 1680 the *fiestas de toros* or bull-fights, on the feasts of San Isidro and Santa Ana, were omitted and, in 1680 the *Autos Sacramentales* of Corpus Christi, the Suprema indemnified itself, in 1680, by distributing 687,276 maravedís, from which we learn that the perquisites of a bull-fight amounted to 137,275 and of an exhibition of autos to 144,976.[1]

The terrible condition of the debased currency, known as *vellon*, at a discount from *plata* or silver, ranging from 25 to 50 per cent., gave further opportunities for quietly increasing salaries. As a rule, public officials had to take their salaries in the depreciated vellon—the government was obliged to accept it for taxes and to pay it out at its face value.[2] The Suprema, however, computed its salaries in silver and paid in vellon with the discount added. In 1680 the members made a special grant to themselves, for they ordered the salaries to be paid one half in silver and the other half in vellon with a hundred per cent. added, thus in effect doubling their salaries. How often this liberality was repeated it would be impossible now to say; it was not a settled matter, for the receipts in 1681 show a return to the usual practice of payment in vellon with 50 per cent. added.[3] Another device by which the depreciation in vellon was made a pretext for augmenting salaries is shown by the receipts for 1670. Payments were made every three months in advance; the first *tercio*, on January 1st, and the second on May 1st, were made in vellon with the customary addition of 50 per cent.; then, on September 1st this augmented sum was taken as a basis and $66\frac{2}{3}$ per cent. added, bringing the payment to two and a half times the legitimate amount.[4] The Suprema was not particular as to other devices for increasing its emoluments. In 1659, the birth of the Infante Fernando Thomás served as an excuse for two extra propinas and for five luminarias.[5] In 1690, when it probably was in funds from the confiscations in Majorca, under the transparent pretext of replacing various articles of which it had availed itself, it voted to its members and chief officers 14,160 reales in silver and to the subordinates 8555 in vellon.[6] It was also profuse in gratuities to its employees, as when, in 1670, it voted to Doña Juana de

[1] Archivo de Simancas, Inquisicion, Leg. 1480, fol. 1.
[2] Ibidem, Lib. 21, fol. 252.
[3] Ibidem, Leg. 1480, fol. 1, 10, 16.
[4] Ibidem, Leg. 1476, fol. 7.
[5] Ibidem, Leg. 1475, fol. 1, 2, 4, 19.
[6] Ibidem, Leg. 1477, fol. 154.

Fita y Ribera—evidently the daughter or niece of its secretary Joseph de Ribera—the handsome pension of four hundred ducats, to enable her to marry.[1] In spite of its perpetual complaints of poverty, it evidently was not an inexpensive department of the government.

The Suprema was none the less liberal in providing for the amusement and gratification of its members, in ghastly contrast with the sources from which the funds were drawn—the confiscations that ruined thousands of industrious and happy families. In fact, it gives us a new conception of the grim tribunal, which held in its hand the life and honor of every Spaniard and had as its motto "Exsurge Domine et vindica causam tuam," to note its careful provision for comfort and enjoyment on festal occasions.

We happen to have the details of the cost of the autos sacramentales performed before the Council on the Corpus Christi feast of 1659, amounting to 2040 reales vellon and 1168 of silver.[2] The *fiestas de toros*, or bull-fights, cost nothing for the performers but were attended with elaborate and somewhat expensive preparations for the enjoyment and refreshment of the members and officials. As there were three or four of these a year, the amusement was costly, but the Suprema did not grudge expense when its own gratification was concerned. As affording an insight into this unexpected aspect of the Holy Office, I give below the items of expenditure for the "toros" of June 5, 1690, amounting to 2067 reales 7 mrs., to which is to be added, as the exhibition was given at the palace of Buen Retiro, the sum of 4400 reales paid to the treasurer of the palace for the use of the balconies occupied

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[1] Archivo de Simancas, Inquisicion, Leg. 1477, fol. 45.

[2] The vellon payments were 1940 reales for erecting the staging and 100 for stretching the awning. The items in silver were

For the companies of players	516	reales.
the authors of the autos	500	"
the keepers of the wardrobe	16	"
the dancers	48	"
three coaches for the players	24	"
Juan Rana	32	"
three alguaziles	32	"

Archivo de Simancas, Inquisicion, Leg. 1475, fol. 52.

In 1665, to reduce expenses, Philip IV ordered that these autos should not be performed separately before each royal council, but collectively before them all in the plaza.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

by the Council and its servants.[1] This is a single example of a constant outlay on occasions where the Suprema defrayed the expenses of its members and attendants. They were by no means confined to the toros and autos. In this same year 1690, the

[1] Archivo de Simancas, Inquisicion, Leg. 1477, fol. 95, 100.

The items of the account are:—			Rs.	Mrs.
95 lbs. Genoese sweetmeats @ 10½ Rs. vellon			1008	
32 Talavera dishes @ 5 cuartos			18	28
4 Baskets @ 7½ Rs.			30	
6 Trays @ 2			12	
4 Padlocks for the baskets @ 2½			10	
32 Glasses @ 9 cuartos			33	30
6 Venetian glasses for the members of the Council			34	
2 Talavera plates			10	
4 Double urinals with their covers @ 3 Rs.			12	
30 lbs. of ordinary sweetmeats and biscuits for the attendants @ 5 Rs.			150	
Porters to carry the sweetmeats to the houses of the officials and the utensils to Buen Retiro			15	
Beverages:—				
20 Azumbres (about 10 gallons) of lemonade	Rs.	Mrs.		
10 lbs. of loaf sugar @ 3 Rs.	30			
Lemons	6			
1 oz. of scented lozenges	4			
20 Azumbres of cinnamon water				
15 lbs. of sugar	45			
½ lb. of cinnamon	20			
Charcoal to boil it	5			
1 oz. of scented lozenges	4			
20 Azumbres of cherry water				
15 lbs. of sugar	45			
18 lbs. of cherries @ 6 cuartos	13			
1 oz. of scented lozenges	4			
10 Arrobas (250 lbs.) of snow for all the beverages @ 9 Rs.	90			
1 " sent from Retiro to keep the jars from melting	9			
Rent of 14 garrafas (jars with ice-pails) @ 3½ Rs.	49			
Cost of one of them broken	12			
Rent of 3 small ones for the Council	3			
3 pecks of salt to freeze the beverages @ 22 cuartos	10	17		
2 porters for the snow and cooling-jars.	10			
8 do. to take them to Retiro and return	24			
Labor of the official who renders the account	50			
			433	17
Ornamenting and furnishing the staging			300	
			2067	7

Apparently the utensils were a perquisite of the attendants as they seem to be furnished anew on each occasion.

Suprema paid 3300 reales for balconies on the Calle Mayor from which to see the new queen, Maria Anna of Neuburg, when she entered Madrid.[1]

In addition to salaries and extra emoluments, the officials of the Suprema had a fertile source of income from the fees which they were entitled to charge. Every act or certificate or paper made out was paid for by the party applying for it, in the multitudinous business flowing in to the Council, from applicants for favors, examinations into limpieza or purity of blood, or in the perpetual litigation subject to its extensive jurisdiction. From the fiscal and his clerk, who levied upon all documents passing through his hands, down to the portero who had his recognized fee for serving a summons, every one was entitled to charge for the services pertaining to his office. According to the *arancel*, or fee bill, issued in 1642, the secretaries were entitled to twenty reales for every grace issued—licences to read prohibited books, commutations of penance, dispensations and the hundred other matters in which the Suprema alone could grant favors. The *secretario de camara*, or private secretary of the inquisitor-general, had a fee for every commission issued—on one for an inquisitor or fiscal, he collected a hundred reales, besides eight for his clerk, on those for minor offices a doubloon and eight reales for his clerk, and so on, and these, according to the arancel of Cardinal Giudice, were payable in silver.[2] Burdensome as were these legalized fees, the limitations of the arancel were not enforced and complaints of imposition were constant. The members of the Suprema had not this source of income, but, as a rule, they held lucrative benefices with dispensation for non-residence.

The Suprema could not be thus lavish in its expenditures without an assured and steady source of income. It no longer was dependent on what it could call from one tribunal or another, for it had so persistently utilized its control over their funds as to accumulate for itself an amount of invested capital the interest on which went far to meet its regular requirements, the deficiency being made up by contributions from the tribunals, especially those of the colonies. These latter had become very productive. Besides accumulating large capital for themselves, they were able

[1] Archivo de Simancas, Inquisicion, Leg. 1477, fol. 106.

[2] Bibl. nacional, MSS., D, 122 (Modo de procesar, fol. 10–12); Ibidem, D, 150, fol. 1.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).

to make heavy remittances to Spain. Mexico and Lima were expected to furnish regularly 10,000 ducats a year and this was frequently exceeded. Even from Cartagena de las Indias the Suprema received, in 1653 and 1654, more than 100,000 pesos.[1] About 1675, we chance to hear of a remittance of 40,000 pesos (about 29,000 ducats) of which Lima furnished 10,000 and Mexico 30,000.[2]

An estimate of income and outlay, of about the year 1635, shows that the Suprema held securities of various kinds bringing in an annual return as follows:

Assignments on the public revenues . . .	7,497,703 mrs.
In the hands of the Fuccares (Fuggers) awaiting investment, 2,618,200, @ 5 pr. ct. . . .	130,900 "
Censos	2,210,625 "
	9,839,228 "

Against this its regular expenses were estimated at 13,350,275, which, with a sum of 1,353,625 that it had been ordered to pay to Cardinal Zapata, the late inquisitor-general, left a deficit of 4,864,672, or 12,966 ducats.[3] This it could have had no trouble in making up from the tribunals at home and in the colonies, besides such amounts as might still come in from confiscations.

In the period of storm and stress for some twelve years, commencing with 1640, the incessant demands of the king unquestionably caused the Suprema some trouble. Already, in 1640, we find it borrowing considerable sums, but its resources were large and, about 1657, a statement of its indebtedness amounts, reduced to silver, only to 14,500 ducats. Against this may be set a list of investments and sources of income, yielding a revenue of 18,500,000 maravedís or 50,000 ducats, showing what power of accumulation it had possessed, in spite of the troublous times through which it had passed.[4] All this was clear interest on investment securities except 10,000 ducats from the colonial tribunals, about 2000 ducats estimated to come in from confiscations, etc., and 200,000 maravedís from the *Fabrica de Sevilla*. This latter item merits a word of explanation. In 1626, the Castle of Triana, occupied by the Seville tribunal, was threatened

[1] J. T. Medina, La Inquisicion en Cartagena, p. 266 (Santiago de Chile, 1899).
[2] MSS. of Bibl. nacional de Lima, Protocolo 225, Expediente 5278.
[3] Archivo de Simancas, Inquisicion, Lib. 31, fol. 637.
[4] Ibidem, Lib. 21, fol. 231.—Bibl. nacional, MSS., D, 150, p. 224.

with ruin by an inundation. In view of the heavy cost of repairs, in 1627, it was determined to meet this by imposing for three years, on every calificador appointed, a fee of 10 ducats, on every commissioner and familiar 5, and on every notary 4. The three years passed away but the charge was continued and, in 1640, it was extended to a number of other minor positions, both salaried and unsalaried. The repairs had long been finished but the Suprema coolly appropriated the income as part of its regular resources and kept it to the end. In 1790 the receipts from Valencia amounted to 27½ libras, and an allusion to it in 1817 shows that the *Fabrica de Sevilla* was still collected.[1]

In 1743, Philip V made an effort to reduce the excessive number of officials and expenses of the Inquisition and some other departments, but he was unable to withstand the conservative influences brought to bear. It was probably in connection with this that an elaborate statement of the resources and expenditures of the Suprema was prepared. The work of the Inquisition by this time had shrunk virtually to censorship of the press and punishing bigamists, soliciting confessors, blasphemers, diviners, wise-women and incautious utterers of suspicious propositions, but its machinery was as ponderous and costly as ever. The pay-roll of the Suprema counted forty names whose salaries and emoluments aggregated in round numbers 64,000 ducats, to which were added the expenses of the Madrid tribunal, dependent on the Suprema, and other estimated outlays amounting to 12,000, making a total of 76,000 ducats. Its annual revenue was stated at 51,000 ducats, leaving a deficit of 25,000.[2] How this was made good does not appear; possibly there was concealment in the statement of resources, for the Suprema does

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[1] Archivo de Simancas, Inquisicion, Lib. 240, fol. 360; Lib. 559.—MSS. of Royal Library of Copenhagen, 218b, p. 180.—Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 16, n. 9, fol. 7.

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Libro 10). This statement shows

	Reales.	Mrs.
Salaries of Suprema	337,274	28
The three larger propinas	157,290	
The five smaller do.	73,836	32
Tablados (bull-fights)	21,000	
Houses for officials	65,156	
Nine luminarias	50,618	5
Forward	705,175	31

not seem to have curtailed its liberalities, and a salary list of 1764 shows that there had been no change in the pay and emoluments, except that the number of officials had increased to forty-one.[1]

The financial condition of the whole Inquisition, however, was seriously compromised by royal orders, from 1794 onward, requiring investments to be sold and the proceeds to be placed in government securities to aid in defraying the costs of the wars, in which Spain became involved, with France and then with Portugal and England.[2] The virtual bankruptcy of the monarchy and the destruction consequent on the Napoleonic wars naturally reduced it to the greatest straits, the results of which will be seen when we come to investigate its finances as a whole.

Considering the liberal salary and allowances which, in the eighteenth century, amounted to 4030 ducats for each full member, the labor was not heavy. The council held daily sessions of three hours in the morning and, on three days of the week—Tuesdays, Thursdays, and Saturdays—a two hours' session in the afternoon at which were present the two auxiliary members from the Council of Castile, who received 1400 ducats. The pay of the inquisitor-general was nearly 7000 ducats,[3] besides which he usually held a bishopric and the members some comfortable preferment. The meetings of the Council were originally held in the apartments of the inquisitor-general, until the accession of Philip IV, when the house of the condemned favorite, Rodrigo Calderon, was purchased for it and became its permanent office.[4]

	Reales.	Mrs.
Forward	705,175	31
Salaries of Madrid tribunal	24,258	12
Maintenance of poor prisoners (estimated) . .	3,000	
Sundry expenses of Suprema	30,000	
Ayudas de costa and gratuities	8,000	
To assist tribunal of Toledo and others . . .	50,000	
Taxes and incumbrances on property . . .	17,500	
	837,934	9

[1] Archivo de Simancas, Inq., Leg. 1286, fol. 20; Leg. 1478, fol. 1–41, 61–87.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 9, fol. 20; Leg. 17, n. 4, fol. 7; Leg. 4, n. 3, fol. 173–258.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[4] Llorente, Añales, I. 282.

CHAPTER II.

THE TRIBUNAL.

DURING the active career of the Inquisition, it was the local tribunal which represented it to the people. The inquisitor-general and Suprema were distant and held no direct relations with the community. It was otherwise with the inquisitors, at whose bidding any one, however high-placed, could be thrown into the secret prison, to emerge with an ineffaceable mark of infamy, while his property, to the minutest item, was sequestrated and tied up, perhaps for years, and, if not confiscated, was largely consumed in expenses. Men wielding such power, and virtually irresponsible, shed terror around them as they walked abroad and, as we have seen, their habitual use of their position was not such as to allay these apprehensions. They were the visible agents of the Holy Office, the embodiment of its mysterious and all-embracing authority, empowered to summon to their aid the whole resources of the State and answerable only to their chief. The tribunal, in which they sat in judgement on the lives and fortunes of all whom they might call before them, could only be regarded with universal dread, for no one knew at what moment an unguarded utterance, or the denunciation of some enemy, might bring him before it.

The delimitation of the land into districts, each subject to its own tribunal, was naturally a work of time. In the early period, when there were Converso suspects everywhere, it mattered little where an Inquisition was set up, for it could find abundant occupation in any place and, when the field was temporarily exhausted, it could transfer itself elsewhere in search of a fresh harvest. Ferdinand, in his instructions to the inquisitors of Saragossa, in 1485, tells them that wherever in Aragon they think that an Inquisition is necessary, they are to notify Torquemada, who will send inquisitors there.[1] Thus we hear of tribunals in Aragon

[1] Archivo gen. de la C. de Aragon, Registro 3684, fol. 68.

at Teruel, Jaca, Tarazona, Barbastro and Calatayud; there was one, partly Aragonese and partly Catalan—Lérida and Huesca, which was not divided between Saragossa and Barcelona until 1532. In Catalonia there were tribunals at Perpignan and Balaguer, and, in Castile, others more or less permanent, at Medina del Campo, Avila, Guadalupe, Osuna, Jaen, Xeres, Alcaraz, Plasencia, Burgos, Durango, Leon and doubtless many other places.[1] Even as late as 1501, a royal cédula announces that Deza is about to send inquisitors with their officials to various bishoprics to provide them with tribunals and all receivers were instructed to pay them such sums as he might designate.[2] Under such conditions there could be no very precise boundaries of jurisdiction, for it mattered little who burnt a Judaizing New Christian, but it was otherwise with the confiscations which required to be garnered by those responsible and authorized by the king, and the first strict definitions of districts would seem to have arisen in commissioning receivers. Thus, in 1498, the receiver of Saragossa is qualified for the sees of Saragossa and Tarazona; he of Valencia for those of Valencia, Tortosa, Segorbe and Teruel, while we hear of one for Huesca, Gerona and Urgel, apparently distinct from Barcelona.[3]

For a considerable time, moreover, the tribunals, to a certain extent, were ambulatory, travelling around with their whole corps of officials and empowered to take possession of such buildings as they might require, wherever they saw fit to establish themselves for a time, while the receivers were instructed not to require of them an account of their travelling expenses. The regulations for such an itinerant court may be gathered from a cédula of May 17, 1517, addressed to all the officials and inhabitants of Leon and the bishoprics of Plasencia, Coria, Badajoz and Ciudad Rodrigo, instructing them to give free lodgement, but not in inns, to the inquisitors and their officials and to charge them only current prices for food. Where they settle for a time and set up their court, they are to rent lodgings in houses where they can have the use of one door and the owner of another, while suitable provision must be had for an audience-chamber and a secret prison; the rent is to be determined by appraisers mutually selected but, if the stay is less than a year, rent will be

[1] Such details as I have met with in regard to the establishment and discontinuance of the various tribunals will be found in the Appendix to Vol. I.

[2] Archivo de Simancas, Inquisicion, Lib. 1. [3] Ibidem.

payable only for the time of occupancy. There is to be no opposition or maltreatment, but they are to have all aid and favor under penalty of ten thousand maravedís.[1] The power thus conferred of temporary expropriation was not always exercised considerately. In 1514, Hernando Sánchez of Llerena complained to Ferdinand that, seven years before, the inquisitors had taken his house, compelling him to build another, and this they were now about to seize; Ferdinand compassionated him and prohibited them from doing so. It was otherwise when the tribunal, in 1516, was transferred to Plasencia. The corregidor reported that the most suitable house was that of the dean who was residing in Rome and had rented it; when he was told to turn out the tenant and install the tribunal, the rent, as usual, to be determined by two valuers.[2] Even the episcopal dignity had to give way to the exigencies of the Inquisition. The Bishop of Cuenca was president of the audiencia of Toro and, during his absence, his palace was occupied by the tribunal. In 1519 he was about to return and gave it notice to quit, when Charles V wrote to him that, if he was going to Cuenca, he could find other buildings for his residence; the Inquisition had spent much money on the prisons and must not be disturbed—nor was this the only similar case.[3] Yet existing rights were sometimes respected. When, in Seville, the castle of Triana was assigned to the tribunal, the Count-duke of San Lucar was its hereditary alcaide; he ceded his position in exchange for the hereditary office of alguazil mayor of the tribunal and, in 1706, this office was still enjoyed by his descendants, the Marquises of Leganes, to whom it was reckoned to be worth 150,000 maravedís a year. A similar bargain was made with the Marquis del Carpio, who was hereditary alcaide of the royal alcázar of Córdova, when it was occupied by the tribunal of that city and, in 1706, the marquis of the period was drawing an income of 100,000 maravedís from it. In both cases the incumbents provided deputies at their own expense.[4]

In the original economical simplicity of the institution, Torquemada, in 1485, ordered that all the officials should lodge in one house, but, as the personnel of the tribunals waxed larger and

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 447; Lib. 4, fol. 6; Lib. 5, fol. 19; Lib. 9, fol. 65.

[2] Ibidem, Lib. 3, fol. 395, 447.

[3] Ibidem, Lib. 3, fol. 216, 454, 455; Lib. 9, fol. 23, 34.

[4] Ibidem, Leg. 1465, fol. 105.

self-indulgence increased, this rule became obsolete and houses were furnished to the subordinates, the rents of which, under instructions from Cardinal Manrique, about 1525, were defrayed from the fines and penances levied on culprits.[1] This became the general rule, although there are some instances of its inobservance and of individual officials complaining of adverse discrimination in not being thus favored.[2] In thus providing houses for its employees the Inquisition claimed the right of eminent domain and vindicated it after the usual arbitrary fashion, when it encountered resistance, as occurred in Valladolid in 1612. The secretary of the tribunal wanted a house which was occupied by an official of the chancellery, or high court of justice for Old Castile and Leon. The tribunal incontinently ejected him and installed its secretary, who in turn was ousted by the offended court. The judges were promptly excommunicated and the court rejoined by fining the parish priests for publishing the censures; arrests were made on both sides; the court imposed fines on the inquisitors who replied by threats of further anathemas. The chronicler fails to inform us of the outcome but, under Philip III, there can be little doubt of the final triumph of the tribunal.[3]

The cédula of 1517 was repeated in another of February 8, 1543 and remained as a permanent regulation. In 1645 a formula shows that, whenever any official travelled on the business of a tribunal, he was furnished with a letter embodying the cédula of 1543 and commanding, in the customary imperious style, that he be furnished with free lodging, and beds and provisions at current rates, under pain of excommunication and a fine of a hundred thousand maravedís.[4]

The organization of the tribunal at first was exceedingly simple. We have seen how, in 1481, in Seville, two Dominican friars, with a legal assessor to guide them, and a fiscal as prosecuting officer, did such active work that they speedily required two receivers of confiscations to gather in the products of their industry. There must doubtless have been subordinates to attend to the clerical duties, to serve citations and to take charge of prisoners, but the

[1] Archivo de Simancas, Inquisicion, Lib. 933; Lib. 75, fol. 25.

[2] Ibidem, Legajo 787; Sala 40, Lib. 4, fol. 220.—Lib. XIII de Cartas (MSS. of Am. Philos. Society).

[3] Cabrera, Relaciones, p. 489.

[4] Modo de Proceder, fol. 46 (Bibl. nacional, MSS., D, 122).

tribunal was manned on the most economical basis and there was no time wasted. After four years' experience, Torquemada defined a tribunal as consisting of two inquisitors, an assessor, an alguazil and a fiscal, with such notaries and other minor officials as might be necessary; they were to receive salaries and no fees were to be charged under pain of dismissal, and no inquisitor was to use an official as a household servant.[1] In this no account was taken of the force necessary to secure and handle the confiscations, for these were the concern of the sovereigns and as yet their management was distinct from the prosecution of heretics. It constituted an intricate business, involving innumerable questions arising from claims of every description, which at first were settled in the secular courts, not always to Ferdinand's satisfaction. He grew intensely anxious to bring them within the jurisdiction of the Inquisition, declaring that if they were decided according to the law of the land he would never get justice.[2] For awhile these duties were therefore thrown upon the inquisitors; in 1499, in the tribunal of Burgos and Palencia, Rodrigo de Cargüello is styled inquisitor and judge of confiscations at a salary of 75,000 while his colleague, Alonso de Torres, receives only 60,000.[3] Eventually, as we shall see, a subsidiary court for this purpose was established in each tribunal under a *juez de bienes*, or judge of confiscations.

Ferdinand was thriftily resolved that the profits of persecution should be protected against the growth of expenses and he struggled, though in vain, against the expansion of the pay-roll. Writing to Torquemada, July 22, 1486, he protests against the efforts of the inquisitors to multiply salaried positions—the torturer, the scriveners, the deputy alguaziles—the alguazil should supply the latter and also pay the portero; the pay-roll is already excessive and the inquisitors demand so many salaries that they must be carefully watched.[4]

Ferdinand might chafe under the increasing burdens, but he could not check them. In this same year we find him obliged to give orders for the payment, in the tribunal of Saragossa, of two inquisitors, an assessor, an episcopal vicar-general, an advocate fiscal, a procurator fiscal, an alguazil, two notaries, a receiver of

[1] Vol. I, Appendix, p. 572. Cf. Arguello, fol. 21.
[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 87, 92, 95.
[3] Archivo de Simancas, Inquisicion, Lib. 1
[4] Vol. I, Appendix, p. 568.

witnesses, two messengers, a receiver and his scrivener, a physician, and a royal notary for the confiscations, whose salaries amounted to 37,700 sueldos (about 1800 ducats), to which were to be added *ayudas de costa*, not as yet an established custom, but prevalent in one form or another. At the same time the pay-roll of the tribunal of Medina del Campo was somewhat smaller, amounting to about 1550 ducats, although there were three inquisitors and an assessor, for there were fewer minor officials.[1] In 1493 the tribunal of Valencia, one of the most active, was run with only one inquisitor and no assessor, costing only about 1450 ducats.[2] At the same time it should be borne in mind that these sums include the prison expenses, defrayed by the alguazil out of his salary, which was usually the largest in the list —an arrangement more economical than conducive to the welfare of the captives.

The law of growth continued to operate. A list of ayudas de costa for Valladolid, in 1515, shows three inquisitors, a fiscal, an alguazil, three notaries of the *secreto* or trial-chamber, a receiver, a notary of sequestrations, a gaoler, a messenger and a portero.[3] In 1568, Philip II, in defining the salaried officials exempt from taxation enumerates, for this same tribunal, two or three inquisitors, a fiscal, an alguazil, an auditor, a judge of confiscations, four notaries of the secreto, a notary of sequestrations, a receiver, a messenger, a portero, an alcaide of the secret prison and one of the penitential prison, a notary of the *juzgado* or court of confiscations, an advocate of the fisc, a procurator of the fisc, two chaplains, a physician, a barber, a surgeon and a steward for the poor prisoners.[4] Besides these salaried officials, there was an indefinite number of unsalaried ones, consultors, who served in the consultas de fe, calificadores or censors, who pronounced on the charges prior to arrest and sat in judgement on books and writings, advocates of the accused, "personas honestas" who were present at the ratification of witnesses, in addition to the familiars and commissioners with their notaries. Then there came subsequently to be other officials, either salaried or living on fees—the notary *de lo civil* or secretary in civil cases, the notary

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 92, 94.

[2] Archivo hist. nacional, Inquisicion de Valencia, Cartas de los Reyes Católicos, Leg. 2.

[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 408.

[4] Bibl. nacional, MSS., D, 118, p. 102.

of *actos positivos* in matters of limpieza, the depository with whom applicants to prove their limpieza had to deposit in advance the cost of investigation, the superintendent of sequestrations, the superintendent of property, the *proveedor* or purveyor of food for prisoners and, in some tribunals, the locksmith and bricklayer were reckoned as officials.[1] Even when the salaries were trifling, the pressure for place was incessant, in order to enjoy the privileges and exemptions of the Inquisiton, and we shall see that when financial despair caused offices to be offered for sale they were eagerly purchased, irrespective of profit.

This overgrown personnel was admitted to be an abuse and repeated efforts were made for its reform. A decree of June 19, 1629, repeated in 1638, prescribed the number to be allowed in each tribunal but, as usual, these provisions were disregarded or eluded. In 1643 Philip IV animadverted on this disobedience; the excessive number of officials caused the greatest evils, both to the tribunals and the kingdom, and he ordered their reduction to the ancient standard in the briefest time possible. To this the inquisitor-general replied, fully admitting that this overplus of officials was the cause of the impaired character of the Inquisition and of the insufficiency of the revenues to meet the salaries; the Suprema, he said, had repeatedly attempted a reform, but the misfortunes of the times and the pressure of the king had rendered it powerless and the only remedy would be a papal brief defining numbers and invalidating all surplus commissions. The Suprema, on its side, presented a consulta suggesting a reissue of the decrees of 1629 and 1638, while the inquisitor-general should be deprived of power to exceed these limitations. It further stated that it had sent orders to each tribunal prescribing the numbers and requiring them to be reduced forthwith.[2]

The effect of all this was nugatory. In the Aragon Concordia, forced upon the king in 1646, the number allowed to a tribunal, in addition to the inquisitors and fiscal, commissioners and their notaries and familiars, was twenty-three, which shows how excessive had been the practice.[3] What this was elsewhere is indicated in a memorial from Majorca, about 1650, occasioned by the

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 123, 166, 215, 240, 271; Leg. 10, n. 2, fol. 29, 30, 33, 76.

[2] MSS. of Library of University of Halle, Yc, 20, Tom. 17.—Archivo de Simancas, Inquisicion, Lib. 33, fol. 846, 847, 851; Lib. 35, fol. 509, 567.

[3] Fueros y Actos de Corte, pp. 10–11 (Zaragoza, 1647).

imprisonment in chains of a familiar, named Reginaldo Estado, because he desired to resign on being appointed Consul del Mar. The opportunity is taken of representing the evils arising from the multiplication of officials, as set forth in a previous petition of January 11, 1647, and protesting that the civil and criminal jurisdiction of the Inquisition was the total ruin of the people, so that they would welcome its limitation to matters of faith as a full recompense for all the services rendered to the crown. In each of the thirty-four villages, outside of the capital, there were three officials, besides familiars. In Palma they were multiplied without limit, by creating places that had no duties and appointing assistants and deputies ad libitum, while all the tradespeople and mechanics employed were reckoned as officials, bringing the number up to a hundred and fifty besides familiars. All these, with their wives and children and household servants, and the widows of the deceased, enjoyed the active and passive fuero in both civil and criminal cases, bringing in large revenues to the tribunal, through the excessive costs of litigation, and stimulating oppression of all kinds endured through dread of its censures. This memorial, with evidence sustaining its allegations, was submitted to the Council of Aragon which, after due examination, reported it to the king with a recommendation that the officials and familiars in Majorca should be reduced to what was necessary for the business of the tribunal, but there is no trace that attention was paid to this advice.[1]

These Mallorquin grievances reveal not only the consequences but the causes of this inordinate multiplication of official positions. It had been stimulated, moreover, by the suicidal policy of selling offices and of creating them for the purpose of sale—one of the ruinous expedients resorted to by Philip IV in his desperate efforts to make an exhausted treasury supply the extravagance of the court and the drain of foreign wars. There is no positive evidence that this example was followed by inquisitors for their individual profit, but it would be surprising if this were not occasionally the case. Venality had crept in as early as 1595, when Philip II, in his instructions to Manrique de Lara, speaks of an innovation by which offices were transferred for money—sometimes for large sums—which was very prejudicial and caused much murmuring.[2] These apparently were trans-

[1] Archivo de Simancas, Inquisicion, Lib. 67, fol. 155.

[2] Ibidem, Lib. 939, fol. 273.

actions between individuals, but they could not take place without the connivance of the appointing power, and from this the step to creating offices for sale was easily taken, when the pressure or the temptation was sufficient. It came in 1629, though in justice to Philip IV it must be said that he hesitated before succumbing. In that year the Suprema assembled, December 23rd, a number of theologians and submitted for their opinion the proposition that, in every place where there were six familiars, one of them should be permitted to purchase the *vara* or wand of an alguazil, with the title and all the privileges and exemptions, being a valuable privilege that would bring in much money. The theologians pronounced the scheme lawful, with advantages far outweighing its disadvantages, and suggested that districts might be combined so as to furnish the six familiars. The proceeds were evidently intended for the exchequer of the Suprema for, when the plan was submitted to Philip, he said that it might greatly prejudice the public peace and referred it to the Council of Castile and the Suprema. Finally, on March 20, 1630, he returned it to the inquisitor-general saying that it had been approved by persons of learning and conscience and he asked for an estimate of its productiveness.[1]

After some further parleying the scheme was adopted and announced to the tribunals by the Suprema, August 7, 1631. The limitation of one familiar out of six was abandoned and the offer was thrown open to all who could prove limpieza; the sale was for three lives, the commissions were issued by the inquisitor-general himself, the *vara* of the alguazilship carried with it a familiarship and the only limitation was that, if the third life fell to one who could not prove limpieza, the tribunal could sell it again and report to the Suprema.[2] Thus the sale went on, the ostensible object being the payment of the troops; there was no limit to the alguazilships and finally other offices came into the market—the depositario de pretendientes, the notariat of civil causes, of the juzgado, of sequestrations, and receiverships, auditorships, etc. It goes without saying that simple familiarships were sold and, in 1642, we hear of a block of three hundred being offered.[3]

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[1] Archivo de Simancas, Inquisicion, Lib. 35, fol. 106.

[2] Ibidem, Leg. 1465, fol. 23.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, p. 1, fol. 530, 533, 539, 547, 558, 560, 568; n. 2, fol. 210.—Archivo de Simancas, Inquisicion de Corte, Leg. 359, fol. 3; Ibidem, Inquisicion, Lib. 21, fol. 162, 317.

Regulations issued between 1631 and 1643 show that, although public auctions were nominally forbidden, the positions were put up privately and sold to the highest bidder. Even women sought to obtain the privileges attached to the offices and, in 1641, it was found necessary to prohibit receiving bids from them, except when made in favor of men whom they were about to marry.[1] In 1639 Philip proposed even to put up for sale the office of alguazil mayor of the Suprema and of all the tribunals, by which he expected to defray the pay of 400 foot and 200 horse. This staggered the Suprema, which represented that papal authority would be necessary and the proceeds would be small, as the places were all filled and would fall in slowly, while only that of the Suprema and three or four others would fetch considerable sums, reasoning which put a quietus on the project.[2]

From various indications we may assume that the confidential posts in the secreto were not sold and that offices of active duty in the tribunals were sold only when vacated, although a decree of 1641 shows that they were vacated for the purpose. The prices realized were large. February 6, 1644, Valencia reported that the sale by auction of the unimportant office of depositario de pretendientes for 6000 reales of full-weight silver had been cancelled because the purchaser insisted that it conferred the exemptions of an office in the secreto.[3] A reply of the Suprema, February 11, 1643, to a request from Philip for means to pay 400 foot and 200 horse for eight months, gives us the prices fetched by a number of positions and also shows that the terms varied from spot cash to instalments running through a year or two. In Murcia, it says, there were still due 3500 ducats vellon for the offices of auditor and notary of sequestrations; in Seville the receivership had been auctioned for 8500 ducats, of which 2000 were in silver, and there was still due 1000 ducats in silver for an auditorship; in Llerena the notariat of sequestrations had brought at auction 3000 ducats vellon; in Logroño the auditorship had fetched 1000 ducats vellon; in Toledo the receivership had been sold at auction for 6360 ducats vellon; in Córdova the receivership had brought 5000 ducats, one-fourth in silver; the aggregate, payable at various periods, was 4250 ducats silver and 24,110

[1] MSS. of Royal Library of Copenhagen, No. 213, fol., pp. 114, 224.

[2] Archivo de Simancas, Inquisicion, Lib. 50, fol. 82; Lib. 22, fol. 10; Leg. 1465, fol. 76.—MSS. of Royal Library of Copenhagen, No. 213, fol., p. 114.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 2, fol. 137.

ducats vellon—but the final remark of the Suprema shows the incurable prodigality of Philip, even in his deepest distress, for it quietly adds that none of this is available because it had all been granted by royal decree to Don Pedro Pacheco, a member of the Suprema.[1]

We are told that when, in 1643, Arce y Reynoso assumed the inquisitor-generalship, he recognized that there were too many supernumeraries and that he prohibited the sale of offices until further orders. If so, the intermission was but temporary, for a royal decree of 1648 shows that it was still going on, and, in 1710, we happen to hear of the sale in Valencia of a notariat del juzgado for four lives for 16,000 reales.[2] In 1715 the tribunal of Peru seems to have been doing a little business of the kind on its own account, which the Suprema promptly stopped, stigmatizing it as simoniacal.[3] This probably indicates that it had ceased in Spain, but the custom of selling for three or four lives seems to have been conducive to longevity, for many continued to be thus held until late in the eighteenth century. An investigation ordered, in 1783, into the records concerning them, indicates that there were still survivors, or at least claimants, whose titles were to be scrutinized.[4]

It was impossible to get rid of those who held offices under these grants for successive lives, but efforts were made to reduce the numbers of the class that had not been put up at auction. In 1677, Valladares represented to Carlos II that the income of the Inquisition did not meet more than half the expenses for salaries, prisons, etc., wherefore he recommended that, as vacancies occurred, the offices should be suppressed until, in the busiest tribunals, there should not be more than three inquisitors, a fiscal and four secretaries, while in the smaller ones two inquisitors, a fiscal and three secretaries would suffice. The king assented and the plan was enlarged by leaving unfilled other superfluous places. Like other reforms, this was not permanent. In 1695 Carlos caused Rocaberti to investigate the personnel of the tribunals

[1] Archivo de Simancas, Inquisicion, Lib. 35, fol. 249.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 40; Leg. 4, n. 2, fol. 137; Leg. 9, n. 2, fol. 243.—Bibl. nacional, MSS., D, 118, fol. 146.—MSS. of Royal Library of Copenhagen, 218b, pp. 300–1.

[3] MSS. Bibl. nacional de Lima, Protocolo 225, Expediente 5278.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 5, fol. 69; n. 6, fol. 23.

and to enforce the regulations of 1677. About 1705, Philip V, in his attempted reform, instituted a searching examination into the increase in numbers and salaries since the time of Arce y Reynoso and of Rocaberti, and the Inquisitor-general Vidal Marin again put in force the schedule of 1677, which continued to be, nominally at least, the rule. At intervals, as in 1714, 1728 and 1733, inquiries were made and reports were ordered from the tribunals, doubtless with a view to see that the limitations were observed for, under the Bourbons, the Inquisition was held to an accountability much stricter than of old.[1]

We have seen the futile effort of Philip V, in 1743, to reduce the overgrown numbers of officials in the Santa Cruzada and Inquisition. It was possibly in connection with this that Prado y Cuesta, on his accession in 1746, demanded from all tribunals detailed reports as to all officials and their salaries, stating any vacancies or supernumeraries, and whether there were more familiars than were allowed by the Concordias. The answers to this ought to give a complete census of the Holy office. In the Appendix will be found a table compiled from these returns and also the report from Murcia, at that time one of the most active of the tribunals, which give a tolerably clear inside view of existing conditions. These documents represent an institution which had outlived its purpose, rapidly falling into decadence, no longer commanding popular veneration and chiefly useful as a refuge for those who were content to live on a miserable pittance in virtual idleness. The diminished number of consultors indicates, as we shall see hereafter, that the consulta de fe was falling into desuetude, while the army of calificadores points to the fact that the chief business consisted in the censorship of the press and the prosecution of propositions requiring theologians to define them. The irregularity in the number of commissioners is explained by the Murcia report which shows that, for the most part, they were omitted from the statements, but it is not so easy to understand the absence of alguazils, of whom at least one would seem to be necessary to each tribunal. There are many honorary officials and others serving without pay, while still others are *jubilado* or retired, especially among the secretaries and, where there are two receivers, one is jubilado or absent.

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10); Estado, Leg. 2843.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 155; Leg. 12, n. 2, fol. 128; Leg. 13, n. 2, fol. 180; Leg. 14, n. 1, fol. 133; n. 2, fol. 77.

The paucity of keepers of penitential prisons shows that that punishment had become practically obsolete. With the absence of confiscations the *juez de bienes* has disappeared, except in Majorca. The blanks in the returns of familiars, although information concerning them had specially demanded, may be due either to the tribunals keeping no registers of them, or to concealment of the fact that the numbers allowed by the Concordias were exceeded. That there were serious omissions, indeed is proved when we consider that the total aggregate reported is only 951, while the census of 1769 gives 2645 as the number of those admitted to exemption through connection with the Inquisition. During the interval between this and the next census in 1787, strenuous and successful efforts were made to diminish the number of exempts, in spite of which the employees of the Inquisition had increased to 2705.[1]

Surveying the table as a whole it will be perceived that the higher offices of inquisitors and secretaries had rather increased than diminished from the standard set by Valladares in 1667. Yet there was virtually no serious work for them to do. Their predecessors had successfully enforced unity of faith and little remained except to repress all freedom of thought and aspiration for improvement. How they earned their salaries by laborious trifling is exemplified, in 1808, when three inquisitors and an inquisitor-fiscal of the Valencia tribunal pottered for eighteen months over the case of a poor laboring woman accused of "supersticiones," because she had suggested certain charms to some of her neighbors, and finally concluded to suspend it and to order her parish priest to reprimand and threaten her.[2]

The tribunals were constantly complaining of their penury and of the inadequacy of the salaries, doubtless with reason, but the pressure for appointment precluded the wholesome reduction in numbers which would have afforded relief. It was probably with a view to some practical re-adjustment that the Suprema repeatedly, in 1776, 1783, 1793 and 1806 called upon the tribunals for full and exact reports of all employees.[3] If so, the only result was a trifling increase in the salaries of the lower officials, averaging about fourteen per cent., leading to a complaint, in 1798,

[1] Censo español en el año de 1787 (Madrid, Imprenta Real).

[2] Proceso contra Rosa Conejos (MS. *penes me*).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 15, n. 11, fol. 31; Leg. 16, n. 6, fol. 34; n. 9, fol. 18; Leg. 17, n. 3, fol. 4.

repeated in 1802, that the pay of the secretaries and messenger —the hardest worked of all the officials—had remained unchanged for a hundred years, while the cost of living had quadrupled and they had been deprived of their old exemptions and emoluments. It took, as the Valencia tribunal declared, half of their salaries to rent a decent house, which would seem to show that they were no longer furnished with dwellings.[1]

The excess of officials is emphasized by the fact that the Inquisition was empowered to call upon every individual for gratuitous service. Its commissioners were told that, if there was no appointed notary available, he could make another one serve and, when he summoned any one to accompany him on duty, even to a distant place, if the party refused to go he was to report the fact to the tribunal that it might take the proper steps.[2] Temporary commissions were constantly sent to the parish priest or to a canon, even when their names were unknown, with instructions as to what they were required to do. As the real work of the tribunals diminished there was an increasing habit of deputing what remained to outsiders. Inquisitors, who did not decide more than five or six trivial cases in a year, were too indolent to investigate denunciations or examine witnesses and would issue a commission to some priest or friar to do the work for them.[3] They spared their subordinates in the same way. Thus, in 1791, at Barcelona, there was some reason for identifying a man described as Alexandre Valle, sergeant in the second battalion of the Walloon guards. In place of sending one of the underlings of the tribunal on so simple an errand, a formal commission was made out to Francisco Lluc, Augustinian prior, who in due time reported that he had found him in the sixth battalion.[4] If the salaries were trivial so was the work which earned them.

Offices were virtually held for life, although the commissions technically expired with the death or removal of the grantor, for we have seen that, with each change in the inquisitor-generalship,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 3, fol. 166, 260; Leg. 16, n. 9, fol. 34.

[2] Instruccion que han de guardar los Comisarios.

[3] As early as 1680 this is observable in the Toledo trial of Angela Pérez (MS. *penes me*). In 1728 it seems to be customary in Valencia (Archivo hist. nacional, Inq. de Valencia, Leg. 390). I have even met with a case in which the commission was merely verbal (Ibidem, Inquisicion de Toledo, Leg. 228, n. 28).

[4] MSS. of Am. Philos. Society.

the new incumbent renewed them and the interregnum was bridged over by the action of the Suprema. This did not cover the financial officials, who held from the crown and the same process was required on a change of sovereigns. Thus, when Philip II died, in 1598, the Suprema made haste to inform the tribunals that Philip III confirmed all the judges of confiscations, receivers and auditors.[1] Thus the incumbents came to regard themselves as holding vested rights in their offices and in fact were technically called "proprietors" of them, a corollary to which was to consider them as property, subject to hereditary transmission or to transactions more or less disguised.

A tendency to nepotism seems to have manifested itself early, for the Instructions of 1498 forbid the appointment, in any tribunal, of a kinsman or servant of the inquisitors or of any other official.[2] The force of this was weakened, in 1531, by a decision of the Suprema that the deputy of the receiver of Valencia was not an official in the sense of the prohibition—a decision which opened the door to hereditary transmission by enabling fathers to introduce their sons as deputies in their offices, as we have seen in the case of Géronimo Zurita.[3] Still, the prohibition was held to be in force and, in the instructions to visitors, one of the points to be investigated was whether two members of a family were employed in a tribunal.[4] Like all other wholesome rules, however, there was no hesitation in violating it. When the tribunal of Lima was established in 1570, it was specifically called to the attention of the inquisitors, but they had scarce been installed when a letter from Secretary Vázquez ordered them to appoint Pedro de Bustamente, brother of one of them, to any office for which he was fitted, and he was duly made notary of sequestrations.[5]

Hereditary transmission seems to have been favored from an early period. In 1498, we find Ferdinand not only approving the resignation of Pedro Lazaro, alguazil of Barcelona, in favor of his son Dionisio, but increasing the salary of the latter because he is a person who cannot live upon the regular stipend. So, in

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 27, 46, 163.

[2] Arguello, fol. 13.

[3] Archivo de Simancas, Inquisicion, Lib. 76, fol. 394.

[4] Ibidem, Inquisicion de Canarias, Visitas, Leg. 250, Lib. 1, fol. 7, 844, 935–6. —Modo de Proceder, fol. 62 (Bibl. nacional, MSS., D, 122).

[5] MSS. of Bibl. nacional de Lima, Protocolo 223, Expediente 5270.

1502, when Juan Pérez, notary of the tribunal of Calatayud, was incapacitated by age, he executed a will leaving all the papers and documents to his son Juan, and Ferdinand confirmed the bequest and empowered Juan to act.[1]

So completely did this become the policy of the Inquisition that when an official died, leaving a minor son, the place was filled temporarily till the boy should reach adult age and he was provided for meanwhile. In 1542, Luis Bages, notary of sequestrations in Saragossa, died and Tavera appointed Bartolomé Malo to the vacancy, ordering the receiver to pay from the fines and penances five hundred sueldos a year to Juan Bages, the young son of Luis. Accompanying this was a private communication to the inquisitors, informing them that Malo was appointed only until Juan should have age and experience for the position and, as the arrangement does not appear in his commission, a notarial act must be taken so as to insure Juan's succession. Secret arrangements such as this, however were not usually considered necessary. The next year died Miguel de Oliban, notary of the secreto in the same tribunal, when a temporary appointee was inducted who divided the salary with Juan Pérez de Oliban, son of Miguel, till he should be old enough to take the place.[2] The requirements of age were waived in favor of such transmissions. About 1710, Carlos Albornoz, receiver of Valencia, asked to be allowed to transfer his office to his son, aged twelve; this was refused but when, two years later, he renewed the request, it was granted.[3] Of course the service suffered from the incompetence of those thrust into it, but when they were absolutely unfit they were allowed to employ substitutes who served for a portion of the salary. Thus when Juan Romeo, in 1548, resigned a notariat of the juzgado in favor of his brother Francisco, Valdés wrote to the inquisitors that he hoped that Francisco would soon learn his duties and be able to fill the office personally without employing a substitute as had previously been the case.[4]

It would be useless to multiply examples of what was of daily occurrence. Officials were constantly resigning or retiring on half-pay in favor of their sons or grandsons or nephews, who were accepted as a matter of course. So completely was office regarded

[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Ibidem, Sala 40, Lib. 4, fol. 121, 122, 128, 148, 167.
[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 17, fol. 218, 225.
[4] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 165, 166.

as property that a bereaved widow sometimes held it as a dowry, with which to tempt a new husband, or was granted a pension on it to be paid by the successor. Or, a man with a marriageable daughter would secure the promise of the succession for whoever would marry her; or, if he died leaving a girl unprovided for, the tribunal would kindly look up a husband for her on the same conditions, as in the case of Juana de Treviño, daughter of Antonio Españon in Valencia. Unluckily the first suitor failed to prove his limpieza and another one was found in the person of Antonio de Bolsa.[1]

The natural result of this was to found inquisitorial families who continued through generations to live on the Holy Office, rendering such service as might be expected from those who held their positions to be personal property, like purchasers for four or more lives. Many examples of this could be cited, but a single one will suffice. In 1586 we find Juan del Olmo officiating as notary or secretary of the Valencia tribunal—whether the first of the line or not does not appear. In 1590, his widow Magdalena asked the reversion for her son Joseph, to whom it was given, and during his minority it was served by the alcaide, Pedro Juan Vidal, who gave a third of the salary to the widow. In 1623 this Joseph secured the succession for his son Joseph, who seems to have been a somewhat turbulent gentleman for, in 1638, he and his son were accused of the murder of his fellow secretary, Julian de Palomares. Escaping punishment for this, he died in 1644 and was succeeded by his son Jusepe Vicente, who, in 1666, not without difficulty, obtained the reversion for his son Vicente. The latter was still functioning in 1690. Who followed him I have not been able to trace, but the male line seems to have failed and the office to have passed to a nephew for, in 1750, it is filled by a Vicente Salvador y del Olmo.[2]

Philip II was not blind to the evils of this abuse and, in his instructions of 1595 to Manrique de Lara, he ordered that offices should not be transferred to brothers or sons unless there were special cause and the recipients were capable of filling them without appointing deputies; but Philip III reversed this, in 1608, in

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 86, 99, 118, 128, 138.

[2] Ibidem, Leg. 5, n. 1, fol. 100, 410, 414–17; Leg. 8, n. 1, fol. 15, 36, 39; Leg. 9, n. 1, fol. 349, 357, 365; Leg. 11, n. 2, fol. 98, 99, 157, 216, 218, 296–8; Leg. 372; Leg. 383.

his instructions to Sandoval y Rojas, and prescribed that, when an official died, his children should be borne in mind.[1] In the instructions of Carlos II, in 1695, there is exhibited the fatal Spanish tendency of recognizing evils while tolerating them. He prohibited the transfer of office, save from father to son or from brother to brother when there is a just cause and the appointee has capacity for the position, for it had often happened that sons and brothers so appointed were unfit, or were so young that the Inquisition had to wait long to its detriment and even more so when substitutes were taken temporarily, for they went out with a knowledge of the secrets of the Inquisition and imagined themselves no longer bound to secrecy. Yet, after this clear admission he proceeded to repeat the order of Philip III that, when an official died, care was to be taken of his children.[2] Of course the warning went for nothing and the abuse continued to the last. A certificate of limpieza issued, November 23, 1818, to Juan Josef Paris, describes him as secretary of the tribunal of Toledo, on half-salary, while his father, Juan Antonio Paris, jubilado, has the other half.[3]

When there was no lineal successor available, the custom arose of granting—doubtless for a consideration—coadjutorships with the right of reversion. In 1619 the tribunal of Valencia took exception to this and consulted the Suprema, resulting in a decision not to recognize such transactions for the future.[4] They still continued, however and, in September 1643, a papal brief was procured prohibiting them, in spite of which a well-informed writer tells us that the inquisitor-general still granted them.[5] Another frequent abuse was saddling an office with a pension in favor of some representative of the previous incumbent or even of a stranger, suggesting collusion of the appointing power. Even inquisitors themselves sometimes accepted office under these degrading conditions. In 1636, a commission issued to Don Alonso de Buelva, as inquisitor of Toledo, bore on its face the full salary, but it was secretly coupled with the condition that he was to draw only the half, while the other half was given to Don Francisco de Valdés. A man taking such an office on these terms would prob-

[1] MSS. of Library of Univ. of Halle, Yc, 17.
[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).
[3] Archivo de Simancas, Registro de Genealogías, n. 916, fol. 74.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 6, n. 2, fol. 270, 278.
[5] MSS. of Royal Library of Copenhagen, 218[b], p 327.

ably not be nice in his methods of recouping himself. Still more suggestive of this was the not infrequent custom of taking office "sin gages"—without pay. Thus, in 1637, the Licenciado Pedro Montalvo accepted such a commission as notary of the secreto in Toledo and, in 1638, a similar one was issued for Córdova to Pedro Gutiérrez Armentía. Even inquisitors did not disdain to stoop to this as when, in this same year 1638, Doctor Villaviciosa took the inquisitorship of Murcia without pay.[1]

It is easy to understand how a system such as this should encumber the tribunals with useless hangers-on whose only serious duty was the drawing of salaries. So well was this understood that when, in the confusion of the War of Succession, there often was not money enough to go around, an order was issued that those who were performing duties should be paid in preference to those who were not. So, one of the features of the reform of 1705, attempted by Philip V, was a royal decree declaring null and void all commissions issued without carrying the obligation to work in the office, that no jubilation with salary should be granted without consulting the king, and that no ayuda de costa or other gratification should exceed thirty ducats without the royal assent.[2]

Malfeasance was stimulated by the excessive tenderness which forbore to visit misconduct with punishment. Warnings and threats were freely uttered but rarely enforced and, even when the penalty of suspension was inflicted, the term was apt to be reduced before expiration. This patience under repeated and prolonged wrongdoing was partly owing to the paternalism which generally governed the relations between superiors and subordinates, but principally because dismissal was a public acknowledgement of fallibility, endangering the popular veneration which the Inquisition sought to inspire. It was so from the first. It is true that the reformatory instructions of 1498 declare that any notary, who does what he should not do, shall be condemned as a perjurer and forger and be perpetually deprived of office, besides such other penalty of fine or exile as the inquisitor-general may determine, but this carried few terrors for offenders.[3] The power of effective punishment lay exclusively with the central head,

[1] Bibl. nacional, MSS., D, 118, fol. 56, n. 22.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 152, 157.

[3] Arguello, fol. 13.

which was not readily moved to active indignation by offences committed at a distance. A letter of Ferdinand, May 17, 1511, to an inquisitor, who had complained bitterly of a subordinate and evidently had asked his discharge, embodies the principle to which the Inquisition remained faithful to the last. The complainant was told that, when any of his officials was in fault, he was to be admonished; if he persisted, he was to be rebuked in the presence of his fellows; if this did not suffice, consultation was to be had with those who had been present and every care be taken to avoid injustice before going further, for the dismissal of officials of the Inquisition is most odious; the utmost caution must be observed that it is founded on justice and the success of the work depends on all living in harmony.[1] This forbearance Ferdinand himself practised in cases which might well move him to inflict summary chastisement.[2] When the inquisitor himself proved incorrigible, he might be suspended for a year or two, but the usual course was to transfer him and inflict him on some other district. In extreme cases he might be jubilado or retired on half-pay as was done with officials who were superannuated or too infirm to work. Dismissal was almost unknown and I have met with but few cases of it.

Jubilation might be either a reward or a punishment. In the earlier time, when an official was obliged to retire on account of age or infirmity he was taken care of with either a pension or a substantial gift, of which various cases are to be found in the records. In time this became an established custom, known as jubilation, and the retiring pension was usually half the salary, sometimes, but not often, deducted from the salary of the successor. Applications for jubilation were common, as men grew old or incapacitated, and we have seen, in the enumeration of the tribunal of Murcia, how many wage-eaters of this kind weighed on the finances of the Inquisition.

The use of jubilation as a punishment affords a striking illustration of the tenderness shown to offenders. Instead of the deserved dismissal, they were shielded as far as possible from disgrace and were retired with a pension, thus placing them on a par with aged officials worn out in service. So far was this sympathy carried that, in the instructions of Carlos II to Rocaberti, in 1695, he is warned that, as jubilation inflicts grave discredit,

[1] Archivo de Simancas, Inquisicion, Lib. 926, fol. 308.

[2] Ibidem, Lib. 3, fol. 394, 395, 412.

even sometimes involving risk of life, it is only to be resorted to with ample cause, after taking a vote in the Suprema.[1] How superfluous was this caution could be instanced by a number of cases, of which it suffices to mention that of Melchor Zapata who, about 1640, succeeded his father-in-law as alcaide of the secret prison of Valencia. Then the correspondence of the tribunal becomes burdened with complaints of his disorderly conduct; he was constantly getting into scrapes and being tried on various charges, among others, that of hiring four soldiers to commit a crime of violence. At length, in place of dismissal, he was jubilated with a life-pension of 20,000 maravedís in silver and his office was given to his cousin, Crispin Pons. The *titulo de jubilacion* issued to him by Sotomayor describes his long and faithful service, for which he is thus rewarded and he was assured of the enjoyment of all the exemptions and prerogatives attached to his office—though his subsequent conduct was so disreputable that, in 1642, it was felt necessary to deprive him of them.[2] When this was the policy observed toward incapable and delinquent officials it is not difficult to understand the financial troubles of the Holy Office and the grievances endured by the people.

The natural effect of this misguided leniency was looseness of discipline and indifference to duty. Inquisitors could inflict fines on their subordinates, except the fiscal, but for serious offences they could only report to the Suprema and, as they had no power of appointment or dismissal, it was impossible for them to exert adequate authority.[3] How little control they possessed is indicated when, in 1546, it was necessary for the Suprema to issue a formal order to the janitor of the Granada tribunal to shut the inner gates of the castle, which was its residence, at such hours as the inquisitors might designate and, if he did not do so, he was to be reported for such action as the Council might see fit to take.[4] Under such a system it is not surprising that, in the suggestions for reform, in 1623, it was proposed to give the inquisitors power

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[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 30, 60, 80, 89, 94, 157, 162, 211.—Ibidem, Lib. 7 de Autos, Leg. 2, fol. 341.—Cf. Leg. 11, n. 1, fol. 93, 198–99, 226; n. 3, fol. 167; Leg. 12, n. 1, fol. 120, 129.—Bibl. nacional, MSS., D, 118, fol. 56, n. 22.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 19.—MSS. of Royal Library of Copenhagen, 218[b], pp. 184, 201.

[4] Archivo de Simancas, Inquisicion, Lib. 926, fol. 33.

to punish and suspend, for the tying of their hands resulted in insubordination, causing grave troubles in the tribunals.[1]

That there was gross neglect of duty follows as a matter of course. The hours prescribed for work, during which all were required to be present, were only six—three in the morning and three in the afternoon—except on the numerous holidays, and visitors in their inspections were instructed to inquire especially into this.[2] From such reports of visitations as I have examined, it would appear that the enforcement of the rule was difficult; Cervantes, indeed, in his report on Barcelona in 1561, says that there is no hope of securing regular attendance unless the Suprema will impose a penalty for default of more than an hour.[3]

Absence from the post of duty was an abuse which also seemed incurable. Even under the vigilant rule of Ferdinand, a circular letter of the Suprema, September 7, 1509, calls attention to the absence of the officials on their private business; the inquisitors, in urgent cases, could grant leave of absence for twenty days in the year, but this was never to be exceeded; records were to be kept and salaries were to be proportionately docked.[4] This was perfectly ineffectual. In 1520 we find the Suprema writing to the officials of Barcelona to return to their posts within ten days, and rebuking the inquisitors for permitting this neglect of duty, but a repetition of the letter in 1521 shows how fruitless had been the first one. The trouble was by no means confined to Barcelona and, in 1521, Cardinal Adrian made an effort to check it by declaring vacant the office of any one absenting himself for two months.[5] It was not only the subordinates, for the inquisitors themselves had frequently to be taken to task for similar neglect of duty.[6] The trouble was endless and serves in part to explain the cruel delays which aggravated so greatly the sufferings of those under trial. In 1573 the rule of 1509 was repeated with the addition that, if the twenty days granted were exceeded by ten days, the absentee was not to be admitted to his office on his return and this again was reissued in 1597, together with an order that no

[1] Archivo de Simancas, Inquisicion, Lib. 926, fol. 18.

[2] Instrucciones de 1498, § 15 (Arguello, fol. 13).—Archivo de Simancas, Inquisicion de Canarias, Expedientes de Visitas, Leg. 250, Lib. 1, fol. 6.

[3] Archivo de Simancas, Inquisicion, Lib. 76, fol. 227; Visitas de Barcelona, Leg. 15, fol. 2, 20.

[4] Ibidem, Lib. 926, fol. 28.

[5] Ibidem, Lib. 73, fol. 84, 85, 183, 188, 201; Lib. 76, fol. 415; Lib. 933.

[6] Ibidem, Lib. 77, fol. 169, 256.

inquisitor should absent himself without the permission of the Suprema.[1]

This was not the only matter in which inquisitors had to be kept in check. The frequent commands for them not to accept commissions to attend to outside business show how eager were people to secure the service of agents so powerful and how ready were the inquisitors thus to sell their influence. So, when Valdés, in 1560, ordered them not to ask for favors, for complaints were made by people that they were forced to grant what was asked, we recognize how infinite were the resources of petty tyranny afforded by the terror which they inspired. That they were not superior to the vices of the period may be inferred from an injunction of Valdés, in 1566, to exercise great moderation in gambling.[2]

Earnest efforts were not lacking to maintain a fair standard of efficiency and discipline in the tribunals, although they were largely neutralized by the restricted authority allowed to the inquisitors and the fatal clemency shown to delinquents. Isabella has the credit of reforming the administration of justice in Castile by periodically sending inspectors, incorruptible and inflexible, to scrutinize the operation of the courts, and it was not long after the organization of the Inquisition that a similar plan was found necessary for its tribunals. We happen to hear of a *visitador* or inspector at Medina del Campo, while Torquemada was still in the active exercise of his functions, probably before 1490.[3] From letters of 1497 we learn that the salaries of an inspector and his notary were the same as those of an inquisitor and notary—a hundred thousand maravedís for the one and forty thousand for the other. These were appointed by the inquisitor-general and carried royal letters ordering inquisitors to receive and treat them well and all officials to aid them, give them free passage and levy no tolls, dues, ferriages or fees of any kind.[4] The Instructions of 1498 create permanent inspectors-general, of whom there were to be one or two, to visit all tribunals and report their condition; they were not to lodge or eat with the inquisitors or to receive presents from them and were to exercise only the powers expressed

[1] Archivo de Simancas, Inquisicion, Lib. 82, fol. 89; Lib. 939, fol. 64, 66; Lib. 941, fol. 20.

[2] Ibidem, Lib. 78, fol. 272; Lib. 79, fol. 7, 239; Lib. 939, fol. 64.

[3] Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 28.

[4] Ibidem, Lib. 1.

in their commissions.[1] Under this Francisco de Simancas, Archdeacon of Córdova, was appointed inspector, with González Mesons as his notary; how long he served does not appear, but orders for the payment of his salary can be traced until 1503.[2]

When the Inquisitions of Castile and Aragon were separated, in 1507, each continued to employ inspectors. Alonso Rodríguez, of whom we hear in 1509, probably belonged to Castile; in 1514 Ximenes appointed Juan Moris as inspector, after which special inspectors ceased for a time to be employed for, in 1517, the Inquisitor of Córdova was sent to inspect Toledo, Seville and Jaen and the Inquisitor of Jaen to inspect Córdova, Cuenca and Valladolid.[3] In Aragon, Mercader in 1513 sent Juan de Ariola to inspect Majorca, Sardinia and Sicily and, about the same time, Hernando de Montemayor to inspect the tribunals of Aragon, Catalonia and Valencia.[4] After the reunion of the Inquisition, Cardinal Adrian introduced an innovation by appointing laymen to the office—the Licentiates Sisa and Peña—the former a judge in the high court of Valladolid. Their functions were enlarged, for Charles V describes them as persons of high authority, not connected with the Inquisition, sent to investigate all the tribunals and to reform whatever required amendment, for which he clothed them with ample powers.[5]

These regular routine inspections came to an end and, though the wholesome supervision was not abandoned, it became irregular, either employed occasionally or when complaints seemed to indicate its necessity. Barcelona was a troublesome tribunal, but it seems to have been visited only at intervals of from six to ten years. The inspections were not inexpensive and the cost had to be defrayed by the Suprema. When, in 1567, de Sotc Salazar, a member of the Suprema, was sent to investigate Valencia, Barcelona and Saragossa, he was given at the outset four hundred ducats and his secretary, Pablo Garcia, two hundred.[6] The rule became established to employ only inquisitors and those in active service, not retired.[7] The work, when con-

[1] Arguello, fol. 22.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 140.
[2] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 2, fol. 25.
[3] Ibidem, Lib. 3, fol. 22, 396; Lib. 5, fol. 14.
[4] Ibidem, Lib. 3, fol. 251, 316; Lib. 933.
[5] Ibidem, Lib. 9, fol. 63.—Archivo hist. nacional, Inquisicion de Toledc Hacienda, Leg. 10.
[6] Archivo de Simancas, Inquisicion, Lib. 940, fol. 44, 69.
[7] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

scientiously performed, was not light. An inspection of the Canary tribunal, made by Claudio de la Cueva, lasted from 1595 to 1597 and his report forms a mass of 1124 folios.[1] This was unusually laborious, but reports covering three, four or five hundred pages are not uncommon.

The *visitador* was expected to make a thorough investigation of the condition and working of the tribunal, to discover all neglect of regulations, all abuses and malfeasance of the officials, all derelictions of duty, all maladministration of the property and revenues, all misuse of power, whether through oppression of the defenceless or remissness in vindicating the faith. He was to examine the records, not only to see that they were properly kept and indexed but also whether justice had been duly administered and the *estilo* of the Holy Office had been rigidly followed. He visited the prisons, listened to the complaints of the prisoners and investigated them. On arrival, he fixed a day on which he would appear in the audience-chamber; the inquisitors and all officials were assembled, his credentials were read and the inquisitors promised obedience in the name of all present. The next day the inquisitors were examined under oath, as to whether there was anything requiring amendment and whether the officials performed their full duty, the answers being taken down in writing. The inspector brought with him an elaborate series of interrogatories, usually forty-eight or fifty in number, covering all the points which experience had shown as likely to tempt to wrongdoing and on these he examined all the officials singly. He also listened to all who had complaints to make; if these appeared to be justified he investigated them thoroughly, summoning all witnesses, who were guaranteed that their names would be kept secret, and on this evidence he framed charges against those inculpated and heard them in defence. When his duties in the tribunal were accomplished he was expected to visit the district and investigate all complaints. The results were reduced to writing and, when his labors were completed, he sent or carried the whole to the Suprema for its action.[2] As a rule, he had no executive authority and could only make recommendations, but visitadores to the colonies were frequently invested with

[1] Archivo de Simancas, Inquisicion de Canarias, Expedientes de Visitas, Leg. 250, Lib. 1.

[2] Modo de Proceder, fol. 60–1 (Bibl. nacional, MSS., D, 122).—MSS. of Royal Library of Copenhagen, 218b, fol. 301–2.

greater power, presumably in view of the long delays in communication. When, in 1654, Medina Rico came as inspector to Mexico, where maladministration was flagrant, he sat in judgement on the inquisitors, Estrada and Higuera, suspended them and occupied the tribunal for years.[1] It can readily be conceived that at times there was no little friction between inspector and inquisitors, and, in 1645, the Suprema presented to the king a consulta on the controversies thence arising.[2]

The necessity for these visitations diminished in proportion as the tribunals were subordinated to the Suprema. When they had to make monthly reports of all pending cases, so that their action was under constant supervision; when all sentences were submitted for confirmation or revision, with the papers showing the conduct of the cases; when no arrest could be made without presenting the sumaria and receiving authority; when, moreover, the business management of property was scrutinized through monthly reports of the *junta de hacienda*, there was no longer a justification for the expenses of visitations. The growing facilities of intercommunication encouraged centralization and enabled the Suprema to maintain a constant supervision. When, therefore, it concentrated in itself all the judicial faculties of the Inquisition, rendering the tribunals merely instruments for investigation, the functions of the visitador became superfluous, at least in the Peninsula.

The palace or building, which was the seat of the tribunal, was divided into the *secreto* and the outside rooms or apartments. It was expected to furnish lodgings for the inquisitors and, if spacious enough, for the other officials. The most important feature was the *carceles secretas* or secret prison for those on trial, for it was necessary that they could be brought at any moment to the audience-chamber without being seen by any one. There was, of course, a torture-chamber, which seems to have generally been underground. The *secreto* originally was merely a record-room in which the papers and documents were preserved. From the first these were guarded with jealous secrecy, not only on account of their importance in the trials but because their abstraction or destruction was so ardently desired

[1] Proceso contra el Doctor Juan de la Camara (MSS. of David Fergusson Esq.).
[2] Archivo de Simancas, Inquisicion, Lib. 36, fol. 263.

by the kindred or accomplices of convicts. As early as 1485, Ferdinand, in his instructions to the tribunal of Saragossa, orders that no servant of any of the officials shall enter "lo secreto de la Inquisicion."[1] The Instructions of 1498 provide that the chest or chamber in which the papers are kept shall have three keys, two held by the *notarios del secreto* and one by the fiscal, so that no one can take out a document save in the presence of the others, and no one shall enter it except the inquisitors, the notaries and the fiscal, rules substantially repeated in the Sicilian instructions of 1516. Among the derelictions of the Barcelona tribunal, reported in 1561 by Cervantes, was the neglect of this rule, leading, he said, to grave abuses.[2] The functions and extent of the secreto were gradually enlarged. In Mercader's Instructions of 1514, the money-chest with three keys was ordered to be kept in the secreto, a provision which became permanent.[3] When the rule was established of conducting the trials in profound secrecy, and a veil of impenetrable mystery was thrown around all the operations of the Inquisition, the audience-chamber was included in the secreto, as well as the offices occupied by the fiscal and secretaries. The door to it was secured by three locks having different keys and entrance was forbidden save to those officially privileged or summoned.[4] In 1645, it was discovered that there was danger in the notaries or secretaries bringing in their swords, for a prisoner when led to an audience might in his desperation seize one and give trouble, and they were consequently ordered in future to be left outside.[5] In the Valencia tribunal there was considerable excitement, in 1679, when the pages of the inquisitors got possession of the keys and had false ones made, with which they gained at will access to the sacred precincts, but no harm seems to have arisen from the boyish prank.[6] One feature of the audience-chamber was significant—a *celosía* or lattice, behind which a witness could identify a prisoner, without being seen or recognized.[7]

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 68.

[2] Arguello, fol. 13.—Archivo de Simancas, Inquisicion, Libro 933.—Ibidem, Visitas de Barcelona, Leg. 15, fol. 2.

[3] Ibidem, Lib. 933; Lib. 942, fol. 21.

[4] Modo de Proceder, fol. 62 (Bibl. nacional, MSS., D, 122). (Occasionally, however, *autos particulares* in the audience-chamber were held with open doors.)

[5] Bibl. nacional, MSS., D, 118, fol. 84, n. 30.

[6] Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 3, fol. 110, 114.

[7] Archivo de Simancas, Inquisicion, Leg. 552, fol. 37.

In considering the personnel of the tribunal, we may dismiss the assessor with a few words. Such an official was unknown in the Old Inquisition, but we have seen that, when the first inquisitors were sent to Seville, they were accompanied by an assessor, and such a functionary continued for some time to be considered a necessary adjunct to a tribunal. At the beginning the inquisitors were Dominican friars, presumably good theologians but unversed in the intricacies of the law. It was therefore desirable to associate with them a lawyer as a guide, and his presence moreover might serve as an assurance to the people of the legality of the proceedings. In Torquemada's instructions of 1485 it is provided that they must always act in concert and that anything done by one without the other was invalid; even communications to the Suprema must be signed by both.[1] In the trials of this period we sometimes find the assessor sitting with the inquisitors and sometimes not, and the sentences are rendered by the latter with the concurrence of the former.[2] In the secular law of the period, the assessor had only a consultative and not a decisive vote, and this would appear to be his position in the tribunal, when the routine of the Inquisition had established its own precedents, when all doubtful questions were decided by the Suprema and the services of trained lawyers were no longer required.[3] In the early time their salaries were the same as those of the inquisitors—indeed, at Saragossa, in 1486, Martin Martínez, the assessor, receives five thousand sueldos while the inquisitors are rated at four thousand.[4] It was not long, however, before it apparently became indifferent whether there was an assessor or not. In 1499, the salary lists of Seville, of Burgos and of Palencia have no mention of such an official, while there is one at Saragossa and, in 1500, Ferdinand empowers the inquisitor of Sardinia to select for his assessor any doctor he pleases.[5] The office continued to exist for a time, as a kind of supernumerary, employed in hearing the civil cases of officials but, in the Aragonese Concordia of 1568, this duty was placed on the inquis-

[1] Vol. I, Appendix, p. 578.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 137, n. 98; Leg. 138, n. 143; Leg. 150, n. 299.

[3] Fueros de Aragon, fol. 133 (Zaragoza, 1624).—Archivo de Alcalá, Estado, Leg. 3137.

[4] Archivo gen. de la C. de Aragon, Registro 3684, fol. 92.

[5] Archivo de Simancas, Inquisicion, Lib. 1.

itors and the assessorship was abolished. In Castile, the list of officials, promulgated in the same year by Philip II, as entitled to exemption from taxation, makes no mention of the assessor, who may be assumed by this time to disappear.[1]

The inquisitors, of course, were the superior officials of the tribunal. They were the judges, with practically unlimited power over the lives and fortunes and honor of all whom they summoned before them, until they were gradually restricted by the growing centralization in the Suprema. To the people they were the incarnation of the dreaded Holy Office, regarded with more fear and veneration than bishop or noble, for all the powers of State and Church were placed at their disposal. They could arrest and imprison at will; with their excommunication they could, at a word, paralyze the arm of all secular officials and, with their interdict, plunge whole communities into despair. Such a concentration of secular and spiritual authority, guarded by so little limitation and responsibility, has never, under any other system, been entrusted to fallible human nature. To exercise it wisely and temperately called for exceptional elevation of character, self-control and mature experience of men and things. That friars, suddenly called from the cloister or the schools and clothed with such limitless power over their fellow-beings, should sometimes grow intoxicated with their position and commit the awful slaughter which marked the early years of the Inquisition, gives no occasion for surprise, nor that their successors should have trampled with such arrogant audacity on all who ventured to raise a voice against their misuse of their prerogatives. It is therefore worth our while to examine what qualifications were required by popes and kings in those whom they selected as fitted for an office of such bewildering temptations and such vast opportunities for evil.

Sixtus IV, in the bull of November 1, 1478, empowered Ferdinand and Isabella to appoint, as inquisitors, three bishops or other worthy men, priests either regular or secular, over forty years of age, God-fearing, of good character and record, masters or bachelors of theology or licentiates of canon law. The prescription as to the minimum age was as old as the Council of Vienne, in 1312, and had become a matter of course; the rest

[1] Actos de Corte del Reyno de Aragon, fol. 94 (Zaragoza, 1664).—Bibl. nacional, MSS., D, 118, p. 102.

was as well-chosen a definition of the requisite qualities as perhaps could be expressed in general terms, considering the temper of the age and the work to be performed.[1] So, in 1483, when Sixtus, under the influence of Cardinal Borgia, desired to get rid of Inquisitor Gualbes, he asked Ferdinand to replace him with some master of theology who had the fear of God and was eminent for his virtues.[2] The only inquisitors that Spain had known were Dominicans and, although they were not specified, it seemed to be a matter of course that the Inquisition should remain in their hands, but Ferdinand, in his struggle with Sixtus for the control of the Aragonese Inquisition, had encountered the obstacle of the obedience due by the friars to their General, who of course was a creature of the curia. He was resolved to organize the Inquisition to suit himself, which explains why Torquemada, in his Instructions of December 6, 1484, simplified the formula of qualifications to *letrados* (either lawyers or men of university training) of good repute and conscience, the fittest that could be had.[3] This did not even require the inquisitor to be an ecclesiastic, except in so far as there were comparatively few letrados of the time who were not in orders. When Innocent VIII renewed the commission of Torquemada, February 3, 1485, it empowered him to appoint as inquisitors fitting ecclesiastics, learned and God-fearing, provided they were masters of theology or doctors or licentiates of laws, or cathedral canons or holding other church dignities, but, while this was repeated in a subsequent bull of March 24, 1486, it was simplified, in another clause, into ecclesiastics of proper character and learning, not less than thirty years of age.[4] This reduction in the age limit was retained by Alexander VI, in the commissions issued to Deza, November 24, 1498 and September 1, 1499, when the requisite of being an ecclesiastic was omitted, for the qualification was reduced simply to suitable men of good and tender conscience, even if they have not reached forty years of age but are more than thirty.[5] This became virtually the accepted formula, as shown in the commissions issued, June 4 and 5, 1507 by Julius II, to Enguera for Aragon and to

[1] Boletin, XV, 449.—Cap. 2, Clementin. Lib. v, Tit. iii.

[2] Bulario de la Orden de Santiago, Lib. I de copias, fol. 122.

[3] Vol. I, Appendix, p. 572.

[4] Bulario de la Orden de Santiago, Lib. I, fol. 32; Lib. I de copias, fol. 5, 8.—Bibl. nacional, MSS., D, 118, fol. 92.

[5] Bulario, Lib. I, fol. 57; Lib. I de copias, fol. 11, 12.

Ximenes for Castile, and in those of Leo X to Mercader and Poul in 1513 and to Cardinal Adrian in 1516 and 1518.[1]

The office of inquisitor was thus thrown open to the laity and there was no hesitation in employing them so long as they remained single but, if they married, they were obliged to resign —possibly because it was thought impossible for a married man to preserve the absolute secrecy regarded as essential in the Holy Office. The Licentiate Aguirre, Ferdinand's favorite member of the Suprema, was a layman. On June 28, 1515, Ferdinand writes to Ximenes that the Licentiate Nebreda, Inquisitor of Seville, desires to marry and, as he is a good servant, another office has been found for him, while the treasurer of the church of Pampeluna will make a suitable appointee for Seville.[2] Two other similar cases occur about the same time.[3] It was an anomaly to allow laymen to sit in judgement on matters of faith, but no action was taken to prevent it until Philip II, in his instructions of 1595 to Manrique de Lara, ordered that inquisitors and fiscals at least must be in holy orders—a clause omitted by Philip III in his instructions of 1608.[4] At length the Suprema met the question, November 10, 1632, by requiring all inquisitors to have themselves ordained and prohibiting them otherwise from exercising their functions, a provision which apparently met with slack obedience, for it had to be repeated January 12 and June 5, 1637, with the addition that inquisitors and fiscals who were not in orders should receive no salaries.[5] Even this does not seem to have been effective for, in 1643, a consulta called attention to the matter as a great evil and indecency, and suggested that a papal brief should be obtained, rendering priests' orders an essential qualification for inquisitors and fiscals.[6] This was not done, but we may presume that in time the functions were confined to ecclesiastics.

Legal training was prescribed as a requisite in 1608, by Philip III, who ordered that no one should be appointed inquisitor or fiscal who could not exhibit to the Suprema his diploma of graduation in law. Carlos II repeated this, in 1695, adding that inquis-

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 10, 13, 15, 20, 23.
[2] Archivo de Simancas, Inquisicion, Lib. 3, fol. 420.
[3] Páramo, pp. 172, 189.
[4] MSS. of Library of Univ. of Halle, Yc, 17.
[5] MSS. of Royal Library of Copenhagen, 218b, pp. 200, 255.
[6] Archivo de Simancas, Inquisicion, Lib. 33, fol. 852.

itors and secretaries must not be natives of the provinces to which they were assigned, so as to avert partisanship, and that the strictest investigation into character and limpieza must precede appointment.[1]

The papal requirements expressed in the successive commissions issued to inquisitors-general continued for a while to be simply that they should appoint prudent and suitable men of good repute and sound conscience who had attained the age of thirty years. Apparently this violation of the Clementine rule of forty years led to some animadversion and, in the commission of Valdés, in 1547, there is no allusion to age. This example was followed until, in 1596, Clement VIII, in the commission to Portocarrero, inserted a minimum age limit of forty years, as required by the canons, adding that if enough suitable men of that age could not be found, as to which he charged Portocarrero's conscience, then men of thirty-five could be appointed, but if this were done without necessity, the appointment would be invalid. To this Portocarrero objected, saying that it rendered it impossible for him to make appointments without scruples of conscience, as it was difficult to find suitable persons of the designated age to take the office, and he therefore begged that the limit should be reduced to thirty years, as had been done by all popes since Innocent VIII. Clement yielded, but was careful to insert a derogation of the apostolic constitutions and especially of the Clementine *Nolentes*.[2]

Thenceforth to the end all limitation of age was discreetly omitted, the formula being simply "prudent and suitable men of good repute and sound conscience and zealous for the Catholic faith."[3] Yet the minimum age was understood to be thirty and, when younger men were appointed, dispensations were required, as when, in 1782, Inquisitor-general Bertran gave the inquisitorship of Barcelona to Don Matias Bertran. Apparently objection was made to his youth and, in 1783, a papal dispensation was

[1] MSS. of Library of Univ. of Halle, Yc, 17.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).—A commission appointing an inquisitor will be found in the Appendix.

[2] Bulario de la Orden de Santiago, Lib. IV, fol. 131; Lib. I de copias, fol. 26, 32, 35, 39, 118. Cf. Archivo de Alcalá, Hacienda, n. 473; Archivo de Simancas, Inquisicion, Lib. 33, fol. 328.

[3] Bulario, Lib. IV, fol. 137; Lib. V, fol. 117, 136, 138, 151, 199, 200, 251, 264, 295.—Archivo de Simancas, Gracia y Justicia, Leg. 629.

procured empowering him to exercise the office in spite of his not having attained the age of thirty.[1]

The patronage of the inquisitors was greatly limited by the gradual centralization of power in the Suprema. In the early period they had the appointment of porteros and nuncios—apparitors and messengers—and when, in 1500, Ferdinand reorganized the Sicilian tribunal, he sent inquisitors with power to fill all offices except that of receiver. In 1502 he even authorized the inquisitor of Lérida and Huesca to appoint a judge of confiscations and notary at each place.[2] Subsequently, as we have seen, the inquisitor-general absorbed all the patronage of salaried offices, even to the porteros and nuncios. If a vacancy occurred in a post of which the daily duties were essential, the inquisitors could fill it temporarily, while reporting it at once to the Suprema and awaiting its orders, but they had no other power.[3] As regards the numerous unsalaried officials, the inquisitor-general appointed the consultores and calificadores, or censors, and also the commissioners for cathedral towns, sea-ports and cities which were seats of tribunals. This left to the inquisitors only the appointment of familiars and of commissioners in other places, though at first in cathedral towns they might select a canon of the cathedral for commissioner.[4] It was the same with regard to expenditures, as to which originally they enjoyed a certain freedom of action. This, as has been shown above, was curtailed until ultimately the Suprema controlled even the smallest outlays.

It also kept watch over the morals of the inquisitors, recognizing the temptations to which they were exposed and the opportunities afforded by their position. Among the interrogatories which the inspector was instructed to make was whether the inquisitors lived decently, without publicly keeping concubines or corrupting the female prisoners or the wives and daughters of prisoners or of the dead whose fame and memory

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 5, fol. 42, 68.

[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 68.—Archivo de Simancas, Inquisicion, Lib. 1.

[3] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 111, 159, 161; Lib. 939, fol. 62.—Bibl. nacional, MSS., Pp, 28.—Archivo de Alcalá, Estado, Leg. 2843.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 81.—Archivo de Alcalá, *ubi sup.*—Bibl. nacional, *ubi sup.*

were prosecuted.[1] When attention was called to official misconduct it was promptly looked into, as in 1528, when the inquisitors of Barcelona were accused of receiving bribes and suborning witnesses, an inquisitor of Valencia with a notary of Tortosa was despatched thither, fully commissioned to investigate and report.[2]

The most laborious work imposed on the inquisitors was the visitation of their districts. These were large, usually embracing several bishoprics, and, when the tribunals became sedentary, the necessity was apparent of a closer watch over aberrations than could be exercised from a fixed centre. Already, in the Instructions of 1498, a system of visitation, termed the General Inquisition, is seen at work and, in 1500, Deza ordered the inquisitors to visit all places where an inquest had not been held. Each inquisitor was to travel with a notary, receiving denunciations and taking testimony, so that on his return the colleagues could consult together and order such arrests as might be found necessary. In districts where such visitations had already been made, one of the inquisitors was ordered to travel every year, holding inquests in the towns and villages and publishing the Edict of Faith to attract denunciations; the other inquisitor remained in the tribunal to despatch routine business or, if there were none such, he too was ordered to take the road. Reports in detail of the work accomplished in the visitation were to be made to the inquisitor-general.[3] This remained the basis of the system and the Instructions of 1561 merely define more clearly the functions of the visiting inquisitor, who was told that he was not to make arrest unless there were danger of flight, but was only to gather testimony and carry it to the tribunal for action; if he made an arrest he was not to try the accused but to send him to the secret prison. Trifling cases, however, he could despatch on the spot, taking care that he bore delegated powers from the Ordinary for that purpose.[4] The importance attached to these visitations is apparent when, during the siege of Toledo in the Communidades, Cardinal Adrian and the Constable and Admiral of Castile joined in an order, November 3, 1521, to the commanders of the besieg-

[1] Modo de Proceder, fol. 62 (Bibl. nacional, MSS., D, 122).
[2] Archivo de Simancas, Inquisicion, Lib. 76, fol. 91.
[3] Instrucciones de 1498, §§ 1, 12; de 1500, § 12 (Arguello, fol. 12, 13, 14).
[4] Instrucciones de 1561, § 73 (Arguello, fol. 37).

ing forces, to allow the inquisitors to come out and perform their accustomed visits.[1]

In 1517 these visits were ordered to be made every four months, each inquisitor taking his turn under pain of forfeiting a year's salary. This indicates that the duty was distasteful and likely to be shirked and, in 1581, the obligation was reduced to once a year, starting at the end of January and taking such portions of the district as were deemed to require special attention. In 1607 the districts were ordered to be laid out in circuits, to be visited in turn until all were covered, when the process began anew.[2] In 1569 an elaborate code of instructions was framed by which it appears that the principal objects were the publication of the Edict of Faith with its consequent crop of denunciations, an investigation into the character and conduct of commissioners and familiars and the maintenance in the churches of the sanbenitos of those punished by the Inquisition, for which purpose the visitor carried lists for all the places to be visited.[3]

A certain amount of stateliness and ceremony attended the visit. Before reaching a town, word was sent forward of the hour of expected arrival, when the authorities, the church dignitaries and the principal gentlemen of the place were summoned to go forth to meet the inquisitor and escort him to his lodgings. The secretary was instructed to note the details of these receptions, whether honorable or otherwise, the character of the lodgings provided and utensils furnished.[4] Lack of respect on these occasions was punishable. In 1564, Dr. Zurita, visiting the sees of Gerona and Elne found the gates of Castellon de Ampurias closed against him and one of the guards seized his horse's reins. He proceeded to prosecute the local authorities, when the consuls proved that they were not in fault, but two guards, Salbador Llop and Juan Maraña, were sent to Barcelona for trial.[5]

Although occasionally nests of Morisco and Jewish apostates were discovered in these visits, as a rule the practical results appear to have been rather the gratification of old grudges by neighbors in little towns and the gathering in of fines by the inquisitors. In 1582, Juan Aymar, Inquisitor of Barcelona, in

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 146.
[2] MSS. of Royal Library of Copenhagen, 218b, pp. 303, 304.
[3] Ibidem.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 140.
[4] Modo de Proceder, fol. 49–59 (Bibl. nacional, MSS., D, 122).
[5] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 9.

reporting a visitation of the sees of Gerona and Elne and part of Barcelona and Vich, makes parade of having published the Edict of Faith in 263 places, but he brought in only seven trivial cases, of which four were of Frenchmen.[1]

These trips involved no little labor and even hardship; four months was the time prescribed for them, commencing early in February, and the vernal equinox was not likely to be agreeable, especially in mountainous districts. Naturally the duty was shirked whenever practicable, and the effort of the Suprema to compel its performance was endless. In 1557 it instructed the receiver at Saragossa that each inquisitor, on alternate years, must spend at least four months in visitations and that this performance is an absolute condition precedent to his receiving the customary ayuda de costa.[2] This was carried even further in a carta acordada of January 25, 1607, to all the tribunals; the inquisitor, in his turn, must start on the first Sunday in Lent, without attempting an excuse or a reply, and the report of his visit must be included in the annual statement of cases, for otherwise the ayuda de costa will be withheld from the whole tribunal, because these visits are the principal reason of its bestowal.[3] This solidarity enforced on all the officials was possibly owing to the recalcitrance of subordinates for, in 1598, we find a tribunal asking the Suprema to issue the necessary orders to them direct, which it obligingly did, while remonstrating that it should not be burdened with such details.[4] Throughout the seventeenth century, the correspondence of the Suprema with the tribunals of Valencia and Barcelona is filled with orders to the inquisitor whose turn it is to go and refusals to accept excuses and, in 1705, a letter to Valencia asks why the visit had been neglected.[5]

When there were three inquisitors, the absence of one did not interfere with current business, but where there were only two it was a serious impediment. From the beginning the rule was

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 5, 8, 9, 20.

[2] Ibidem, Sala 40, Lib. 4, fol. 225.

[3] Ibidem, Lib. 942, fol. 61.

[4] Ibidem, Lib. 939, fol. 140.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 379, 380; n. 2, fol. 88; Leg. 6, n. 2, fol. 106, 418; Leg. 8, n. 1, fol. 218, 278, 389; n. 2, fol. 101, 118, 119, 127, 160, 269, 281; n. 2, fol. 380, 631, 635; Leg. 9, n. 1, fol. 47, 179, 199, 324; n. 3, fol. 207, 341, 350, 393, 420; n. 2, fol. 9, 12, 132, 139, 164, 182, 187.—Libro XIII de Cartas, fol. 6, 139, 143, 217, 224, 227 (MSS. of Am. Philos. Soc.).

absolute that two must act conjointly in all important matters, such as sentencing to torture, ordering publication of evidence, or rendering final sentence, and this in both civil and criminal actions. Minor and trivial cases, however, could be despatched by one in the absence of his colleague and he could continue to hold audiences and gather testimony, while, in the habitual leisurely transaction of inquisitorial business, procrastination caused by the crippling of the tribunal for four months in every year was evidently not regarded as of any moment.[1] In the little tribunal of Majorca, however, which could support but a single inquisitor, he was deemed competent to act by himself and he probably was excused from visitations.[2]

Next in importance to the inquisitors stood the promotor fiscal, or prosecuting officer. In the original Inquisition of the thirteenth century there was no such officer; there was candor in the position of the inquisitor as both judge and prosecutor, infinitely preferable to the hypocrisy that the trial was an action between a prosecutor and an accused with the inquisitor as an impartial judge. How this came to pass will be considered hereafter.

We have seen that, even in the skeleton organization of the first tribunal in 1480, a fiscal was deemed essential. He ranked next to the inquisitors and, in 1484, it was ordered that he should assist in all public functions, after the inquisitors and Ordinary but before the judge of confiscations.[3] Yet he was a subordinate. In the regulation of salaries in 1498, the inquisitors received 60,000 maravedís, the receiver the same, while the fiscal was rated at 40,000, the same as the notaries, and even the messenger had 20,000.[4] So, in the Sicilian tribunal, in 1500, the inquisitors and receiver have 6000 sueldos, while the fiscal and notaries have only 2500.[5] It was the same with the ayuda de costa. In 1540 we find the fiscal allowed only the same as the notaries and alguazil, and when, in 1557, the scale was fixed for Saragossa, the

[1] Instrucciones de 1498, § 1 (Arguello, fol. 12).—Archivo de Simancas, Inquisicion, Lib. 933; Lib. 939, fol. 63.

[2] Ibidem, Lib. 45, fol. 210.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 81, 110.

[4] Instrucciones de 1498 (Arguello, fol. 22).

[5] Archivo de Simancas, Inquisicion, Lib. 1.

fiscal was portioned with 1000 sueldos and the inquisitors with 3000.[1]

The fiscal was held to act wholly under orders from the inquisitors. In the Instructions of 1484, they are represented as ordering him to accuse the contumacy of fugitives and to denounce the dead against whom they find evidence. So, in a trial of 1528, we find the inquisitors ordering the fiscal to present his accusation against the defendant.[2] In 1561, among his duties was prescribed that of keeping the secreto clean and in good order; he opened and closed its door with his own hands and, in 1570, he was required to have all the multitudinous documents well arranged, sewed, covered and so marked that they could readily be had when wanted. The letters and instructions of the Suprema were placed in his hands and it was his duty to give in writing to each official such portion as applied to him. In 1632, there was added to his labors that of furnishing the Suprema a monthly report embracing every pending case with a summary of all that had been done in it since the beginning—a duty apparently not relished for the order had to be repeated in 1639.[3] With all these somewhat multifarious duties, we never hear of a fiscal having a clerk, assistant or deputy.

In 1582, it was prescribed that his seat in the audience-chamber was to be smaller than those of the inquisitors, placed to one side and without cushions. In public functions his chair was to be similar to theirs except that it had no cushion. The inquisitors were required to address him and the judge of confiscations as *merced*, and, when he entered, they were not obliged to rise but merely to raise their caps.[4]

The position of the fiscal gradually improved. In his instructions of 1595 to Manrique de Lara, Philip II couples him with the inquisitor, in requiring both to be in orders, and prescribes great care in the appointment for it is customary to promote fiscals to the inquisitorship. Similarly Philip III, in 1608, requires both offices to be filled by jurists and when, in 1632 and 1637, the

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 104, 111, 225.

[2] Instrucciones de 1484, §§ 19, 20 (Arguello, fol. 7).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 15.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 68.—MSS. of Royal Library of Copenhagen, 218b, p. 185.—Bibl. nacional, MSS., D, 118, fol. 116.

[4] MSS. of Royal Library of Copenhagen, *loc. cit.*—Bibl. nacional, *loc. cit.*—Archivo de Alcalá, Hacienda, No. 473.

Suprema made holy orders a condition it included fiscals with inquisitors.[1] The assimilation between the offices was rapid and, in 1647, in a payment of ayuda de costa in Valencia there occurs an item of thirty thousand maravedís to Inquisitor Antonio de Ayala y Verganza, "por la plaza de fiscal," showing that he was acting as fiscal.[2] The idea of coalescence was becoming familiar. When, in 1658, Gregorio Cid, after six years' service as inquisitor of Sardinia, was transferred to Cuenca, he suggested that there ought to be there two inquisitors and a fiscal, or at least that the junior inquisitor should serve also as fiscal.[3]

The identification of the offices was facilitated, in 1660, by a royal cédula prescribing that fiscals were to be held the equals of inquisitors in precedence and honors, canopies, cushions and the like, as well as in pay and emoluments.[4] Thenceforth the office of fiscal came to be filled by one of the inquisitors, though he took care to preserve his dignity by styling himself "inquisidor fiscal" or "the inquisitor who performs the office of fiscal." Thus at length the two offices coalesced and we have seen in the table of officials in 1746 that they were reckoned together. As a matter of course the inquisitor who acted as prosecutor did not enter the consulta de fe and vote on the fate of the accused whom he had prosecuted.[5] Sometimes, when there was no fiscal and no inquisitor willing to perform the duties, the senior secretary assumed the function. Such a case occurs as early as 1655, and it continued occasionally to the end.[6]

The notaries, or secretaries, formed an important part of the tribunal. They reduced to writing all the voluminous proceedings of the trials, all the audiences given to the accused with the interrogatories and answers, all the evidence of the witnesses and its ratification, the endless repetitions in the cumbrous and involved system of procedure which developed until the object

[1] MSS. of Library of Univ. of Halle, Yc, 17.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 271.—MSS. of Royal Library of Copenhagen, 218b, p. 184.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 83.

[3] Bibl. nacional, MSS., D, 118, fol. 124, n. 44.

[4] MSS. of Royal Library of Copenhagen, 218b, pp. 186, 255.

[5] Proceso contra Isabel de Montoya, Mexico, 1661, 1663, fol. 195, 211, 318, 326 (MS. *penes me*).—Archivo de Simancas, Inquisicion, Lib. 890, fol. 17.

[6] Matute y Luquin, Autos de fe de Córdoba, p. 135.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 112, n. 66, fol. 8.—Archivo de Simancas, Inquisicion, Leg. 1473.

seemed to be to protract business beyond the limits of human endurance. They kept the records which required an elaborate system of indexing, so that the name of any culprit and his genealogy could be found whenever wanted. In the later period, moreover, when the tribunals communicated to each other all their acts, the correspondence served to fill the gap arising from diminished business. At the beginning they were forbidden to employ clerks and were required to write everything with their own hands and this seems to have continued to the last.[1] In the earlier period they were styled notaries and sometimes *escribanos* or scriveners, possibly because as such their attestation authenticated all papers. Early in the seventeenth century the title gradually changed to secretaries, an innovation to which a writer in 1623 objects, as not distinguishing them from the secretaries of magnates and cities.[2] This objection did not prevail and a document of 1638 uses the terms as convertible, although an order of the Suprema, in the same year, forbids notaries to be called secretaries, while in 1648 we find the new appellation firmly established.[3] The importance of the office is shown by its fairly liberal salary. In the Instructions of 1498 it is placed at 30,000 maravedís, one-half of that of the inquisitors,[4] though the proportion diminished in time, for we have seen that, in 1746, the secretary received 2352 reales, while the inquisitor had 7352. There was compensation for this, however, in the heavy fees accruing to the secretaries from applicants for proofs of limpieza—a business shared with a new official known as "secretario de actos positivos." The number moreover had greatly increased for, while at the early period, with its heavy work, a tribunal was allowed but two notaries, in the later time there were often four or five salaried secretaries, to whom were sometimes added honorary secretaries with entrance to the secreto and honorary secretaries without entrance.[5]

There was also a notary of sequestrations, whose duties were highly important in the early times of abundant confiscations. He was always present when arrests were made, so as to draw up

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[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 68.

[2] Archivo de Simancas, Inquisicion, Lib. 926, fol. 23.

[3] Ibidem, Lib. 21, fol. 115.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—MSS. of Royal Library of Copenhagen, 218b, p. 226.

[4] Arguello, fol. 22.

[5] Archivo hist. nacional, Inquisicion de Toledo, Leg. 251.

on the spot an inventory of the property seized, but, as confiscations diminished, the office became superfluous and was suppressed by a carta acordada of December 1, 1634. After this we hear of a superintendent of sequestrations, in 1647, and subsequently its occasional duties were discharged by some other official for a moderate compensation as, in 1670, in Valencia, the procurator of the fisc received twenty-five libras a year for attending to them.[1]

The alguazil was the executive officer of the tribunal. In the early lists of salaries his pay is the same as, or even larger than, that of the inquisitors, but this was because the prison was at his charge.[2] From this he was relieved, in 1515, by Ferdinand, who empowered the inquisitors to appoint *carceleros*, at a salary of five hundred sueldos, after which the wages of the alguazil declined to those of the secretaries and even of the alcaide who succeeded him as gaoler.[3] His superior dignity, however, was recognized in a carta acordada of May 13, 1610, which provided that in public functions he should have precedence over the secretaries.[4] His long wand of office, which exceeded that of secular alguaziles, was also a distinction and when, in 1576, the alguaziles of the Santa Cruzada in Barcelona ventured to imitate him, the Suprema ordered the inquisitors to punish them.[5]

His functions were various. The inquisitors, the receiver and the judge of confiscations were forbidden to appoint any one else to execute their orders if he were at hand. If, in his absence, an arrest had to be made, the fact had to be attested at the foot of the warrant issued to another, without which the receiver was ordered not to pay the expenses incurred. He made all levies and seizures and was entitled to fees for the service.[6] By the instructions of 1488, if the duty was at a distance of more than three or four leagues, he was not to be sent, but a temporary substitute, whose commission expired with the performance of the errand.

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[1] Archivo hist. nac., Inquisicion de Valencia, Leg. 10, n. 2. fol. 33, 46, 61; Leg. 13, n. 3, fol. 42, 47.—MSS. of Royal Library of Copenhagen, 218b, p. 228.

[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 92, 94.—Arguello, fol. 22.

[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 438.—Archivo de Alcalá, Estado, Leg. 2843.

[4] Archivo de Alcalá, Hacienda, n. 473.

[5] Archivo de Simancas, Inquisicion, Lib. 83, fol. 16, 30.

[6] Archivo de Alcalá, Hacienda, n. 437.

Perhaps this was because the thrifty Ferdinand had insisted that, if he was sent out of the city, he must pay his own expenses, but this was relaxed for, in 1502, we find the rule established that, if an alguazil is sent from one province to another, to a greater distance than four leagues, his expenses were to be paid. He had, however, to furnish at his own cost a satisfactory person to take charge of the prison during his absence and, if he required assistance in making arrests, the inquisitors selected the persons and determined their pay.[1]

The alguazil mayor seems to have been an ornamental personage, usually a man of distinction, who thereby proclaimed his purity of blood and devotion to the faith. We have seen that, in Seville and Córdova, the office was hereditary in noble houses whose ancestors had abandoned to the Inquisition royal castles of which they were alcaides, receiving in return this position with handsome emoluments. In 1655 the alguazil mayor of the tribunal of Córdova was Luis Méndez de Haro, Conde-Duque of Olivares and his deputy was Gonzalo de Cardenas y Córdova, a Knight of Calatrava. In Seville, Don Juan de Saavedra y Alvarado, Marquis of Moscoso, served as alguazil mayor at the auto de fe of March 11, 1691, and November 30, 1693. About 1750, the tribunal of Seville had the Marquis of Villafranca as alguazil mayor; that of Valladolid had the Marquis of Revilla; in Granada the incumbent was a minor, Don Nicolas Velázquez, and the office was served by Don Diego Ramírez de la Piscina.[2]

The humbler officials of the tribunal were the nuncio, the portero and the carcelero or alcaide de las carceles secretas. Strictly speaking the nuncio was a messenger or courier, bearing despatches to the Suprema or other tribunals and, before the post-office was organized, his life must have been an active one. In 1502 we hear of his salary being twelve hundred sueldos, out of which he defrayed his travelling expenses, but subsequently these were paid by the receiver and, in 1541, his stipend was five hundred

[1] Instrucciones de 1488, § 5; de 1498 (Arguello, fol. 11, 17).—Archivo gen. de la C. de Aragon, Regist. 3684, fol. 96.—Archivo de Simancas, Inquisicion, Lib. 2, fol. 25.

[2] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 105.—Matute y Luquin, Autos de fe de Córdoba, p. 137.—MSS. Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo 4, n. 50, 52.—Archivo de Simancas, Inquisicion de Corte, Leg. 351, fol. 1.

sueldos.[1] His ayuda de costa, in 1567, was made dependent on his accompanying the inquisitors on their visitations.[2] At that period the tribunals seem to have been allowed two nuncios but, with the development of postal facilities, the functions of the position gradually shrank, the number was cut down to one and, in the eighteenth century we find him converted into a *nuncio de camara*, or interior attendant, called indifferently nuncio and portero, while a *nuncio extraordinario* makes the fires and attends to other servile work.[3]

The *portero* in the secular courts was a kind of apparitor, to serve summonses, authorized to take bail up to the sum of a hundred reales and forbidden to keep a shop or tavern.[4] In the Inquisition his function was to serve citations, notices of autos de fe, decrees and other similar work, and he was prohibited from engaging in trade of any kind; he was not allowed to enter the audience-chamber, but, in the eighteenth century we find him converted into a *portero de camara*, or usher and janitor, in which capacity he had entrance to the audience-chamber. When, in 1796, we find a Doctor Don Josef Fontana serving as portero in the Valencia tribunal, we may infer that the office was not servile, and it is observable that the portero and his wife are qualified as Don and Doña, a title withheld from the nuncio and his spouse. Their salaries, however, were the same, 1420 reales. When about 1710, porteros laid claim, in public functions, to seats on the *banco de titulados*—the bench of commissioned officials—their pretensions were rejected.[5]

The gaoler was necessary to a tribunal which had its special prison. At first, as we have seen, the alguazil had charge of this and his employees were not reckoned among the officials. The first allusion to a *carcelero* that I have met occurs in 1499, when Juan de Moya is spoken of as the *carcerarius* of the Barcelona tribunal; he must have been an exceptional official and a person

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[1] Instrucciones de 1488, § 9 (Arguello, fol. 10).—Archivo de Simancas, Inquisicion, Lib. 2, fol. 7; Sala 40, Lib. 4, fol. 218.

[2] Archivo de Simancas, Inquisicion, Sala, 40, Lib. 4, fol. 124, 129, 148.—MSS. of Royal Library of Copenhagen, 213 fol., p. 110.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 309, Cuentas, fol. 1, 4.

[4] Autos y Acuerdos del Consejo, fol. 52, 53 (Madrid, 1649).

[5] MSS. of Royal Library of Copenhagen, 218b, p. 238.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 228, n. 18; Inquisicion de Valencia, Leg. 4, n. 2, fol. 41, 111, 115, 205, 251; n. 3, fol. 140; Leg. 3, n. 7, fol. 103.

of some consideration, for he was provided with a prebend.[1] In 1515 Ferdinand deemed it advisable to put the prisons under control of the tribunals, with which view he empowered the inquisitors to appoint carceleros with salaries of five hundred sueldos.[2] The gaoler thus became a salaried official, entitled to all the privileges and immunities of this position and gradually, toward the middle of the sixteenth century, the humble title of carcelero was exchanged for the more dignified one of *alcaide de las carceles secretas*.[3] He was necessarily a person of confidence, responsible for the safe-keeping of prisoners and for their proper maintenance, functions which will be more conveniently treated when we come to consider the prison system. From the report of the tribunal of Murcia, in 1746, it appears that the salary then was 2353 reales, in addition to which there was a jubilado alcaide with 330 reales. Possibly this habit of providing for supernumeraries explains why, in the table of officials, Toledo has four alcaides and Llerena and Valencia have three each.[4] In the early period the carcelero sometimes served as torturer, but subsequently it became customary to employ the public executioner.[5]

The prison, sometimes crowded with inmates and exposed to insanitary conditions, rendered necessary an official physician, whose services were also indispensable in examinations before and after torture and in the not infrequent cases of insanity, real or feigned. As his duties called him within the sacred limits of the secreto, he had to be a person of confidence, sworn like all the rest to secrecy. He was expected also to bestow gratuitous service on the officials, and the Suprema, in the eighteenth century, indulged itself in two, at the fairly liberal salary of 1258 reales apiece, though they did not share in the extra emoluments so freely bestowed on other officials.[6] At first the appointment of physicians was not universal, although the salary was inconsiderable—attributable, no doubt, to the fact that the physician was at liberty to continue his private practice. Thus, in 1486, Ferdinand designated ten libras as the pay of the physician of the Saragossa tribunal, while there was none provided for that of

[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Ibidem, Lib. 3, fol. 438.
[3] Ibidem, Sala 40, Lib. 4, fol. 110, 111, 118, 130.
[4] See Appendix.
[5] Archivo de Simancas, Inquisicion, Lib. 78, fol. 56; Leg. 1480, fol. 13.
[6] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

Medina del Campo.[1] The surgeon was rated at even less for, in 1510, one is furnished to Saragossa at a salary of five libras and the same is paid to an apothecary, who can scarce have furnished expensive drugs on such a stipend.[2] The surgeon, at this period, was also a barber and, in 1502, a grant, once for all, of fifteen libras was made to Joan de Aguaviva, "cirujano y barbero" of Calatayud, for fourteen years curing and barbering the poor prisoners, without salary or other advantage.[3] By 1618, apparently, the professions had become distinct, for there is an order to pay Narciso Valle, surgeon and Miguel Juan, barber, to the tribunal of Valencia.[4] A chaplain was also a necessity, not for the prisoners, who were denied the sacraments, but for the daily mass celebrated before commencing the work of the audience-chamber. In 1572, a stipend of 7500 maravedís is assigned for this but, in the eighteenth century, the Suprema paid the handsome salary of 5500 reales.[5] Confessors were also required for the penitential prison and were called in to the secret prison for the moribund.[6] There were also two *personas honestas*, or discreet persons, friars as a rule, whose duty it was to be present when witnesses ratified their testimony. In the earlier period these services were gratuitous but, in the later time, there was a small payment which, in the case of a friar, would enure to his convent. An alcaide of the *casa de penitencia*, or penitential prison, was also a necessity during the period of active work, although subsequently it was virtually a sinecure and in many tribunals was suppressed. We occasionally also meet with the office of *proveedor*, or purveyor of the secret prison, who seems to be identical with the *dispensero* or steward. In the sixteenth century this official had a salary of 2000 maravedís, besides two maravedís a day for each prisoner and five blancas for cooking and washing; he was required to have honest weights and not to charge more for food than it cost him; he kept an account with each prisoner and was paid out of the sequestrations.[7] Locksmiths, masons and other mechanics employed on the buildings

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 89, 92, 94.
[2] Archivo de Simancas, Inquisicion, Lib. 3, fol. 88. [3] Ibidem, Lib. 1.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 6, n. 2, fol. 230.
[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 80.—Archivo de Alcalá, *ubi sup.*
[6] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 447, 450.
[7] Archivo de Simancas, Inquisicion, Lib. 939, fol. 79.

were also sometimes reckoned as officials, for their duties in repairing the prisons were confidential. All tribunals moreover had from one to three *abogados de presos* or advocates of prisoners, whose duties will claim consideration hereafter; they were classed as salaried officials, though sometimes they received a small stipend and sometimes none, and they were allowed to serve other clients if they had any.

Besides these officials who were concerned in the primary business of the tribunal as a bulwark of the faith, there were others whose functions may be briefly dismissed here. The finances necessarily required a special organization, consisting of a receiver of confiscations, subsequently called the treasurer, whose duties in the active period were of the utmost importance, entitling him to a salary which sometimes was even larger than that of the inquisitors.[1] The fines and penances also amounted to large sums for which, in the earlier period, there was usually a special receiver, for they were kept as a separate fund, but finally they likewise passed through the hands of the treasurer. The receiver had to pay his own assistants and agents but, in the enormous amount of complicated business thrown upon him, he was aided by the *abogado fiscal*, a salaried official of legal training, while the notary of sequestrations had charge of sequestrated property until its confiscation was pronounced, and further served as a check upon the receiver. The intricate claims arising from these seizures were settled in a separate court of confiscations, known as the *juzgado*, presided over by the *juez de bienes* or judge of confiscations and furnished with its notary and nuncio. We sometimes also meet with a *procurador del fisco* and also with a superintendent of property. All this, which, especially at first, formed so large a part of the business of the Inquisition, will be more conveniently considered in detail hereafter.

We have seen how much of the activity of the tribunals was consumed in the civil and criminal business of their officials, and it necessarily formed a separate department, which had its *notario de lo civil* and *secretario de las causas civiles*, the latter office being suppressed in 1643.[2]

The qualifications for holding office in the tribunal were simple. From some of the cases of hereditary transmission it would appear

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 64.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 3, fol. 123, 166.

that the minimum age was nineteen or twenty. Limpieza, or purity of blood from admixture of Jewish or Moorish or heretic strain, was the chief essential, as will be seen when we come to consider that important subject. Legitimacy was also a requisite in both the official and his wife, although dispensations could be had for its absence.[1] By a carta acordada of June 15, 1608, those who were unmarried could not marry without permission of the Suprema; they were obliged to furnish proof that the bride was *limpia* and, if a foreigner or the daughter or grand-daughter of foreigners, a dispensation was necessary, of all of which the appointee was solemnly notified when he took the oath of office.[2]

There was also a well-intended *informacion de moribus* concerning applicants for office. When the inquisitor-general proposed to make an appointment in a tribunal he notified it; it then issued a commission to some one at the residence of the nominee, with an interrogatory asking whether he was a person modest, quiet, peaceable, of correct life and habits and what was known as to his limpieza, which, when returned, was forwarded to the inquisitor-general. As the witnesses examined were, however, presented by the applicant, the whole was scarce more than a formality.[3]

In spite of the constant complaint of the meagreness of the salaries, they seem to have been fairly adequate, at least during the first century and a half of the existence of the Inquisition. The rapid fall in the purchasing power of the precious metals necessitated frequent advances and I have met with allusions to these in 1548, 1567, 1581, and 1606, after which they seem to have remained stationary until 1795, although the vellon coinage reduced still further the value of the currency.[4] The salary of an inquisitor, which, in 1541, was 100,000 maravedís, including ayuda de costa, by 1606 had become 300,000 or 800 ducats. This was not extravagant, but was fairly remunerative. In 1630,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 12, n. 1, fol. 46, 48, 61, 108.

[2] Ibidem, Inquisicion de Toledo, Leg. 498; Inquisicion de Valencia, Leg. 6, n. 2, fol. 217.—Archivo de Simancas, Inquisicion, Lib. 942, fol. 64.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

[4] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 169; Lib. 979, fol. 21, 25, 139.—Bibl. nacional, MSS., Ii, 16.—Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 10, n. 9, fol. 34.

Arce y Reynoso, when occupying one of the highest professorships in Salamanca, as *catedratico de prima de leyes*, received only 300 ducats.[1] It must be borne in mind that most of the lower officials had a comfortable additional source of revenue from the fees which they were entitled to charge for nearly all their work outside of cases of faith and, when the *arancel* or fee-bill of 1642 sought to regulate these charges it was generally disregarded and the inspectors winked at its violation, charitably alleging the increased cost of living as an excuse.[2] The inquisitors and fiscal, on their side, usually held some canonry or other benefice which served to make good all deficiencies. In fact towards the middle of the eighteenth century, when the salaries had become really inadequate, a writer ascribes the inefficiency of the Inquisition to the fact that the inquisitors-general were obliged to appoint ignorant men who happened to possess prebends or other benefices.[3]

There were also the gratifications for house-rent, illuminations, bull-fights and mourning, which the officials of the tribunals enjoyed, like those of the Suprema, although not on so liberal a scale, while the ayudas de costa replaced the propinas.[4] There was also a kindly liberality in granting extra ayudas de costa to those in need and to their widows and children when they died. Applications of this kind were perpetual and innumerable; they were made to the Suprema, which naturally found little difficulty in being charitable at the expense of others.[5] It would be needless to enumerate examples of what was of such constant occurrence and these liberalities, together with the exemptions and the economies in the cost of the necessaries of life, rendered the financial position of the officials reasonably secure. Perhaps the resources of the tribunals might have justified larger salaries if they had not been drawn upon to supply the extravagance of the Suprema and been squandered on other objects with careless profusion characteristic of the age. Thus, in 1633, a Doctor Pastor de Costa, of the Royal Council of Catalonia, obtained from Inquisitor-general Zapata, on the plea of services rendered by his father, a grant of a hundred ducats a year, in silver, on the tri-

[1] Bibl. nacional, MSS., D, 118, fol. 146, n. 49.

[2] Ibidem, D, 150, fol. 1. [3] Ibidem, Mm, 130.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 410; Leg. 309, Cuentas, fol. 4; Leg. 371; Leg. 372.

[5] Archivo de Simancas, Inquisicion, Leg. 1479, 1480.

bunal of Barcelona. Doubtless it was suspended during the Catalan revolt to be subsequently resumed and, in 1665, he applied to Arce y Reynoso to confirm it to him for life, but Arce only ordered it to be continued for four years. Not content with this, he asked for an ayuda de costa on the ground of his poverty.[1] It is not surprising that Philip V, as we have seen, in his attempted reform of 1705, forbade all grants of over thirty ducats without his confirmation.

The *ayuda de costa*, of which we hear so much, was either a more or less definite increase of salary, or a special gift for cause, or else a simple *merced* or benevolence. While the salary was a matter fixed and due, the ayuda was always to a certain extent arbitrary and was used as an incentive to compel the performance of duties regarded as onerous. We see the germ of it in Torquemada's instructions of 1485, prohibiting fees and bribes, for the king provides a reasonable support for all and in time will give them *mercedes*.[2] An advance is marked in the Instructions of 1498 where, after specifying salaries, it is added that the inquisitors-general, when they see that there is much labor or necessity, can grant such ayudas de costa as they deem proper.[3] Accordingly about this time, while we find no regular ayudas given, there are constant examples of special ones, sometimes of large amounts, granted for the most varied reasons, of which two or three instances will suffice. Thus Ferdinand, April 30, 1499, in ordering the payment of the salaries in Seville, includes 40,000 maravedís of ayudas de costa for one of the inquisitors, but none for any one else. August 10, 1502, Juan Royz, receiver of Saragossa, is given an ayuda de costa of 10,000 sueldos to meet expenses incurred in illness and, on September 27th, an official of Seville is gratified with 20,000 maravedís to help him in his marriage.[4]

It cannot have been long after this that the ayuda de costa was becoming a regular annual payment as an increment of the salary. December 3, 1509, an order for the payment of arrears to Diego de Robles, fiscal of the Suprema, speaks of there being due to him his ayuda de costa for 1506 and half of 1507, at the rate of 20,000 maravedís per annum. The first formal statement

[1] Libro XIII de Cartas, fol. 20, 21, 26, 27, 28 (MSS. of Am. Philos. Society).
[2] Vol. I, Appendix, p. 578.
[3] Arguello, fol. 22.
[4] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 2, fol. 1, 15.

of it as a settled thing, that I have met, occurs in this same year 1509, in the list of salaries made out for the attempted Inquisition of Naples, where the ayuda de costa is designated for each official. It varies from a little over half the salary to considerably below that proportion and for two of the officials there is none. Yet it was not a universal custom for, in the salaries assigned to the Sardinia tribunal, September 10, 1514 there is no allusion to ayuda de costa.[1] That the custom, however, was gradually establishing itself as a substantial addition to the regular salaries is deducible from formal lists of the ayudas de costa of the Suprema and the Valladolid tribunal in 1515 and, by this time, it may be regarded as fairly established, although innumerable special grants continued, such as one of 75,000 maravedís, June 30, 1515, to Alonso de Montoya, notary of the Seville tribunal, to assist in his marriage.[2] Confiscations, at the time, were fruitful, and the laborers were not deprived of their share in the harvest, if only to stimulate their industry. Reimbursements of travelling and other expenses also frequently took the form of ayudas de costa although, as the grants were made in round sums, it is evident that no accounts were rendered and that the payments were arbitrary.[3]

However customary the annual payments had become, they still were regarded as a special grace to which the recipients had no claim of right. In 1540, the officials of Barcelona complained to Inquisitor-general Tavera that the receiver refused payment on the ground that the grant had expired with the death of Manrique, in 1538, and that it required confirmation, which Tavera hastened to give, February 12, 1540. In fact, a number of orders issued by Tavera, in 1540, would indicate that this was the accepted view of the matter.[4] Another marked distinction at this time is that the ayudas de costa are ordered to be paid out of the fines and penances inflicted for the "gastos extraordinarios" of the tribunals, while the salaries come from the funds arising out of the confiscations.

For awhile there was a regular scale of fifty ducats for the inquisitors, thirty for the fiscal, alguazil, notaries and receiver, fifteen for the nuncio and ten for the portero and alcaide but, in 1559, this was increased by twenty per cent. Care was taken to

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 41, 42, 308.
[2] Ibidem, fol. 397, 408, 418. [3] Ibidem, Libro 9, fol. 140, 194.
[4] Ibidem, Sala 40, Lib. 4, fol. 106, 107, 111, 116, 124.

make it understood that it was a grace and not a right and the ordinary formula was that it was given in view of the labor in determining the cases of the auto de fe of the previous year and when, in 1561, Calahorra was exceptionally active and celebrated a second auto, it was rewarded with a supplementary ayuda of half the customary amount.[1] The grant was dependent on the receipt of detailed reports of all the cases in the previous auto, which were frequently accompanied with an humble petition for it, setting forth the insufficiency of the salaries and the cost of living, and begging the Suprema to obtain the grace from the king, who was technically the giver.[2] Subsequently, as we have seen, it was made conditional on rendering monthly reports and on the discharge of the duty of visiting the district and other matters apt to be neglected, such as rendering prompt statements of accounts and of properties. Finally, in the later period, when the tribunals were under close supervision of the Suprema, it sometimes took the form of a Christmas-gift.[3] Perhaps the most remarkable of all ayudas de costa was one granted by Carlos IV, in October 1807, in the midst of his troubles with his son Fernando, when the shadow of Napoleon was already darkening Spain and the treasury was empty. It was possibly with the object of securing the fidelity of the Inquisition that he ordered an ayuda de costa of 100 ducats to be given to every official of all the tribunals who did not enjoy an income of 7000 reales outside of his salary.[4] In the existing condition of Spanish finances the money could probably have been better employed.

The perfected system of records kept by the tribunals so greatly increased the effectiveness of the Inquisition and rendered it such an object of dread, that some reference to it is indispensable. Its development was slow. At the start, amid the enormous labors of the slenderly manned tribunals, there could be little

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 227, 228, 233, 234, 237, 241, 247, 251, 253, 261, 263, 267.

[2] Ibidem, Leg. 787; Leg. 552, fol. 43.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 41, 201, 274, 296, 407; n. 2, fol. 236, 290, 330.

[3] Archivo de Simancas, Inquisicion, Leg. 1478, fol. 96; Sala 40, Lib. 4, fol. 225, 247, 265.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 19; Leg. 9, n. 1, fol. 190, 232.—Lib. XIII, de Cartas fol. 85, 110, 122 (MSS. of Am. Philos. Society).

[4] Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 17, n. 3, fol. 26.

thought bestowed on the preservation and arrangement of the records of their operations. In the Instructions of 1484 the only allusion to them merely prescribes that the notaries shall enter on their registers all orders issued by the inquisitors to the officials.[1] As the registers accumulated, the Instructions of 1488 require all writings and papers to be kept in chests, in the public place where the inquisitors transact business, so that they may be at hand when wanted; they are never to be removed and the keys are to pass through the hands of the inquisitors to the notaries, all this being under pain of deprivation of office.[2] Ten years later we hear of a chamber assigned to their safe keeping, with three keys, held by the fiscal and the two notaries, so that all must be present when they are consulted.[3] By this time indexes to facilitate references to the rapidly growing mass of papers had become necessary, and an article in Deza's instructions, in 1500, shows that this had become recognized.[4] The disabilities inflicted on descendants of culprits rendered it essential that genealogies should be traceable, but the incredible crudeness of these early lists shows how informal was the rapid work of that awful time. One kept at Toledo, about 1500, contains such entries of the individuals despatched as "un porquero del alguazil que tiene un ojo remellado," "un converso retajado," "un converso judyo," "un sastre," "un platero sobrino de lope de cuellar platero." In Valencia, from 1517 to 1527, the index to the fifth volume of persons denounced shows equal indifference to the identification of individuals catalogued as "le boges, mare y filles," "la condesa que lleve el habito penitencial," "el bachiller que esta en companya del calonge Proxita," "uno que ha sido flayle," "un remendon sastre, esta delante la rexa de mosen Penaroja," etc.[5]

After some contradictory decisions as to furnishing papers or information from the records to competent courts applying for it, the Suprema, in 1556, forbade the tribunals, without its express order, from giving any information tending to prove that any one had not been condemned or reconciled, or penanced or arrested by the Holy Office—a most cruel regulation in view of the tremendous consequences to the posterity of those who had fallen

[1] Vol. I, Appendix, p. 575.—Arguello, fol. 16.

[2] Instrucciones de 1488, § 7 (Arguello, fol. 10).

[3] Instrucciones de 1498, § 10 (Arguello, fol. 13). [4] Arguello, fol. 14.

[5] Archivo hist. nacional, Inquisicion de Toledo, Leg. 262, n. 1; Inquisicion de Valencia, Leg. 299.

under suspicion of heresy and had been tried or even arrested. An order by the Suprema, in 1576, to the Valencia tribunal to erase from its records the name of Maestro Jusepe Esteban, because he had not been arrested for a matter of faith, is suggestive of the fearful power which the Inquisition possessed of inflicting infamy on whole families and of the importance of the accuracy of its registers.[1] The abuse of its power in this respect is indicated, as we have seen above, by the instructions which sometimes followed visitations, to remove from the records the names of those who had been improperly prosecuted for offences not of faith.

It was not easy to preserve the completeness of the records. Officials were apt to regard them as personal property and to keep them, like the notary of Calatayud who thus secured for his son the reversion of his office. In 1512, Ferdinand desired from a tribunal complete statements concerning the finances; there arose delay, during which the notary of sequestrations died, whereupon he ordered that the receiver should have all the papers or copies of them and, if the heirs of the notary refused to surrender them, execution should be levied on his estate for the whole of his salary received during his incumbency.[2] It was not only the notaries, however, but other officials who took and kept documents. In 1517 Cardinal Adrian complained of this and ordered that papers should never be removed from their depository, except to the audience-chamber for the purpose of conducting a trial.[3] This was disregarded and, about the middle of the century, the instructions to inspectors require them to order inquisitors, under pain of excommunication, to return all papers that they had taken and to discontinue the practice.[4] Even inquisitors-general were guilty of this, for Philip II issued an order March 6, 1573, on the executors of Ponce de Leon, to allow his papers to be examined and everything pertaining to the Inquisition to be removed—an order which can only be regarded as revealing a general custom, for Ponce de Leon died, January 17, 1573, before entering upon his office.[5]

The looseness which had prevailed during the early period is

[1] MSS. of the Royal Library of Copenhagen, 218b, p. 233.—Archivo de Simancas, Inquisicion, Libro 939, fol. 137; Lib. 83, fol. 8.

[2] Archivo de Simancas, Inquisicion, Lib. 3, fol. 197.

[3] Ibidem, Lib. 933. [4] Ibidem, Sala 40, Lib. 4, fol. 171, 218, 219.

[5] Ibidem, Lib. 926, fol. 292.

strikingly manifested when, in 1547, the Suprema made an attempt to gather in and preserve its past records. A commission was issued to its secretary Zurita, reciting the importance of having an inventory of all the papal bulls, briefs, registers and other papers relating to the Inquisition, which had been in the custody of the secretaries and other officials. There is, it says, information that many of these are at Calatayud and others at Huesca, among the papers of Calcena and Urries, the secretaries of Ferdinand and Charles V, and Zurita is ordered to collect these and is armed with full powers to examine witnesses and inflict penalties. All holding such papers are required to surrender them, under pain of excommunication and a hundred ducats. The inquisitors of Saragossa are instructed to assist him with censures, while letters to various parties indicate that the task is expected to be arduous. The instructions are not clear as to whether he is expected to seize the papers or merely to make inventories of them, but there can be little doubt that whatever he laid his hands on was kept.[1] What success attended his mission we have no means of knowing, but we probably owe to it many of the important documents illustrating the early history of the Inquisition.

In addition to this source of incompleteness, it seemed impossible to compel the tribunals to keep their records in proper shape. In 1544, Dr. Alonso Pérez, in an inspection of Barcelona, found them in complete disorder. Another inspection, in 1550, showed still greater confusion. In 1561, Inspector Cervantes described them as being in such a state, without indexes and inventories, that it was impossible to find anything. After the visit of Salazar, the Suprema, in 1568, took the inquisitors sharply to task for not having yet provided indexes and registers; it ordered them to do so at once and to furnish a certificate to that effect within twenty days of receipt.[2] The certificate was doubtless supplied, but we may question whether the work was done. Possibly Barcelona was worse than other tribunals, but the memorial of 1623 to the Suprema states that in many of them there are processes, books, papers, informations of limpieza etc., requiring to be inventoried, sorted into bundles and reduced to order, causing great inconvenience.[3]

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 160; Lib. 926, fol. 287.
[2] Ibidem, Visitas de Barcelona, Leg. 15, fol. 2, 20.
[3] Ibidem, Lib. 926, fol. 23.

Meanwhile the masses of papers had been accumulating more rapidly than ever. In 1570 the Suprema had ordered nine books to be kept—one of the commissions of officials, their oaths and royal provisions, one of commissioners and familiars with full details, one of the votes in the consultas de fe, one of letters from the Suprema and another of letters to it, one recording the inspections made of the prisons, one of the orders issued on the receiver, one of the pecuniary penances inflicted and one of the autos de fe, with statements as to the culprits and their punishments. Besides these the alcaide of the prison was to keep lists of those relaxed and penanced with three indexes. All this was exclusive of the voluminous records of the trials which it was the duty of the fiscal to keep in order.[1] Then, in order to accommodate the increasing bulk, it was ordered, in 1566 and 1572, that there should be four apartments in the camara del secreto, one for pending cases, one for suspended ones, one for those finished, divided into the relaxed, the reconciled and the penanced, and the fourth for papers concerning commissioners and familiars and *informaciones de limpieza*.[2] In 1635, alphabetical lists of all persons tried were ordered to be kept, with dates and references to the papers of the case, commencing with 1620. The order had to be repeated in 1636 and 1638, with further instructions in 1644, and these lists furnished additional means for tracing the antecedents and kindred of those who were brought before the tribunals.[3] But more potent than the mandates of the Suprema to keep the archives in order and thoroughly indexed was the mania which arose for limpieza, or purity of blood which, as we shall see hereafter, pervaded all classes and furnished a

[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 127.

Llorente says (Hist. crít., cap. XIV, art. 3, n. 16) that, in consequence of the irregularity in the arrangement of the papers of a trial, the Suprema, March 22, 1531, ordered that care should be taken to avoid it in the future. This led the tribunals to write every act on a separate sheet and not to page them, so that matters could be introduced or taken out or altered at pleasure when submitting a case to a consulta de fe or the Suprema. He tells us that there was much of this in the prosecution of Carranza and that he had himself seen it done by order of Nubla and Cevallos, inquisitors of the Madrid tribunal.

This all may be so, but the carta acordada of March 22, 1531 expressly orders that the folios shall be numbered (Archivo de Simancas, Lib. 939, fol. 137). The practice was not uniform. I have met with trials both numbered and unnumbered.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 233.

[3] Ibidem, p. 266.

source of very profitable business to the officials, for the Inquisition was the ultimate arbiter and its records contained the evidence.

Gradually these records became an immense storehouse of minute and detailed information concerning all heretics and suspects and their kindred. Under the Instructions of 1561, the first thing in examining a prisoner was to require of him an account of parents and grandparents, brothers and sisters, uncles, aunts and cousins, with their wives and children and whether any of them had been arrested or penanced by the Inquisition.[1] Then, when the accused was brought to profess conversion and to beg mercy, his confession was not accepted unless he gave information, to the best of his ability, as to all other heretics, whether kindred or strangers, whom he had known or heard of, with details as to their culpability. All this was carefully entered and indexed, until the records became a fairly complete directory of the suspects of Spain. A Jew arrested in Granada might compromise twenty others, scattered from Compostella to Barcelona, each of whom when seized became a new source of information, and the intercommunication established between the tribunals placed the records of all at the service of each. This vastly increased the effectiveness of the Inquisition and rendered the chances of escape slender indeed. The trials of the seventeenth century, when the system became fairly perfected, show that, although the arrest of a few might scatter their accomplices, the Inquisition was ever on their track and change of name and habitation was unavailing. As soon as a suspect was arrested and his genealogy was obtained, the sister tribunals were called upon for reports, and testimony poured in, reaching back, perhaps, for twenty or thirty years, concerning himself and his kindred. The net of the Inquisition covered the land and its meshes were fine. Go where they would, hide themselves as they might, the Judaizers lived in the knowledge that it was ever remorselessly in pursuit and that its hand might fall upon them at any time.

In the eighteenth century the system was elaborated by what were known as the *Libros Vocandorum*. When any one was denounced to a tribunal or came forward spontaneously, his name, description and offence were transmitted to all the other

[1] Instrucciones de 1561, § 14 (Arguello, fol. 29).

tribunals, which entered them in alphabetical registers, arranged under the first baptismal names. These entries give the name, the date, a brief description of the person, and the nature of the charge, with a blank to be filled in with the result of the trial, which was also reported to all. Thus each tribunal possessed a digested record of the current business of the whole Inquisition, clearly arranged for ready reference, and, as the years passed, it afforded at a glance the means of ascertaining whether any culprit had been in the hands of the Holy Office before, and of facilitating researches into limpieza. The importance of the Libros Vocandorum was so fully recognized that the Suprema required the monthly reports of the fiscal always to specify that they were kept posted up to date. These registers were not arranged uniformly in all the tribunals, but the usual plan was that adopted in Valencia, where there was one general index in two volumes and a third for confessors accused of soliciting women *ad turpia* in the confessional.[1] Thus all the tribunals co-operated and, with their machinery of commissioners and familiars in almost every town and village, they formed one harmonious organization for the detection and punishment of culprits. Human ingenuity could scarce devise a more perfect system of promptly suppressing all deviations from the standards established by the Inquisition.

[1] Archivo de Simancas, Inquisicion, Lib. 1002; Registro de Solicitantes, A, 7, fol. 1.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 66, 100.

CHAPTER III.

UNSALARIED OFFICIALS.

We have seen, when treating of privileges and exemptions, the distinction drawn between salaried and unsalaried officials. The former, except in the case of physicians and advocates of the accused, were understood to devote all their time to the service of the tribunal. The latter were only called upon incidentally for special work. It is true that the Inquisition was empowered to summon every one for aid, but its service was confidential and its ministers, at least in the later period, had to be of unblemished lineage, so that it was requisite to have at hand those on whom it could rely and whom it could summon at any moment. There was no difficulty in finding men ready to serve without pay. The honor of connection with the Inquisition, the privilege of its fuero in greater or less degree and the assurance of limpieza which it carried with it, rendered applicants for appointment more numerous than positions to be filled. These unsalaried officials consisted of calificadores, consultores, commissioners with their notaries, and familiars.

The functions of the calificador or censor were important. When the *sumaria*, or preliminary array of evidence against the accused, was collected, the theological points involved were submitted to three or four calificadores, who pronounced whether the acts or words testified to amounted to heresy or suspicion of heresy. If there was doubt or disagreement, another group was called in, to whom the opinions of the first were given, along with the evidence. If the conclusion was that the matter did not concern the Inquisition, the case was dropped or suspended; if it held that there was heresy, expressed or implied, arrest and trial followed. We have seen the working of the system in the cases of Carranza and Villanueva, in both of which it played so momentous a part. In addition to this was the censorship of books. Any work against which suspicion was aroused was submitted to them and, according to their decision, it was approved, expurgated, or suppressed.

To perform these duties properly required learned theologians, and they seem to have enjoyed the opportunity of displaying their erudition in prolix and elaborate opinions, developing vast ingenuity in discovering traces of the beliefs of the Marcionites and Carpocratians and other forgotten heresies in the careless propositions submitted to their criticism. As a matter of course only ecclesiastics were eligible and, in 1627, the minimum age was fixed at forty-five.[1] The duties of this profitless office were not light, if we may believe the experienced Fray Maestro Alvarado. In 1811 he complains that, if a book is sent to a calificador, no matter what his other engagements may be, he must devote a month or two to reading it and forming a judgement, expressed in an elaborate opinion, such as would command for a lawyer two or three thousand reales. Or, some modern philosopher utters scandals and the calificador must investigate his words and acts and point out the errors as a guide for the inquisitor; if a trial follows, the calificador must wait on the tribunal and rack his brains to decide whether the culprit's explanations are valid; if he is contumacious, conferences must be held with him until he is converted or found incapable of conversion, and all this without recompense.[2]

The calificador was thus an important and laborious assistant in the current work of the tribunal, and it is somewhat remarkable that, although reckoned among the officials, with a recognized place in public functions, there should be doubt whether he was entitled to the fuero. Yet, in 1662, when Doctor Vicente Cortes, a cathedral canon and calificador of the Valencia tribunal, was involved in a suit, it declined to defend him. It reported to the Suprema that it was ignorant whether calificadores were entitled to the fuero and the Council replied, asking on what ground the privilege was claimed.[3]

The need of calificadores was not likely to be felt in the early period, when almost the whole business of the Inquisition was with Judaizers and Moriscos, whose guilt was assumed from their adherence to well-known customs and rites. The first allusion I have met occurs in 1520, when the inquisitors were ordered to make no appointment without submitting to the Suprema the

[1] Archivo de Simancas, Inquisicion, Lib. 940, fol. 175.

[2] Cartas del Filosofo rancio, I, 316 (Madrid, 1824).

[3] Parets, Sucesos de Cataluña (Mem. hist. español, XX, 19).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 1, fol. 168.

petition of the applicant.[1] There is no reference to them in the Instrucciones Antiguas, but in the Nuevas of 1561 their employment is fully developed.[2] As the appointment was in the hands of the inquisitors, there was a tendency to undue multiplication and, in 1606, there was an effort to check this by calling for reports as to the number existing and how many were necessary, pending which no applicants were to be admitted. This resulted, the following year, in an order limiting the number to eight in each tribunal; only the most eminent theologians were to be selected and appointments were to be made only to fill vacancies. Again, in 1619, reports were called for and emphasis was laid on the importance of the position and the necessity of discrimination in the choice. This received scant attention, and the memorial of 1623 to the Suprema recommends the reduction of the number to three or four in each tribunal and the exercise of great care in appointments, for lack of which they had fallen so greatly in public estimation. Nothing was done and, in 1630, the fiscal of the Suprema called attention to the fact that but few tribunals had made the reports demanded in 1619; meanwhile the necessity for reform had increased and he asked that information be called for again so that, with full information, the Suprema might remedy the evils existing.[3] The futility of the effort to limit the tribunals in the exercise of their patronage is visible in the statistics of 1746, where Valencia has forty calificadores, Saragossa has twenty-nine and even the little tribunal of Majorca has twenty-four. If Llerena has none and Logroño only two, this is explicable, as we learn from another source, by the absence in those places of men competent for the position. Yet not much attention was paid to the selection of suitable material if we may believe an official report presented to Carlos IV, in 1798, which says that it is notorious that calificadores are mostly people of little learning, full of preconceptions and errors, who have had money enough to take out proofs of limpieza.[4]

In the medieval Inquisition all sentences were agreed upon in an assembly of experts summoned for the purpose by the inquis-

[1] MSS. of Royal Library of Copenhagen, 213 fol., p. 136.

[2] Arguello, fol. 27.

[3] Archivo de Simancas, Inquisicion, Lib. 940, fol. 175, 176; Lib. 926, fol. 19.

[4] Lorenzo Villanueva in "Discussion del Proyecto sobre la Inquisicion," p. 449 (Cadiz, 1813).

itors, prior to holding the auto de fe in which the sentences were executed. This custom was naturally followed in Spain, and these *consultas de fe*, as they were called, will be considered hereafter when treating of the conduct of trials. At present we have merely to consider the *consultores* who assisted the inquisitors in passing judgement.

At first they had no permanent connection with the Inquisition. The inquisitors had an unlimited power of summoning all persons in whatever capacity, but sometimes it was not easy to obtain the services of competent men, especially when migratory tribunals were sitting in places where jurists were few, and the Instructions of 1488, in response to complaints on this score, tell inquisitors in such cases to send the papers to the Suprema which will decide on them.[1] At this time the inquisitors were theologians and, to supplement their lack of legal knowledge, it was customary to call in lawyers; the incongruity of laymen sitting in judgement on matters of faith was waived, and they were freely employed, the inquisitors summoning such doctors and maestros and licenciados and bachilleres as they saw fit, who served without pay and might never be called in again.[2] In 1502 the Barcelona tribunal complained that it sometimes had difficulty in securing the services of the lawyers of the Audiencia, whereupon Ferdinand wrote to his lieutenant-general that, as it is a work of God and the service is required only two or three times a year, he must see that the inquisitors get them whenever they are wanted.[3] In 1515 the same trouble showed itself at Valladolid, where the inquisitors were in the habit of calling in the judges of the high court, who endeavored to evade the duty by alleging certain royal cédulas, prohibiting their engaging in other functions than those of their office. Ferdinand was appealed to and promptly ordered them to serve when called upon, but they were not to be obliged to absent themselves from court, during the hours of its sessions.[4] Apparently there was no eagerness to perform gratuitous service which brought with it no privileges.

When in time jurists were preferred in the tribunals, the inquisitors called in theologians, mostly from the regular Orders who, to a great degree, monopolized the learning of the Church. Even with

[1] Instrucciones de 1488, § 4 (Arguello, fol. 9).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 158, n. 431, 435.

[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 3.

[4] Ibidem, fol. 420, 421.

these there was sometimes difficulty and, in 1544, the Suprema asked the Dominican vicar to rebuke the Prior of San Pedro Martir for forbidding his frailes to serve.[1] It had already been found that the chance selection made, when a consulta de fe was to be held, was unsatisfactory. The permanent office of consultor was created and was rendered attractive by attaching to it the privileges and immunities of the Holy Office; formal commissions were issued by the inquisitor-general and the appointee swore to the faithful discharge of his duties. The earliest commission that I have met is one issued, April 2, 1544, to Doctor Miguel de Nuedes, Archdeacon of Murviedro, as consultor in the tribunal of Valencia.[2] This continued for some twenty years when confusion and contradictions arose. January 16, 1565, the Suprema writes that neither it nor the inquisitor-general is accustomed to notify any one of his appointment as consultor; the inquisitors can appoint properly qualified persons whenever they are needed. In 1566 this was followed by admonitions as to the care necessary in examining into the fitness of aspirants and then, in 1567, inquisitors were scolded for making appointments without reporting them and awaiting orders. This was repeated in 1571 but, in 1572, Rojas asserts positively that consultors are not selected by inquisitors, but are appointed by the Suprema.[3]

The Suprema continued to retain control but ceased to issue regular commissions for, in 1645, a writer informs us that the consultor and calificador are received and sworn in on the strength of a letter from the Suprema.[4] Finally however, the matter was restored to the inquisitors. A Formulary of about 1700 contains the form of a commission issued to consultores. It is drawn in the name of the inquisitors who confer on the recipient the powers necessary for the discharge of his duties and order all secular officials to yield him all the honors, graces, franchises, exemptions, liberties and prerogatives inherent in his office. He was obliged to furnish proofs of his purity of blood and, if he was married, of that of his wife, thus giving another example of the capacity of laymen to act in judgements of faith.[5]

With the progressive centralization of business in the Suprema,

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 70.
[2] Ibidem, Sala 40, Lib. 4, fol. 134.
[3] Ibidem, fol. 208, 223, 252; Lib. 939, fol. 70.—Rojas de Hæret. P. I, n. 434.
[4] Modo de Proceder, fol. 17 (Bibl. nacional, MSS., D, 122).
[5] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

the consulta de fe gradually diminished in importance and, as we shall see, in the eighteenth century it became virtually obsolete. The table of officials in 1746 shows that, at that time, there were only eighteen consultores in all the tribunals and, of these, eight were in the little Inquisition of Majorca.[1]

The office of commissioner was peculiar to the Spanish Inquisition and, although its powers were strictly limited, it was an important factor in keeping the authority of the Holy Office constantly before the people and in detecting offenders in obscure places where they might otherwise have enjoyed security. It was not part of the original organization and there is no reference to it in the Instructions. It is true that, in 1509, Ferdinand addresses a certain Beltran de la Sala, of Perpignan, as commissioner of the Inquisition, but he is also "hoste de correos" or in charge of couriers on the important line between Spain and Italy.[2] He was therefore not a commissioner in the later sense, but probably was employed to look after the sequestrations which had been extensive in Perpignan. As the tribunals became sedentary in their extensive districts, the need of representatives scattered everywhere made itself felt, and the first suggestion seems to have come from Valencia. The Suprema represented, December 4, 1537, to Cardinal Manrique, the size of the district of Valencia, where the difficulties of intercommunication were such that it never had been and never could be properly visited. It was therefore proposed that, in the cathedral towns, commissioners should be appointed with power to publish the edicts and to take testimony and ratifications with notaries. The cathedral clergy would probably furnish proper appointees, serving without pay, as the duties would be only occasional.[3] This corresponds so nearly with the plan adopted that it may safely be assumed to be its origin.

Authority was given to inquisitors to appoint commissioners, but apparently at first the limitation on their powers was ill defined. The visitation of Barcelona, in 1549, showed that they undertook to arrest and prosecute, in fact to make themselves inquisitors in their little districts and, in 1550, the Suprema instructed the tribunal to grant faculties only to receive denunciations, collect

[1] See Appendix.

[2] Archivo de Simancas, Inquisicion, Lib. 3, fol. 29.

[3] Ibidem, Lib. 78, fol. 168.

evidence and send it to the Inquisition for its action.[1] This remained the rule until the end. In the *cartillas*, or detailed printed instructions, they were forbidden to make arrests unless three conditions coexisted—that the case clearly pertained to the Holy Office, that the evidence was ample, and that there was apprehension of flight. Even then they were warned to act only on mature deliberation, and they were forbidden to sequestrate property, though they were to keep an eye on it. If an arrest took place, the prisoner and the evidence were to be transmitted to the tribunal under guard of familiars, without being allowed to communicate with any one. In addition the commissioner could hear the civil cases of familiars, up to the value of twenty libras and execute his decisions. All this was concisely expressed in the commission issued to him.[2]

As in everything else, it was impossible to enforce compliance with wholesome regulations. Cervantes, in the report of his Barcelona visitation of 1561, says that commissioners paid no attention to the limitations of their powers. They were thoroughly untrained and ignorant of their duties and had no hesitation in appointing other commissioners. As they had authority to appoint a notary and an alguazil, they set up little courts throughout the land, armed with the awful authority of the Holy Office, and it requires no stretch of the imagination to conceive the tyranny and extortion with which they afflicted the people.[3]

Not much was gained when, in 1561, the Suprema ordered that they should be appointed only in places where it was necessary and that they must be quiet and peaceable persons; or, in 1565, when it prescribed great care in issuing commissions, which must be so limited as to prevent them from appointing deputies.[4] Salazar's report of his inspection of Barcelona, in 1566, shows that the evil continued unchecked; commissioners were appointed in unnecessary numbers, often by a single inquisitor during a visitation, and sometimes they were ignorant laymen, although the office inferred that it should be reserved exclusively to those in holy orders.[5] It is not strange that this new infliction, which seemed to bring the terrors of the Inquisition to every man's

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 197.
[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299.
[3] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg, 15, fol. 2.
[4] Ibidem, Lib. 939, fol. 81.
[5] Ibidem, Visitas de Barcelona, Leg. 15, fol. 20.

door, should form the subject of vigorous remonstrances, and the Concordias of 1568, by their enumeration of what was forbidden, show the abuses under which the populations were suffering. That of Valencia provided that there should be such officials only in Tortosa, Segorbe, Teruel, Gandía, Castellon de la Plana, Denia and Játiva, with two in the city of Valencia, and that they should be called deputized commissioners and not, as heretofore, lieutenant inquisitors. That of Aragon limited them to Lérida, Huesca, Tarazona, Daroca, Calatayud, Jaca, Barbastro and towns on the French frontier. Both provided that in future they should not try cases, or make arrests save to prevent flight, nor should they grant licences for the importation or exportation of provisions and other matters. They might have an assessor and a notary, enjoying all privileges and exemptions, and, if an alguazil was needed, they could assign that post to a familiar without enlarging his exemptions.[1] All this is eloquent of the methods by which these would-be local inquisitors had magnified their office to the vexation of the people.

Catalonia rejected the Concordia of 1568 and, in the Córtes of 1599, it demanded that neither rectors of churches nor frailes should be appointed as commissioners. To this the Suprema, in its memorial to Clement VIII, replied that the object was to prevent the Inquisition from having proper commissioners, as Catalonia was too poor in the requisite material to exclude these classes in places where there were no cathedrals or collegiate churches.[2]

In 1572, the Suprema made an effort to check the multiplication of these officials by decreeing that they should be appointed only in the chief towns of archpriestly districts, but it promptly receded from this and, the next year, authorized them wherever it seemed necessary, which amounted to unlimited permission. An order, in 1576, that they were not to be defended in prosecutions for concubinage is suggestive as to the prevailing morality and, in 1584, they were instructed to keep in constant correspondence with the tribunals, reporting everything that occurred in their districts, which indicates how comprehensive a system of espionage was established.[3]

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[1] MSS. of Bodleian Library, Arch. S, 130.—Actos de Corte del Reyno de Aragon, fol. 95.

[2] Constitutions del Cort de 1599, cap. 26 (Barcelona, 1603).—Archivo de Simancas, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 5.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 81.

The Suprema, in a carta acordada of March 24, 1604, made a serious attempt to check existing evils. It called attention to the abuses in appointing commissioners, notaries and familiars, whose multitude and general unworthiness resulted in greatly impairing the authority of the Inquisition. In future, commissioners were to be appointed only in the chief towns of the *partidos*, or local judicial districts, or at least four leagues apart. Inquisitors should bear in mind that their duties embrace cases of the utmost importance, requiring men of intelligence, virtue and silence; they should have benefices or revenues sufficient to live with the dignity befitting their high office.[1] The prescription as to number and location received scant obedience. We chance to meet with them in obscure places like Cobeña and Fuentelsaz, and a list of them in the little province of Guipúzcoa, which has but four partidos, amounts to seventeen. An experienced writer, in 1648, after reciting the limitations, states that there are places where there are three or four, disguised by appointments nominally to neighboring hamlets.[2]

Although without salary, the office had become attractive, not only on account of the importance and immunities which it conferred, but also because a large part of the attendant labor brought in satisfactory fees. In the eagerness to prove limpieza, investigations into genealogies were perpetual; nearly all these passed through the Inquisition and were confided to the commissioner nearest to the birth-place of the applicant. He was expected to pay roundly and the commissioner was entitled to sixteen reales a day for his time, or to two ducats if he had to leave his residence. Moreover the knowledge thus acquired of the genealogies of his neighbors gave him power to render them uncomfortable, as we may gather from a carta acordada of 1622, forbidding commissioners to make notes of the ancestry of those who were not officials of the Inquisition and threatening dismissal for stigmatizing any one as a Jew, Moor, Converso or descendant of such.[3] At sea-ports and frontier towns, also, the commissioners had a considerable source of revenue from fees for the examinations requisite to prevent the entrance of heretics and heretic books—

[1] Bibl. nacional, MSS., D, 118, fol. 172, n. 53.

[2] MSS. of Library of University of Halle, Yc, 20, Tom. VI.—Bibl. nacional, MSS., S, 294, fol. 120.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 150.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, fol. 405.

fees which, as we shall see hereafter, were the abundant source of complaint. These positions the inquisitor-general reserved for his own appointment and finally also those in the cathedral towns and larger cities.[1]

In the effort at reform made by Philip V, investigation was made into the character of the commissioners, their notaries and the familiars and, soon after this, in 1706, the Suprema asserted that, in Castile, there was not one fourth of the number permitted by the Concordia of 1553, which it attributed partly to the War of Succession then raging and partly to the molestation to which they were exposed.[2] Unquestionably the number declined rapidly during the eighteenth century, as will be seen by the table in the Appendix where, although Saragossa still has thirty-eight and Barcelona twenty-eight, the other tribunals report only from two to seven, except the Canaries, where the scattered group of islands necessarily demanded a considerable number. This diminution may be explained by the growing habit of appointing temporary commissioners in any place where work was to be done. Moreover the increasing facilities of communication favored local centralization in the tribunal, even as general centralization was stimulated in the Suprema. Denunciations were readily sent by mail and temporary commissions were issued for their investigation. So, too, in the matter of limpieza, the tribunal could dispense its patronage more profitably by sending out from head-quarters special commissioners who earned a larger per diem at the expense of the applicant. To accommodate this new development, when in 1816 a new *cartilla* of instructions for commissioners was printed, it was provided at the end with a number of blank commissions which could be detached and filled in for use. A hundred copies were supplied to each tribunal, twenty of them bound to be used as a whole and eighty in sheets to be thus cut up. Within a month one tribunal applied for a further stock and fifty copies were sent.[3] Little as the inquisitors of the time had to do, they were evidently devolving their duties upon others more generally than ever.

In a previous chapter it has been seen that of all the officials of the Inquisition those who occasioned the most frequent trouble

[1] Bibl. nacional, MSS., Pp, 28.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 170; Leg. 2, n. 18.

[3] Archivo de Simancas, Inquisicion, Lib. 559.

and who aroused the most strenuous animadversion were the familiars. They were the most numerous, they were largely drawn from the turbulent element, seeking the position for the protection afforded against secular justice, and they abused their privileges accordingly. For more than two centuries they were an object of dread to all peaceable folk, and no stronger evidence can be furnished of the subjection to which the Inquisition had reduced Spain than the tolerance of this dangerous class, whose services were overpaid by the immunities which relieved the Inquisition from paying salaries.

In the medieval Inquisition the inquisitor had the right to surround himself with armed guards, whether to protect his person or to execute his orders. They were reckoned as members of his family, thence obtaining the name of familiars, entitling them to immunity from justice. They were dreaded and hated, not without reason, for the position was attractive only to the ruffian and brawler, nor was anything gained when, in 1213, the Council of Vienne warned inquisitors to be moderate and discreet in their use of the privilege.[1]

Of course the old Aragonese Inquisition enjoyed this prerogative and when the new institution was organized it inherited the right. This, moreover, was developed in an entirely novel manner, for the familiar was not attached to the person of the inquisitor. Appointments were made all over the land, the Inquisition thus obtaining, without cost, a small army of servitors, scattered everywhere, sworn to obedience and ready, at any moment, to perform whatever duty they might be called upon to render. They served, moreover, as spies upon their neighbors and were eager to manifest their zeal by volunteer action, for it was a commonplace of the canon law that the heretic could be arrested by any one.

It was impossible that such a class as this, released from the restraints of law, should not prove troublesome and even dangerous. Inquisitors appointed them at discretion, furnished them with licences to bear arms and turned them loose on the community. It would have been some slight protection if registers of these appointments had been kept, and the names of the appointees furnished to the magistrates, so that it could be known whether those who claimed immunity were entitled to it. It was

[1] Cap. 2, Clement. Lib. v, Tit. iii.

impossible, however, to induce the inquisitors to do this. Ximenes and the Suprema ordered the names to be entered in a book and a copy to be furnished to the corregidors and Ferdinand, in a general order of July 11, 1513 emphasized this, but to no purpose and it was repeated endlessly with the same result.[1] The inquisitors steadily refused obedience, for it would have imposed some check upon multitudinous and indiscriminate appointments which had a recognized money value. The result of all this appears in a letter of Ferdinand, in 1514, to the inquisitors of Toledo, informing them that the royal and municipal authorities complained of the number of turbulent fellows, carrying licences signed by only one inquisitor, who went around in bands disturbing the peace and, if the civil magistrate endeavored to restrain them, the tribunal at once interposed, leading to dissensions between it and the ministers of justice, to the great injury of the city and its vicinity. Ximenes had already endeavored to check these disorders without success, and Ferdinand now insists that his orders must be obeyed, that all such licences must be signed by the three inquisitors, a record of them must be kept and a copy be furnished to the corregidor.[2]

The same troubles existed in the Aragonese kingdoms where, it will be remembered, the Córtes of Monzon, in 1512, endeavored to remedy them in the Concordia, by providing that for Aragon there might be twenty armed familiars in Saragossa, while in other towns, where the tribunal was in actual session, there might be temporary appointments, not exceeding twenty for the whole kingdom. Notwithstanding the acceptance of this agreement by Ferdinand, its confirmation in 1516 by Leo X, and its solemn ratification in 1520, it never received the slightest respect from the Inquisition, and its only interest lies in its proof of the popular anxiety for relief and that a very moderate number of familiars sufficed at a period of great activity in the work of the Holy Office.

The complaint was renewed, about 1530, by the Córtes of Aragon, that familiars were appointed in every place in the three kingdoms, and that no lists were furnished, so that the Inquisition could set free any offender by declaring him to be a familiar, to which Cardinal Manrique merely replied that no more were appointed than were necessary, and that the instructions were

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 147.

[2] Ibidem, Lib. 3, fol. 376.

observed.[1] Again, in 1547, the Córtes of Catalonia declared that the abuse had been carried to a point that seriously limited the royal and ecclesiastical jurisdictions, and it requested that Barcelona should be restricted to fifty, with five each for the Catalan districts subjected to Valencia and Saragossa, and also that lists be furnished, but Prince Philip only answered that he would consult the Suprema and do what was fitting.[2] Of course nothing was done.

While thus the Suprema defended the tribunals against the public, it was constantly scolding them for their excesses and issuing orders to diminish the evil. A carta acordada of 1543 alludes to the excessive numbers of familiars, their turbulence and evil lives; they must be persons of good repute and the rest must be dismissed. In 1546 moderation in appointments was enjoined. When the Castile Concordia of 1553 was framed, instructions were issued for its strict observance; all not registered and reported to the authorities were not to be held as familiars. In 1560 and again in 1573, they were ordered to be married men, quiet, peaceable, *limpios* and not ecclesiastics; all others were to be removed. In 1562 the inquisitor of Majorca was rebuked for unnecessary appointments of turbulent and unfit men and for not giving a list to the magistrates. In 1566 lists were ordered to be given to the civil authorities and none not borne on them were to enjoy exemption. In 1573 instructions were issued requiring them to be householders and heads of families, residents of the place for which the commission was given and none to be appointed for uninhabited places. In 1578 it was ordered that appointments should only be made to fill vacancies. In 1586 a carta acordada commanded the number to be reduced to the provisions of the Concordia; the surplus must surrender their commissions and support themselves honestly, new appointments were restricted to quiet and peaceful men of good life and habits, and evidence of compliance with the order must be furnished.[3]

This brief summary could be largely extended, but its only interest lies in its showing that the Suprema recognized the evil and sought to abate it, while the tribunals paid no attention to

[1] Archivo de Simancas, Patronato Real, Inq. Leg. único, fol. 38, 39.

[2] Constitutions de la Cort de Monço en lany 1547 (Barcelona, 1548, fol. xxxv).

[3] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 270; Lib. 926, fol. 33; Lib. 940, fol. 172; Lib. 941, fol. 12; Lib. 942, fol. 48; Leg. 1157, fol. 182.—MSS. of Royal Library of Copenhagen, 218b, p. 181.

its commands, secure in the assurance that it would defend them through thick and thin, whenever a question arose between them and the people or the authorities. Sometimes, indeed, continued pressure might induce temporary compliance but it was abandoned as soon as it appeared safe to do so.

A single instance will illustrate the tenacity and successful evasions of the inquisitors. Valdés wrote to the Valencia tribunal, March 12, 1551, that the excessive number of familiars interfered with its proper functions in consequence of the time required for their cases. They were to be reduced to a hundred in the city of Valencia; in towns of three thousand inhabitants the maximum was to be eight; in smaller places, if any were needed, the number was not to exceed four without notifying the Suprema. To effect this, all commissions were to be revoked and, if necessary, he revoked them. Instructions were given as to reappointments; every commission was to be signed by both inquisitors and countersigned by one of the notaries; the commissions were to be limited to two or three years so as to stimulate good behavior and lists were to be furnished to the Suprema.

To this promising scheme of reform the inquisitors replied that they suspended its operation because the Governors of Valencia thought the number assigned to the city inadequate. July 9th the Suprema ordered them to learn from the governors their views as to numbers. This was left unanswered and, on November 5th, the Suprema ordered a report within thirty days of what had been agreed upon with the governors; otherwise the provisions of March 12th were to be put into execution and, if this was not done, a person armed with full powers would be sent to do it. This looked like business and brought from Inquisitor Artiaga the reply that, as soon as his colleague returned from visiting the district, it would be complied with. Valdés waited till December 23rd and then wrote that there must be no further delay; the king had repeatedly ordered a reduction of the familiars on account of the daily complaints received against them. He therefore commanded peremptorily that, without reply or further excuse, the instructions be executed and a notarial attestation of the fact be furnished during January; if both inquisitors were not in Valencia, the one in residence must do the work; if it was not accomplished within the time named, they must present themselves personally before him to give their reasons for dis-

obedience. This would seem to leave no opening for evasion, but it received no attention and, on March 10, 1552, Valdés wrote again, repeating the injunctions of the previous March, but conceding that there might be two hundred familiars in the city. Public proclamation of the revocations was to be made and evidence of execution with lists of those retained was to be furnished during April. Again no attention was paid to this and it was repeated September 10th. This, in time, brought a statement that the number in the city had been reduced to two hundred, but there is no evidence as to reductions elsewhere or that the wholesome limitation of commissions to two or three years had been observed.[1] If it were, it was but for a brief time, and we have seen what were the familiars of Valencia early in the next century.

It was the same in Castile. When the Concordia of 1553 was agreed upon, a royal cédula of March 10th prescribed the number of familiars to be allowed in cities and towns and ordered that all in excess should be deprived of their commissions, while lists of those retained were to be given to the secular authorities. The Suprema seems to have honestly endeavored to enforce these provisions by letters issued under the same date, but the inquisitors were sullen and refractory and the Valencia experience was repeated. July 13, 1555, another royal cédula and circular letter of the Suprema repeated the command to reduce the number and furnish lists. Again, in 1565 these orders were renewed, which brought out the fact that the tribunals had not even kept registers of the appointments, for in 1566 they were ordered to call in all commissions and compile lists from them, with a warning that all who were not borne on such lists would not be allowed enjoyment of the fuero and, if the judges were inhibited in such cases, when the competencia reached the Councils it would be abandoned. Even this required to be supplemented with another order the next year.[2]

It would be a weariness of the flesh to follow in detail these fruitless efforts of the Suprema to force the tribunals to comply with the law, but a carta acordada of 1604 affords a glimpse into some of the tricks and evasions resorted to. It lays down salutary rules as to the observance of the Concordia and the character

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 203, 206, 208, 211.

[2] Ibidem, Sala 40, Lib. 4, fol. 216; Lib. 942, fol. 20, 23, 24.

of appointees, and proceeds to forbid the granting of expectative appointments, the admission of applicants to prove limpieza unless there is a vacancy, and then he must be a resident of the place where it occurs and not one with a supposititious domicile. Appointments in derogation of these rules will not render the individual an official of the Inquisition and no competencias will be entertained for him. It shows how slack was the observance of this that it had to be repeated in 1620 and again in 1626.[1]

While thus the Suprema was vainly busied in repressing the exuberance of its subordinates, it fiercely resented any assistance offered by outsiders. The Concordia of 1553 was part of the law of the land, and as such it was printed in the official Nueva Recopilacion (Lib. IV, Tit. i, ley 20). In 1634 the Council of Castile, apparently wearied with the stubbornness of the tribunals, undertook to enforce it by printing the articles concerning the numbers and qualifications of familiars and sending them to the magistrates of the towns and villages with instructions that, if the number was in excess, they were to strike off the surplus; if a list had not been furnished, they were not to regard any one as a familiar and entitled to exemptions and privileges. When this practical method of enforcing obedience to law came to the knowledge of the Suprema, it was highly incensed. On December 22nd it addressed an indignant consulta to the king; the Council of Castile, it said, was meddling with concerns wholly beyond its competence; it had no authority in matters concerning the Inquisition; if inquisitors transgressed the law, specific complaints could be made and settled in a junta of the two bodies; the Council was leading the local magistrates to sit in judgement on inquisitors and get themselves into trouble. Besides the familiars are so molested when they seek to avail themselves of their privileges that they think it better to abandon them; they are fewer already than the Concordia permits, are diminishing daily and, in a few years, the Inquisition will not have ministers to attend to its business. The consulta concludes by asking the king to order the Council to erase the paper from its records and not to issue similar ones in future. For once this arrogance overshot the mark. There must have been a desperate contest waged over the matter for Philip kept the consulta until October 3, 1636, when

[1] Bibl. nacional, MSS., D, 118, fol. 172, n. 53.—MSS. of Royal Library of Copenhagen, 218b, p. 181.

he returned it with the endorsement that the Council of Castile can issue the provision embodying the articles of the Concordia and can order the local magistrates to observe and execute them.[1]

The reasons inducing inquisitors to the perpetual and illegal multiplication of these officials are not far to seek. The position was much coveted and the high value set upon it, notwithstanding the assertions of the Suprema as to diminishing numbers, is shown in one of the expedients for raising money resorted to in 1641, when an additional familiarship was created in each place, to be sold for fifteen hundred ducats. The offer was withdrawn in 1643, possibly because, as we have seen (p. 213), in 1642 a block of three hundred was thrown upon the market, thus breaking the price.[2] When such estimates were placed on the office, the opportunity for illicit gains was tempting to those who had power to issue commissions and, in addition to this, were the profits of litigation and the abundant fees for officials in the investigation into the limpieza of aspirants and their wives. The fines also arising from cases in which familiars were concerned were a not inconsiderable addition to the income of the tribunals. Thus, in 1564, Dr. Zurita, in a four months' visitation of the dioceses of Gerona and Elne, collected a hundred and six ducats for offences committed by or against familiars and, in addition, five culprits were sent to Barcelona on more serious charges which doubtless yielded still larger returns.[3] It is easy then to understand the temptation to enlarge so profitable a jurisdiction, and the steady opposition to revealing the number of appointees by furnishing lists.

It is true that the Suprema drew up an excellent list of qualifications as requisites for eligibility. No one was to be appointed who was not an Old Christian, at least twenty-five years of age, married or a widower, head of a household, virtuous, quiet, peaceable and fitted for the office, as well as of legitimate and not of foreign birth.[4] Yet there was no difficulty in obtaining dispensations for age, for celibacy, for illegitimacy and for foreign birth or parentage, the considerable fees for which went to the

[1] Archivo de Simancas, Inquisicion, Lib. 20, fol. 338.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 183.

[3] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 9.

[4] Bibl. nacional, MSS. Pp, 28.—MSS. of Royal Library of Copenhagen, 318b, pp. 181–3.

secretary of the inquisitor-general.[1] There was no formal dispensation for the moral qualities, but these were elusive and the general character ascribed to familiars, as we have seen in Valencia, shows how little care was frequently taken as to these. They are not even alluded to in the formalities required, in the middle of the seventeenth century, when we are told that the petition of the applicant must be accompanied with a certificate from the secretary of his place of residence setting forth the number of inhabitants, the number of familiars, evidence of baptism to show his age, that he did not follow any mechanic or low occupation, and that he had property sufficient for his decent support. He was also of course required to furnish the genealogies of himself and his wife for investigation into limpieza.[2]

To what extent precautions were taken to avoid improper appointments depended of course upon the temper of the tribunal and necessarily varied with time and place. In 1561, Inquisitor Cervantes says that in Córdova, Seville and Saragossa, where he had served, aspirants for appointment were taken on probation for two or three months, after which inquiry was made as to their limpieza and mode of life when, if they were married and peaceable men they were appointed, but that nothing of this was observed in Barcelona.[3] It is not likely that such scrutiny was frequent, for the appointments were treated as patronage by inquisitors, who took them in turn until, in 1638, this was forbidden by the Suprema, which ordered that they should be decided by voting; the fiscals were required to report whether this was observed, which it doubtless was, because it could be so easily eluded by a private understanding.[4]

There was some effort made, but without success, to maintain the dignity of the office by excluding those engaged in trade or in pursuits regarded as degrading, such as butchers, shoemakers, pastry-cooks and the like. On the other hand there was naturally welcome for personages of distinction and of these there was no lack. The bluest blood of Spain did not disdain to serve the

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 91, 291, 308; Leg. 6, n. 2, fol. 217; Leg. 8, n. 1, fol. 1, 2, 6, 240, 241, 334, 431; n. 2, fol. 64, 209, 358; Leg. 9, n. 2, fol. 5, 153; Leg. 11, n. 1, fol. 3, 4, 14, 15, 59, 121, 131; Leg. 14, n. 1, fol. 86, 87, 89, 92, 98, 103.

[2] Modo de Procesar, fol. 3 (Bibl. nacional, MSS., D, 122).

[3] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 2.

[4] MSS. of Royal Library of Copenhagen, 218b, fol. 182, 186.

Inquisition in the office of familiar. This excited apprehension in the Aragonese kingdoms and, in the Concordias of 1568, it was provided that familiars should be plain men and not powerful ones such as gentlemen and barons. At once the Valencia tribunal enquired of the Suprema whether this excluded gentlemen who were not barons and it was assured that barons only were excluded. The tribunal disregarded even this limitation and appointed barons and gentlemen holding vassals, turbulent men, rendered reckless by the exemptions, leading to quarrels with the Audiencia, in which Philip II interposed, in 1590, by ordering all such appointments made since the Concordia to be revoked. Loud were the complaints of the inquisitors; they denied that they had appointed barons; if the gentlemen with vassals were deprived of their commissions the Inquisition would be dishonored and, what made matters worse, the Audiencia had registered the decree where it could be read by every one, and had sent it to the governors of provinces, thus publishing it to the world.[1]

How long this exclusion lasted under the crown of Aragon it would be impossible to say, but probably it was not permanent. In Castile there was no such distinction. At the Madrid auto de fe of July 4, 1632, the standard of the Inquisition was borne by the Admiral of Castile, assisted by the Constable of Castile and the Duke of Medina de las Torres, all familiars.[2] Fernando VI, however, adopted the Aragonese precaution and required all familiars to be *pecheros* or taxpayers, when an indignant memorial, apparently from Inquisitor-general Prado y Cuesta, called his attention to the fact that there was not, in all Castile, Aragon, Valencia and Andalusia, a grandee or gentleman of illustrious birth who did not find ancestors on the rolls of the Holy Office, or count it among the glories of his house that they were enlisted in the militia of the faith.[3]

By this time the number of familiars had greatly fallen, though not to the extent that would be inferred from the table in the Appendix, for the tribunals had evidently not reported them—in fact, it is probable that few if any had kept registers enabling them to do so. The diminishing influence of the Inquisition, the curtailment in the privileges of the office, the new spirit vivifying

[1] Archivo de Simancas, Inquisicion, Lib. 688, fol. 45, 50, 56.
[2] Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).
[3] Ibidem, Leg. 544[2] (Lib. 10).

Spain under the Bourbons, all combined to render the position less sought for, and thenceforth we hear comparatively little of the familiar as a disturbing element in the social order.

It was a matter of course that the officials of the tribunals should form organized bodies. They did so under the name of the Cofradia or Congregacion or Hermandad de San Pedro Martir, which assumed to be the same as the Cruce-signati, founded in Italy by Innocent IV, after the murder of St. Peter Martyr, in 1252. The bulk of the membership was naturally formed by the familiars, who were the most numerous class of officials, and there are occasional allusions to *Colegios de Familiares*, which may have been a subdivision of the general body. At what date the Cofradia was organized it would be impossible to assert, but, as early as 1519, it was a formidable body with chiefs known as *mayordomos* for when, in that year, there were rumors of an attempt in Saragossa to liberate Juan Prat by force, Charles V ordered the Zalmedina of Saragossa to assemble it and resist the movement, and he wrote to the mayordomos to obey the Zalmedina.[1]

The Hermandad became elaborately organized in the inquisitorial centres with a constitution which was printed in 1617. Each branch had as officers a padre mayor, a secretary, a mayordomo mayor, a mayordomo menor and a fiscal. The entrance-fees were considerable and the reception of new members was attended with a certain amount of ceremonial, in which the candidate took a solemn oath, in the hands of an inquisitor, to imperil his life in executing the commands of the Holy Office and to denounce all heretics, after which the inquisitor gave him a cross and imparted to him all the privileges and indulgences of the cruce-signati.[2]

The extension of the Hermandad over Spain was by no means simultaneous. It was not established in Seville until 1604 and then only after considerable opposition. Even as late as 1700, in a Formulary, there is a formula of a grant by inquisitors to the commissioners and familiars of an arch-priest district to found

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[1] Archivo de Simancas, Inquisicion, Lib. 14, fol. 62, 63.

[2] Ibidem, Lib. 939, fol. 950.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299.—Bibl. nacional, MSS., R, 128.—Modo de Proceder, fol. 7 (Bibl. nacional, MSS., D, 122).

a cofradia.[1] The functions of the body may be assumed as purely ornamental, giving lustre to the solemnities of the auto de fe and an occasion for the Inquisition to exhibit its strength. Marching in procession under the standard of the Holy Office in the Seville auto of November 7, 1604, they formed a body four hundred strong and at that of Córdova, in 1655, they were reckoned at over five hundred. At the last of the great autos, celebrated in Madrid, in 1680, the Suprema ordered all the familiars of the city to join the Congregation, under penalty of forfeiting the fuero, and each member was required to carry in the procession a wax candle of two pounds' weight, with the insignia of the Inquisition, whereupon it ordered three hundred candles. On this occasion it received a splendid standard which it continued to use in solemn celebrations.[2]

The organization was not always as faithful as it might have been to its oaths of obedience. In 1603, in 1675 and again in 1715 there was trouble over the right claimed by the members to wear habitually their crosses and habits as insignia of St. Dominic, though the Suprema restricted this to occasions of solemnity, and it finally required a threat of dismissal to enforce the rule.[3] There was still greater indiscipline in 1634 and 1635, at Valencia, where they excited a popular tumult and refused to obey the orders of the Suprema in the matter of the celebration of the feast of the *Cruz nueva*.[4]

When, under the Restoration, Fernando VII endeavored to revive the somewhat dilapidated glories of the Inquisition, it was suggested to him to elevate the Hermandad into a Royal Order of Knighthood. He welcomed the idea and, on March 17, 1815, he issued a decree in which he says that, at the request of the mayordomos of the Most Illustrious Congregation of San Pedro, composed of the Suprema, the inquisitors and the subordinates of all the tribunals, and in order that they may be distinguished and honored, he commands that they wear daily on their outer garments, like the other orders of knighthood, the

[1] MSS. Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo 4, n. 46.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

[2] Bibl. nacional, MSS., D, 122, fol. 267; R, 128.—Matute y Luquin, Autos de fe de Córdoba, p. 155.—Olmo, Relacion del Auto general de la Fee, p. 19 (Madrid, 1680).

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 149.—Royal Library of Munich, Cod. Hispan, 79 fol. 29.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 6, fol. 444.

habit and badge of the Inquisition. To set the example, on the feast of St. Peter Martyr (April 29th) he presided over the Congregation in person, accompanied by the infantes Don Carlos and Don Antonio, when he wore these insignia, which was imitated by the members, so that it became the fashion in the court. April 26th the Royal Council promulgated the decree, in accordance, it said, with concessions from the Holy See, and it ordered that no individual or court should impede the members in the enjoyment of this right. On May 10th the Suprema communicated the decree to the tribunals, with orders for its strict observance by all officials. It was disheartening to find that all this was not taken seriously by the people, for it was not long before the inquisitor of Valladolid had occasion to complain to the Suprema of the insults offered by the ecclesiastical authorities to the officials, on account of the decoration of the Royal Order of Knighthood of St. Peter Martyr.[1]

[1] Archivo de Simancas, Inquisicion, Lib. 559; Ibidem, Leg. 1473.—Cédulas etc. de Fernando VII, p. 317 (Valencia, 1814).

CHAPTER IV.

LIMPIEZA.

REPEATED allusions have occurred above to the *limpieza*, or purity of blood, required in all officials of the Inquisition. This was so remarkable a development of the prevailing fanaticism and exercised so much influence on the social condition of Spain that it deserves a somewhat detailed investigation.

The first indication of this exclusiveness is seen in the *Sentencia Estatuto* of Toledo, in 1449, under which all Conversos were stripped of official positions as being suspect in the faith (Vol. I., p. 126). This, as we have seen, elicited the bull of Nicholas V, denouncing such legislation as unchristian, forbidding discrimination between Old and New Christians and confirming the laws to that effect of Alfonso X, Henry III and Juan II. This was evaded in the founding of a confraternity, under the title of Christian Love, in Córdova, in 1473, from which all Conversos were rigorously excluded, leading to the tumults and massacres described above.[1] It may have been this which induced Archbishop Carillo of Toledo, in a provincial synod held at Alcalá, to denounce the growing practice of brotherhoods, bound under oaths to exclude Conversos and alleging these oaths in justification. All such statutes were declared invalid and all who had taken such oaths were released from them.[2] In 1473, also, Juan II of Aragon abrogated the statutes of a similar association in Majorca and ordered that Conversos should have full enjoyment of all faculties in his dominions.[3] A somewhat ludicrous aspect was given to this prejudice by a guild of stone-masons in Toledo, composed principally of Mudéjares, which, in 1481, adopted a rule forbidding members from teaching their art to Conversos, and the next year a still more proscriptive statute was adopted

[1] Amador de los Rios, III, 153.

[2] I find this quoted textually in a memorial of Conversos to Philip IV (MSS. of Bodleian Library, Arch. S, 130). No such synod is contained in the conciliar collections.

[3] Taronji, Estado religioso de Mallorca, pp. 237–8 (Palma, 1877).

in Guipúzcoa, prohibiting Conversos from settling or marrying in the province.[1]

The earliest official recognition of a distinction between Old and New Christians was the bull of Sixtus IV, in 1483 (supra, p. 11) ordering that episcopal inquisitors should be Old Christians. The next step was more portentous of the future. When, in 1485, the temporary Inquisition was established in the Geronimite monastery of Guadalupe, a Jew was found among the monks, who had been living as one of them for forty years and yet had never been baptized. His prompt burning in front of the convent gates did not allay the dread that other heretics might find similar refuge in the Order, leading the General Chapter to decree that no descendant of a Jew should be admitted; those already entered, if they had not professed, were expelled, and those who had professed were incapacitated for any honor or dignity. Much discussion ensued; the decree was held as contravening the bull of Nicholas V in 1449, and there was prospect of trouble, leading Ferdinand and Isabella to apply to Innocent VIII for a remedy. He evaded a decision in the brief *Decet Romanam*, September 25, 1486, by clothing the Archbishop of Seville and the Bishops of Córdova and Leon with authority to decide all questions under the decree and to revoke, modify and strengthen it at their discretion. This of course was held to be a practical confirmation of the new rule, and we are told that Our Lady of Guadalupe was so delighted that she coruscated in miracles, which Fray Francisco Sancho de la Fuente undertook to record, but they were so abundant that his zeal was exhausted and he abandoned the pious task.[2]

The next instance was a special and limited one. After Torquemada had founded at Avila his convent of St. Thomas Aquinas, he grew apprehensive that the hatred which he had earned from the Conversos might lead them to enter it with evil intent. In 1496 he therefore applied to Alexander VI for a decree forbidding the reception of any one descended, directly or indirectly from Jews, a request which the pontiff readily granted, subjecting to *ipso facto* excommunication any prior or other person contravening the rule.[3]

The tendency to discriminate against Conversos was stimu-

[1] Hernando de Pulgar, Epist. xxx.

[2] Archivio Vaticano, Registro 685 (Innoc. VIII).—Páramo, p. 139.

[3] Ripoll Bullar. Ord. FF. Prædic. IV, 125. Cf. p. 590.

lated by the disabilities inflicted under the canon law on the children and grandchildren of impenitent heretics. This will be treated more fully hereafter and it suffices to say here that it was construed as applying to the children and grandchildren of all condemned or reconciled by the Inquisition. It was the subject of some debate, and the Instructions of 1488 required inquisitors to enforce by heavy penalties the incapacity of such descendants to hold any public office or to be admitted to holy orders.[1] These disabilities were extended still further by the sovereigns, in two pragmáticas of 1501, forbidding the children and grandchildren by the male line and the children by the female to hold any office of honor or to be notaries, scriveners, physicians, surgeons, or apothecaries. These pragmáticas were promptly sent by the Suprema to all tribunals, with orders for their strict enforcement, as the sovereigns did not permit exceptions to be made.[2]

In this rising tide of proscription it is pleasant to find an exception. There was no more uncompromising defender of the faith than Ximenes but, in organizing his University of Alcalá, he made no discrimination against Conversos. In his carefully elaborated details as to qualifications for professorships, fellowships, degrees and the other objects of academic ambition, there is not a word indicating that the taint of Jewish or Moorish blood was an obstacle.[3] It was doubtless this which excepted Alcalá from the ominous decree of the Suprema, November 20, 1522, prohibiting Salamanca, Valladolid and Toledo from conferring degrees upon any convert from Judaism, or on any son or grandson of one condemned by the Inquisition.[4] Where it found warrant for such assumption of authority it might be difficult to say, but the effect of such proscription can scarce be exaggerated, in thus barring the way to all the learned professions and consequently to public employment and ecclesiastical preferment.

The next step was taken by the Observantine Franciscans who, in 1525, procured from Clement VII a brief providing that in Spain no fraile descended from Jews, or from one convicted

[1] Instrucciones de 1488, § 11 (Arguello, fol. 10).

[2] Nueva Recop., Lib. VIII, Tit. iii, leyes 3, 4.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 108.

[3] Constitt. Collegii S. Ildefonsi, §§ 6. 7, 9, 36, 47, 48 (Gomesii de Rebus Gestis, Append.).

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 109.

by the Inquisition, should be promoted to any office or dignity, and that thereafter no one laboring under such defect should be admitted into the Order.[1]

By this time the question of limpieza was ever present and every one was popularly classed as an Old Christian or a New, for genealogies seem to have been public property. When, in 1528, Diego de Uceda was tried for Lutheranism and claimed to be an Old Christian, the Toledo tribunal sought testimony in Córdova, where the witnesses unhesitatingly described his family, paternal and maternal, as perfectly pure from stain of Converso blood, which they said was notorious throughout the city.[2] The increasing importance of the matter led the Inquisition to amass evidence for iteself and, in 1530, the tribunals were ordered to summon before them the descendants of all who had been relaxed or reconciled and ascertain whether they had changed their names. From this general inquest each tribunal compiled for its own district a register of genealogies, comprising all the infected families which, when duly kept up, preserved a mass of testimony infinitely disquieting to subsequent generations.[3] The growing importance of the questions involved, to society at large, is indicated by a petition of the Córtes of Segovia in 1532, that those should be held as Old Christians who could prove their descent from Christian parents, grand-parents and great-grand-parents —or, if necessary, from great-great-grand-parents—and that no imputation of lack of limpieza should be cast on them, unless there was evidence to prove their descent from Jews or Moors, or that an ancestor had been condemned by the Inquisition.[4]

The Dominicans were not as active as the Franciscans in obtaining papal protection of their limpieza. In a long list of briefs conceded to Spanish Dominican houses there is no allusion to the exclusion of Conversos between Torquemada's of 1496 and 1531 when the houses of Santa Maria Nieba and San Pedro Martir of Toledo were forbidden to receive any fraile suspected of Jewish or Moorish origin, while in the college of Santa Maria the professors and students of arts and theology were required to be free from all suspicion of such descent.[5] The sentiment of the

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 115.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 9.
[3] MSS. of Royal Library of Copenhagen, 218b, p. 404.
[4] Colmeiro, Córtes de los Antiguos Reinos, II, 165.
[5] Ripoll, VII, 131, 134.

Order was less proscriptive than that of the Franciscans. Its most conspicuous member of the period was Thomas de Vio, better known as Cardinal Caietano who, when consulted, in 1514, by the regent of Salamanca, as to the legality of excluding those of Jewish blood from the Order, replied that it was not a mortal sin but, seeing that the race had furnished Jesus Christ and the apostles and the salvation of man, it was irrational and ungrateful to discriminate against them, as well as an obstacle to their conversion.[1] Paul III agreed with him for, in a *motu proprio* of 1535 addressed to the Dominican Provincial, he forbade any impediment to the entrance in the Order of those of Jewish or Moorish blood and, on learning that this was disregarded in some houses, he repeated and confirmed it with censures by a brief of August 3, 1537.[2]

In this, as in so much else, any one seemed able to get from the Holy See whatever he wanted and Paul reversed himself, in 1538, when the convent of San Pablo of Córdova represented that, in most of the colleges of the Order, descendants of Conversos were not received or, if admitted in error, were ejected, and it desired the same concession to its college, as necessary for its preservation and the peace of the house. Paul promptly acceded to this request and ordered the inquisitors and the dean of Córdova to defend the convent in these privileges, even to calling in the aid of the secular arm.[3] This was followed by a more general measure, in 1542, when, by command of Paul, Cardinal Juan de Toledo, Bishop of Burgos, prohibited the Dominicans of Aragon from receiving into the Order descendants of Jews or of convicts of the Inquisition to the fourth generation. It is not likely that this was confined to Aragon and, in the next year, we find the Suprema addressing the provincial and the definitors urging that no Conversos be allowed to enter.[4]

Charles V was as inconsistent as Paul III. In 1537 he issued a decree reciting that as, in some colleges of the universities, admittance was refused to New Christians he ordered that the constitutions of the founders be observed.[5] Yet when the chapter

[1] Caietani Opusc. T. I, Tract. xxxi, Respons. 6.

[2] Burriel, Vidas de los Arzobispos de Toledo (Bibl. nacional, MSS., Ff, 194, fol. 46–8).

[3] Ripoll, IV, 566.

[4] Ibidem, p. 608.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 142.

[5] Nueva Recop. Lib. I, Tit. vii, ley 22.

of Córdova, in 1530, adopted a statute of limpieza applicable to all the ministrants of the cathedral, and was unable to obtain papal confirmation, he ordered its observance and contributed by his influence to induce Paul IV, in 1555, to confirm it.[1]

The movement was one which was constantly gaining momentum. In 1548, Archbishop Siliceo of Toledo enumerates, among the bodies refusing admission to all except Old Christians, the three great military Orders of Santiago, Calatrava and Alcántara, membership in which was the object of ambition to almost every Spanish layman of gentle birth. In all the Spanish colleges, including that of Bologna founded by Cardinal Albornoz, none but Old Christians were received and from these colleges were drawn the members of councils and chancelleries and other judicial officials. It was the same with the Minims, by express statute of the founder St. Francis de Paula, and in other Orders and monasteries of both men and women. Cathedral chapters were beginning to adopt it, such as those of Córdova and Jaen; numerous confraternities were based upon it, and many *mayorazgos*, or entailed estates were conditioned on it.[2] Thus the mania for absolute purity of blood was spreading irresistibly and, while it would be impossible now to enumerate accurately the bodies which made it a condition precedent of membership, it is safe to say that the avenues of distinction, and even of livelihood, in public life and in the Church, were rapidly closing to all who bore the fatal *mancha* or stain. In time even admission to holy orders required proof of limpieza.[3]

The Conversos, however, were too able and energetic to yield without a struggle and how the losing battle was waged is seen in the decisive case of the primatial church of Toledo. The Cardinal Archbishop Tavera attempted, in 1539, to procure the adoption of a statute of limpieza in the cathedral, but the opposition was so strong that he was obliged to desist.[4] His successor was Juan Martínez Pedernales, who adopted the classic appellation of Siliceo—a Salamanca professor who had the luck to be appointed tutor to Prince Philip and was rewarded with the see

[1] Juan Gómez Bravo, Catálogo de los Obispos de Córdova, pp. 431, 435, 453, 513.

[2] Burriel, *op. cit.* (Bibl. nacional, MSS., Ff, 194, fol. 2, 3).

[3] MSS. of Library of Univ. of Halle, Yc, 20, Tom. I.—Cf. Aguirre, V, 495.

[4] Salazar y Mendoza, Chronica de el Cardenal Don Juan Tavera, pp. 212, 214–15 (Toledo, 1603).

of Murcia, in 1541, whence he was translated to Toledo, in 1546. He was roused to indignation when, in September of that year, papal letters were presented to the chapter granting a canonry to Doctor Hernan Ximenes, whose father had been reconciled by the Inquisition. Although the chapter had several Converso members it refused admission to Ximenes and wrote a rambling and inconsequential letter to Paul III justifying its disobedience. To prevent such contamination for the future, Siliceo drew up a statute forbidding that any but an Old Christian should hold a position in the cathedral, even down to the choir-boys; all aspirants were to present their genealogies and deposit a sum of money to defray the expense of an investigation. In July, 1547, he came to Toledo, with a large retinue of gentlemen, and secretly assured himself of the assent of a majority of the canons, who bound themselves with oaths to adopt it; a meeting of the chapter was called and the measure was sprung upon it, in violation of its rules of order—as he frankly said, if notice had been given and discussion allowed it could not have been passed, for the Conversos would have intrigued successfully against it. The vote in its favor was twenty-five to ten, not including the dean, who opposed it but had no vote. The minority claimed that they were the wiser and better part of the chapter, and probably they were, for they included the archdeacons of Guadalajara and Talavera, both sons of the Duke del Infantado, and Juan de Vergara, one of the most illustrious men of letters of the day, who had had experience of the rigor of the Inquisition. This action aroused so much excitement in the city that the Royal Council sent an *alcalde de corte*, who reported that, for the sake of peace, the statute had better not be enforced, in consequence of which Prince Philip, then holding the Córtes of Monzon, sent orders to suspend it until the emperor's pleasure could be learned. The struggle was thus transferred to the imperial court and to Rome. The matter was argued publicly in the Rota, when the conclusion was against confirmation and the pope signed a brief to that effect, but the archbishop's envoy, Diego de Guzman, used such persuasive arguments that Paul secretly evoked the matter to himself and signed another brief, May 28, 1548, confirming the statute, so that each side could boast of his support. Charles referred the question back to the Royal Council, to which both sides presented memorials. Their temper may be judged by the argument of the chapter that, after so many religious bodies had adopted

the exclusion, if the opponents contend it to be unscriptural, they are manifest heretics and should be burnt to ashes.

A memorial of Siliceo to Charles is in the same key. A strange medley of evils is attributed to Jews and Conversos—even the German Lutherans are descendants of Jews. On taking possession of his archbishopric he had found that nearly all the beneficed priests and those having cure of souls were of Jewish extraction, and there was danger of Conversos obtaining entire possession of the Church, owing to the sale of preferment in Rome, where there were at the time five or six thousand Spaniards, most of them Conversos, bargaining for benefices. It was the same in the other professions, where judges, lawyers, notaries, scriveners, farmers of the revenue, etc., were mostly of Jewish stock, and they alone were physicians, surgeons and apothecaries, in spite of all that the Inquisition had burnt and was daily burning; they adopted these callings solely for the purpose of killing Christians —it was but the other day that, in a Toledo auto, there was reconciled a surgeon who always placed a poisonous powder in the wounds of his Christian patients. If Charles did not confirm the statute, the outlook was that the Conversos would govern the church of Toledo. Wild as all this may seem to us, it gives us a valuable insight into the impulses which governed Spain in its dealings with the alien races within her borders. It was a humiliating admission that they were regarded as men of superior intelligence and ability, whose wrongs for generations had converted them into irreconcilable enemies, the object of mingled dread and detestation; as they could not be matched in intellect, the only policy was brute repression and extermination.[1]

Of course Siliceo carried the day. The confirmation of his statute by Paul III was conclusive and was regarded as establishing on irrefragable grounds the necessity of limpieza as a qualification for all who aspired to position in Church or State.[2] Toledo maintained it even against the pope. In 1573, the Venetian envoy, Leonardo Donato, reports that he had seen all the authority of the stern Pius V vainly exerted to secure the archidiaconate of Toledo for a servant of his who was not *limpio* and who finally had to content himself with transferring the dignity to another and retaining a heavy pension on the revenues.[3]

[1] Burriel, *op. cit.* (Bibl. nacional, MSS., Ff, 194, fol. 2–68).

[2] Bibl. nacional, MSS., Q, 418.

[3] Relazioni Venete, Serie I, T. VI, p. 404.

It was not only in Toledo that the capacity of the Conversos was filling the minds of the faithful with direful apprehensions of their ultimate triumph over their oppressors. While Siliceo was at work, the Inquisition was endeavoring to enforce the brief by which, in 1525, Clement VII had excluded them from the Observantine Franciscans. To the Suprema its fiscal represented that the unbridled licence of frailes of Jewish descent had prevailed to such an extent that they were elected as general and provincial ministers, guardians, vicars, procurators, visitors and other officials, to the oppression of the Old Christians of the Order, who were thus excluded from office, causing daily scandals and threatening worse. Valdés consequently ordered the brief to be published anew and observed everywhere under heavy penalties. Thereupon the General of the Order, Andreas de Insula, was incensed and, on the assumption that this had been instigated by Old Christian frailes, threatened to punish them severely. The Suprema therefore appealed to Julius III, reciting all this and pointing out the crafty and unscrupulous ways in which that unquiet race disturbed the peace of all bodies to which it found entrance, forming factions and aspiring to rule, with the object of ruining the Old Christians, thus opening the way to a return to Judaism and the destruction of Christianity. Julius responded favorably, in a brief of September 21, 1550, instructing Valdés to summon the General Andreas and all concerned to obey the decree of Clement, and granting him full powers to decide summarily the prosecutions proposed with a view to protect the Old Christians from molestation, using for the purpose whatever censures might be necessary.[1] It shows how indomitable were the Conversos that confirmatory briefs had to be procured from Gregory XIII and Sixtus V.[2] Yet again the Holy See manifested its inconsistency for, when the chapter of Seville, in 1565, petitioned Pius IV to confirm a statute of limpieza, he refused and condemned the Spanish practice as contrary to law and as upsetting the churches. Cardinal Pacheco defended it and described the evils wrought by the Jews, when Pius turned fiercely on him, saying that he would do as he thought best and that the Spaniards all tried to be popes.[3]

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[1] Archivo de Simancas, Inquisicion, Libro 79, fol. 8.—Bulario de la Orden de Santiago, Lib. I, fol. 119.

[2] Barrantes, Aparato para la historia de Extremadura, II, 181.

[3] Döllinger, Beiträge zur politischen, kirchlichen u. Cultur-Geschichte, I, 640.

When those who had the slightest taint of Jewish or Moorish blood were thus regarded as not only implacable enemies of the Christian faith, but as gifted with pre-eminent intelligence and craft, it became impossible for the Inquisition to consider them as fitted for its service. One would have expected it to take the initiative and the only subject of surprise is that it should have been so late in adopting for itself the rule which it was enforcing on other bodies. Discrimination may have been exercised in special cases but, till the middle of the sixteenth century, there is no trace of any systematic adoption of limpieza as a test. A carta acordada of July 20, 1543 and a decree of Prince Philip in 1545, respecting the numbers and character of familiars, are silent as to this as a qualification.[1] The first allusion to it that I have met occurs in a commission issued to Francisco Romeo as scrivener of confiscations in Saragossa, signed April 16, 1546, by the inquisitor-general, but not countersigned by members of the Suprema until July 9th, "after the inquisitors of Aragon had ascertained the limpieza of the said Francisco Romeo."[2] A step forward is seen in the instructions issued by the Suprema, October 10th of this same year, in which it ordered that no familiar be received until it is ascertained that he is an Old Christian.[3] Still this was rejected as a general principle for, when the Córtes of Monzon, in 1547, complained that Moriscos were appointed as familiars, the answer of the Suprema was a formal declaration that the Inquisition regarded as capable of holding office all who had been baptized and who lived as Christians, except heretics or apostates or fautors of heretics.[4]

This vacillation continued. A number of appointments subsequent to that of Romeo have no allusion to limpieza until 1549, when, on April 8th, Valdés enquires of the inquisitors of Barcelona whether Gerónimo de Torribos, candidate for the receivership, possesses the qualifications of limpieza and habits required in officials, and whether there is anything connected with his wife to prevent his appointment. So, on April 8th, when Moya de Contreras, inquisitor of Saragossa, proposed to employ commissioners of the Cruzada, Valdés emphatically negatived the suggestion, giving, among other reasons, the fact that the officials of the

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 172.—Nueva Recop. Lib. iv, Tit. i, ley 18, cap. 2.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 154.

[3] Ibidem, Lib. 926, fol. 33.

[4] Ibidem, Lib. 922, fol. 15.

Cruzada were not "tan limpios de sangre." Yet, in an order of October 8th of the same year to the tribunal of Cuenca, remodelling its familiars, there is no allusion to the necessity of limpieza.[1]

This uncertainty continued yet for a while, of which further instances could be cited, but a decisive step seemed to be taken when Philip, in instructions of March 10, 1553, concerning the Concordia of Castile, prescribed that all familiars must be Old Christians and yet a carta acordada of March 20th on the same subject makes no allusion to such a condition.[2] The tribunals appear to have been somewhat slack in conforming their patronage to the new regulation. December 23, 1560, the Suprema felt it necessary to order that all familiars must be married men and *limpios*.[3] When the inquisitor-general made an appointment and required the inquisitors to certify to the limpieza of the nominee, they would do so, as appears from the commission of Bernaldo Mancipi, as assistant notary of sequestrations in Barcelona in 1561, but in this same year Inspector Cervantes reported that they paid no attention to it in their appointments of commissioners, consultores and familiars, a negligence which continued for, in 1568, the Suprema was obliged to rebuke them for it.[4] This is scarce surprising when Philip II himself, in 1565, had issued a series of conciliatory instructions regarding the Moriscos of Valencia, in which he ordered that their leading men should be made familiars.[5]

Thus far there does not seem to have been any definite system adopted as to verifying limpieza. The statute of Toledo required aspirants to furnish genealogies and deposit money for expenses and this was probably the common plan. In 1557 we are told of Beltran Ybañez de Arzamendi, appointed alguazil in the tribunal of Sardinia, that the examination of his paternal genealogy was made in Valencia and of his maternal in Calahorra, the birth-places of his respective parents,[6] but doubtless much of this was perfunctory. It was evidently felt that the highest authority must be invoked to prescribe a settled system and

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 170, 171, 173; Lib. 79, fol. 30.

[2] Ibidem, Lib. 939, fol. 66; Sala 40, Lib. 4, fol. 172, 203, 208, 215.

[3] Ibidem, Lib. 939, fol. 148.

[4] Ibidem, Sala 40, Lib. 4, fol. 267; Visitas de Barcelona, Leg. 15, fol. 2, 20.

[5] Danvila y Collado, Expulsion de los Moriscos, p. 169.

[6] Archivo de Simancas, Sala 40, Lib. 4, fol. 226.

Philip II was called upon for this. In 1562 he accordingly issued a decree in which, according to custom, antiquity was claimed for innovation, for it recited that, since the Inquisition had been founded in Castile and Aragon, all inquisitors and officials appointed by the inquisitor-general had been required to furnish genealogies to prove that there was no trace of descent from Jews or Moors, or from those condemned or penanced by the Inquisition. The king therefore ordered that all appointees, in tribunals of the kingdoms of the crown of Aragon and of Navarre, and of Logroño, should furnish satisfactory proofs of limpieza, even though they might hold canonries or churches or be members of Orders which required limpieza. Moreover married men were obliged to furnish proofs of the limpieza of their wives and those already in office were to be dismissed if there was defect of limpieza in the wife. These rules were to be embodied in the Instructions and were to be inviolably observed.[1] Undoubtedly a similar order was issued for Castile and the utterance is important as embodying the first absolute demand for proofs of limpieza and as marking the extravagant extension of the rule to wives.

This royal cédula was interpreted as applicable to existing incumbents, and investigations as to their genealogies were set on foot, with the intention of weeding out at least the familiars who were not limpios. Several efforts had already been made to this effect after the Castile Concordia of 1553, without apparent result, and it was now undertaken again with instructions that, if any were found to be Conversos, they were to be dismissed without assigning a reason.[2] It was a work ungrateful both to the investigators and investigated and dragged along in the most perfunctory fashion. Cartas acordadas in 1567 and 1575 called for lists of those who had been investigated and those who had not and, when it came to taking action, the habitual tenderness manifested toward officials was displayed in orders issued in 1572 and again in 1582 that if any officials, commissioners or familiars, were found lacking in the requisite qualifications, they were to be reported to the Suprema without dismissing them.[3]

As a matter of course the test was applied to all new appointments and no one was admitted to office in any capacity in the

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 226.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 215; Lib. 939, fol. 148; Lib. 942, fol. 21.

[3] Ibidem, Lib. 942, fol. 24; Lib. 939, fol. 141, 148.

Inquisition who was not free from the *mancha* of Jewish or Moorish blood or of ancestral punishment. Even for temporary employment, limpieza was essential. In his visitation of the Canaries, in 1574, the Inspector Bravo de Zayas brought an accusation, against the Inquisitor Ortiz de Funes, of appointing officials without preliminary investigation, the cases being two emergency appointments to fill temporary vacancies, and the appointees being *montañeses*, or highlanders from the northern provinces of Spain, where purity of blood was presumable—to say nothing of the fact that an investigation would probably have consumed a year or two.[1] Yet this was but the natural expression of the infatuation which had taken possession of Spain. In 1595, Philip II, in his instructions to Manrique de Lara, lays especial stress on the importance of limpieza. Investigation as to this and as to habits must be made with the utmost rigor and no dispensations must be granted. No examinations are to be made before the party is selected, because otherwise, if he is not appointed owing to other reasons, it may be ascribed to a *mancha* and thus undeserved infamy be cast upon an entire kindred.[2] Strangely enough, however, the inquisitor-general himself was never required to furnish proofs of purity of blood.[3]

Unfortunately, in the craze for absolute limpieza, no limit was set to the number of generations through which the taint could be carried. The canon law, as we have seen, limited disabilities to grandchildren and, in 1573, Leonardo Donato describes the rule as extending to what were called the four quarters, that is, the parents and the four grandparents, and in this moderate shape he says it was the cause of constant strife and of preserving the old Judaizing memories.[4] In this, however, he greatly understated Spanish craving for purity of blood. We have seen the Córtes of Castile, in 1532, petition that it should be satisfied with great-grandparents, indicating that it was carried beyond this, and Siliceo's Toledo statute affixed no limit. Each body, it is true,

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[1] Archivo de Simancas, Inquisicion, Canarias, Expedientes de Visitas, Leg. 250, Lib. 3, fol. 11.

[2] Ibidem, Lib. 939, fol. 271. In spite of Philip's prohibition, dispensations were not unknown. In 1615 the Suprema orders Valencia to give his commission to Don Juan Zanoguera and "que no le obstase ser descendiente de Judios."—Archivo hist. nacional, Inquisicion de Valencia, Leg. 6, n. 2, fol. 11.

[3] MSS. of Royal Library of Copenhagen, 218[b], p. 339.

[4] Relazioni Venete, Serie I, T. VI, p. 405.

could prescribe its own rules, but the more important ones discarded all limitations and refused admission to those against whom a stain could be found, however remote. In 1633 Escobar informs us that among these were included the Inquisition, the Orders of Santiago, Alcántara, Calatrava and St. John, the church of Toledo and all the greater colleges and universities, including that of Alcalá; these all required the most rigorous investigation to trace out the slightest *mancha* in the remotest grade of parentage.[1]

There were two sources of descent which caused impurity of blood—from an ancestor of either of the proscribed races, or from one who had ever been penanced by the Inquisition. As regards the former, the line was drawn at the massacres of 1391 for Jews and at the enforced baptisms of the early sixteenth century for Moors. Voluntary converts, prior to those periods, were accepted as Old Christians, the subsequent ones were considered as unwilling converts and were regarded as New Christians, together with their descendants, no matter how zealously they had embraced the Christian faith. The prevalence of intermarriage with Conversos throughout the fifteenth century had led to infinite ramifications throughout the land in the course of generations and, about 1560, Cardinal Mendoza y Bobadilla, apparently moved by some discussion on limpieza, drew up and presented to Philip II a memorial in which he showed that virtually the whole nobility of Castile and Aragon had a strain of Jewish blood.[2] There was no lack of material for tracing the dissemination of this blood through the land. In Aragon, Juan de Anchias, the zealous secretary of the first Saragossa tribunal, compiled what was known as the *Libro Verde de Aragon*, giving the affiliations of all the leading Conversos who had suffered, so as to serve as a beacon for all who desired to avoid contamination. In Castile there was no such authoritative publication, but the records of the tribunals had accumulated ample material, and the sanbenitos of the relaxed and reconciled, hung in the parish churches, kept the memory of the sufferers green, to the discomfiture of their

[1] Juan Escobar de Corro, Tractatus bipartitus de Puritate et Nobilitate probanda, P. II, Q. iv, Art. 3, n. 1–2 (Lugduni, 1633).

[2] This little work came to be known as the *Tizon de la Nobleza*, or Blot on the Nobility. It was largely circulated in MS. and I have a MS. translation in French, showing that it was appreciated on both sides of the Pyrenees. It was finally printed in Barcelona, in 1880.

descendants. Many individuals, moved by zeal or by malignity, from these and other sources, with greater or less exactness, and including much that was mere idle hearsay, compiled books which were circulated under the name of *Libros verde* or *del Becerro*. No one of the upper or middle class, except in the remote mountainous districts of the North and East, could feel secure that investigation might not reveal some unfortunate *mésalliance* of a distant ancestor. In fact, only those could feel safe whose obscurity precluded any prolonged research into their ancestry. As a writer remarks, in 1629, if it were not for limpieza the Inquisition could select the best men for familiars, in place of appointing the low-born whose ignorance enables them to pass the examinations successfully.[1]

The second source of impurity—descent from one penanced by the Inquisition—originally applied only to those who had incurred the heavier penalties of relaxation or reconciliation, but there was nothing to check the scrupulosity of the examiners, who worked in secret, and they came to regard any penance inflicted by the Holy Office as affixing an indelible stigma on the descendants. The results of this are forcibly described in a memorial presented, in 1631, to Philip IV by Doctor Diego de Sylva, a member of the Suprema. After alluding to the greatly increased rigor of investigation, dating from the later years of Philip II, he proceeds to state a further source of wrong only appreciable by one who has handled the records of the Inquisition, and not to be openly mentioned. In contrast to the exquisite justice and benignity which he ascribes to the existing tribunals, the proceedings in the earlier period were hurried and violent; many to save their lives made confessions which may have been groundless; whole districts were reconciled rather as a spiritual than a judicial process; in that dangerous period careless words and propositions created suspicion, and people were tried and dismissed with some trivial penance—a few masses, some alms-giving or a light fast—for offences belonging really to the exterior forum. Yet all these were sentences and, as there has since grown up the rule requiring immemorial limpieza, whole families are branded with infamy.[2] As, in fact, since the Reformation, the Inquisition had grown more and more exacting and had inflicted on Old Christians innumerable penances for careless words, it is

[1] Tratado de los Estatutos de Limpieza (Bibl. nacional, MSS., Q, 418).

[2] MSS. of Bodleian Library, Arch. Seld. A, Subt. 11.

easy to conceive how this rigorous definition of limpieza spread infection throughout the land, even outside of those who had a drop of Jewish or Moorish blood.

These evils were aggravated by the looseness with which adverse testimony was admitted in the investigations. Anonymous communications were received and acted upon, for, although this was prohibited by law and by papal briefs, these were commonly disregarded.[1] In a decree by Philip IV, in 1623, designed to curb some of the evils, it was ordered that no weight be attributed to idle talk, but the diffuseness with which Escobar, in his commentary on this section, dwells upon the worthless character of scandal and idle gossip and angry words uttered in quarrels, shows how largely such evidence entered into the conclusions reached. Common fame or reputation, he tells us, suffices, even if the grounds for it be unknown, and purity or impurity of blood is for the most part a matter of common fame and belief.[2] That this was so is seen in an elaborate series of instructions for the conduct of such investigations, where the fiscal is warned that great weight is to be given to such expressions of opinion, even though the witness can offer no proof except that he has heard it from his elders.[3] The avenue thus opened to the malignant to gratify hatred is dwelt upon by the writer with too much insistance for us to question the frequency with which it was utilized.

This was facilitated by the secrecy which shrouded these investigations. The applicant put in his genealogy, named his witnesses and awaited the event. The process at best was a deliberate one and, if the result was unfavorable, the answer never came, though the failure to secure an appointment might arise from any other cause. As Doctor Sylva says, the silence and mysterious authority of the Inquisition will not give the slightest glimmer of light to the applicant, even through twenty years of suspense, though meanwhile the opinion gains ground that his family is impure, without his being able to rebut or investigate it, and thus a whole lineage suffers with all its kindred.[4] A glimpse into the anxieties thus caused is afforded by a consulta of February 26, 1634, from the inquisitor-general to the king, respecting a

[1] Tratado de los Estatutos de Limpieza (Bibl. nacional, MSS., Q, 418).

[2] Escobar, *op. cit.*, P. I, Q. iv, § 3, n. 55–6; Q. xii, § 2, n. 46–50; Q. xiv, § 4, n. 19; P. II, Q. ii, n. 85; Q. iii, n. 1 *sqq.*

[3] MSS. of Royal Library of Copenhagen, 218b, p. 402.

[4] MSS. of Bodleian Library, Arch Seld. A, Subt. 11.

memorial from the Marquis of Navarrez asking for a speedy decision for his son, Don Francisco Gurrea y Borja, who had put in his proofs for an appointment as familiar, as the delay is damaging to his reputation. The inquisitor-general reports to the king that no conclusion had been reached; perhaps the king may please to decide it, for the marquis has been in court for a long time pressing the matter, and the delay has brought upon him suffering and stigma.[1] The suspense endured by all the kindred, when one of its members decided to undergo the ordeal, is visible in a letter of 1636, from Fernando Archbishop of Cuzco to his nephew, the Coronel Jacinto de Vera, on learning that he was about to apply for admission to one of the military Orders. He gives him advice and information, and so important did he consider it that he had seven copies made, to be forwarded by different routes and vessels, and another member of the family wrote to Jacinto earnestly cautioning him not to let any eye but his own to fall upon the archbishop's letter.[2]

In the routine adopted by the Inquisition for these investigations, the applicant handed in his genealogy and, if married, that of his wife, giving the names and residences of parents and grandparents. If thorough search through the registers, by names and districts, revealed a fatal blot, that of course was sufficient. If not, commissioners or secretaries with notaries were sent from the tribunal, or the nearest commissioners were ordered to go to the places of residence, where from eight to twelve of the most aged Old Christians of good repute were summoned as witnesses, with precautions to prevent the interested parties from knowing who was called upon. The witnesses were examined under oath, on a series of printed interrogatories, as to their knowledge of the parties, whether they were descended from Conversos or from penitents, what were the sources of information and whether it was public fame and report. The replies were duly taken down and attested. If salaried officials or familiars were concerned, the results of the information were transmitted to the Suprema, to which were also referred doubtful questions and votes in discordia.[3] In a more perfected form, known as the *nueva orden*, in use in the seventeenth century, stringent additional precau-

[1] Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 89.

[2] Memorial hist. español, T. XVIII, pp. xxv, xxxii.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).—MSS. of Am. Philos. Society.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 141.

tions were taken to prevent the insufficient secrecy observed by officials which was supposed to deter witnesses from giving adverse evidence. A carta acordada of January 22, 1628, threatened excommunication and deprivation of office for this and, under subsequent regulations, all concerned were forbidden, under rigorous penalties, to reveal to any one, even to a minister of the Inquisition, any evidence taken or papers, or records, or even the name of a witness, so that the applicant should be kept in perfect ignorance of the progress of his affair.[1]

The commissioners were invested with full power to cite witnesses, to examine into sanbenitos suspended in churches, and to demand any papers bearing upon questions that might arise, whether these were in private hands or public archives, and, at their discretion, to make copies or carry away the originals, the owners of which were told that if they wanted them back they might apply to the tribunal. If a witness absented himself, a summons to appear before the tribunal was left with the parish priest to be served on him when he should return.[2] Evidently no family records were too sacred to escape these searching investigations.

All this, of course, involved expense and the fees earned in the work by the officials formed a welcome source of revenue. In 1625 the pay of notaries or secretaries was fixed at a *per diem* of sixteen reales.[3] This was subsequently raised for, in 1665, a statement of expenses in the case of Doctor Martin Roig, applicant for the position of consultor in Valencia, shows that the secretary was paid 30 sueldos a day and a local commissioner 20. This was only part of the cost, for every act and every blank filled in, every piece of writing bore its separate charge. The bill rolled up for him and his wife in Barcelona, for this unsalaried position, amounted to $955\frac{2}{3}$ sueldos and this was only the beginning. Similar researches were required in the tribunals of Valencia and Cuenca, which must have been still more costly, for the Barcelona report only occupied twenty-three folios, while that of Valencia was in ninety and one against his son Vicente was in a hundred

[1] Pedraça, Instruccion, para actuar los Comisarios (MS., Cuenca, 1667).—MSS. of Am. Philos. Society.

[2] Pedraça, *op. cit.*—This little work appears never to have been printed. My copy is beautifully engrossed with an elaborately illuminated armorial dedication to Inquisitor-general Nithard—evidently presented to him.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 1, fol. 367.

and eight. Two years later, in 1667, the affair was still dragging on.[1] It was a large price for the honor of an unpaid position, even if he proved successful. These extortions were multiplied as often as possible. In 1661, Juan Temprado Múñoz made his proofs as receiver of the tribunal of Murcia and of course this included his wife, but when, in 1667, their son Juan Temprado de Cereña desired an office in the tribunal of Barcelona, he had to go through the same process afresh, when the examination of the Barcelona registers alone cost him 546 sueldos. In addition to this the registers of Cuenca and Valencia had to be examined and evidence had to be taken in the home of his ancestors. This chanced to be in Roussillon, which was now French territory; there was war between the nations and, even in peace, France refused entrance to officials of the Inquisition, so the ingenious formality was devised of sending a commissioner to the border and examining there the requisite number of old men as witnesses. The evidence of course was valueless, but it gathered in the *per diem* all the same.[2] In time this *per diem* for the secretary was increased to 50 reales and, from one or two cases in 1815, it appears that it was a perquisite which the secretaries took in turns, and, when the commissioner nearest to the place of examination was employed, it was without prejudice to the secretary—that is, the

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[1] Libro XIII de Cartas, fol. 127–9, 187, 276 (MSS. of Am. Philos. Society). The preliminary bill of costs is as follows:—

Diligencias y comunicacion	4	(sueldos)
Auto de entrar en ellas	2	
Deposito y registro	4	
Comision, instruccion y interrogacion	12	
Al comisario de Cambrils, D. Tiladot, 10 dietas	200	
Su nuncio, las mismas	40	
Al Sr D. Martin Calderon (Secretario) 20 dietas	600	
De escriptura de 18 hojas, de letra muy metida	38.10	
Auto y comn para las diligencias	6	
Seguro de deposito	2	
Auto y remision al concejo	6	
Ajustar la quenta, libranza y registro	4	
	918.10	
Al contador por su derecho, 2 per 100	18. 9	
Al depositario " " "	18. 9	
	955. 8	

[2] Ibidem, fol. 246–7, 252.

commissioner who did the work received 30 reales a day, while the secretary took the other 20.[1]

In order to secure the payment of these fees, the applicant was required, when he presented his genealogy, to make a deposit, originally of 300 reales. As the business increased it became evident that a separate fund and separate accounts of these moneys must be kept and, in 1600, it was ordered that a special chest be provided, with two keys, one entrusted to the fiscal and the other to a secretary. Abuses crept in, effectively described in the memorial of 1623 to the Suprema, as a remedy for which a new official was created, known as the *Depositario de los Pretendientes*, who received and accounted for the deposits, charging two per cent. on the sums passing through his hands. This he remitted to the Suprema, for his office was salaried and he was relieved of the temptation of perquisites. The office was one of those put up for sale, for three or four lives, under Sotomayor.[2]

The whole business was provocative of fraud and perjury and bribery. Despite the well-meant efforts of the Inquisition to preserve the profoundest secrecy, the writers of the period are too unanimous in deploring the success of enemies in casting infamy on those they hated, for us to doubt that means were found to ascertain what was on hand and to abuse the opportunity. To the applicants the stake was too great for them to shrink from any means that promised success. Cases become not infrequent in the records of prosecutions for false-witness in matters of limpieza, showing that aspirants were not remiss in furnishing testimony to prove fraudulent claims.

Although, in 1560, Valdés humanely ordered that descendants of penitents, who committed perjury in getting up statements of limpieza, should not be prosecuted, this policy changed in 1577, when they were subjected to prosecution and in 1582 the thrifty plan was adopted of inflicting pecuniary penance.[3] This proved profitable, for the culprits were many, not only among aspirants

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 498.—Archivo de Simancas, Inquisicion, Lib. 559.

[2] Archivo de Simancas, Inquisicion, Lib. 926, fol. 22, Lib. 942, fol. 51; Lib. 979, fol. 32.—Lib. XIII de Cartas, fol. 62 (MSS. of Am. Philos. Soc.).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 226, 229, 239; Leg. 9, n. 3, fol. 240; Leg. 11, n. 2, fol. 113–14).

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 142.—MSS. of Royal Library of Copenhagen, 218b, p. 258.

to office but because limpieza was requisite in many careers, and the Inquisition took cognizance of all cases of perjury in this matter, whether it was concerned or not in the investigation. Thus, in 1585, Bernardino de Torres, a prominent citizen of Toledo, had occasion, in a suit, to prove his nobility and purity of blood, which he did with a number of witnesses. The tribunal had evidence in its records that, on both father's and mother's side, he was descended from Conversos who had been penanced, and it promptly prosecuted both him and his witnesses. Among them was the Regidor of Toledo, Diego de Paredes, who had likewise sworn to his own limpieza, although the records showed his descent from reconciliados in a time of grace. Altogether there were sixteen witnesses, the advanced age of most of them showing that old men found profitable occupation in testifying to their recollections. Bernardino himself was penanced in fifty thousand maravedís. Many of the witnesses were let off with perpetual disability to testify in such cases, but a hundred and thirty-six thousand maravedís were collected from the rest. A few other Toledo cases at the same time may be mentioned to show the various motives impelling men to these frauds. Gerónimo de Villareal desired to place his daughter in a convent where limpieza was required. The Licenciado Antonio de Olvera was about to emigrate to the colonies and wished to protect himself from insult. Hernando de Villareal had a son who proposed to take orders and another who aspired to an appointment as familiar. The records showed them to be descended from grandparents or great-grandparents who had been burnt or reconciled and they were duly punished.[1] The taint spread with every new generation and a large part of the population was heavily handicapped in life.

If there were frequent perjury and subornation of testimony it is not to be supposed that the seekers for limpieza hesitated to corrupt the officials who controlled their destinies, nor is it unreasonable to assume that many of the latter were accessible to bribery. The opportunities were tempting and they were freely exploited. An experienced writer, in 1648, describes this as the most troublesome business in the tribunals, leading to quarrels, which he hints arose between those honestly endeavoring to discharge their duty and those who had been bribed. The

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

fiscal is reminded that he must set his face like flint against all efforts to pass a genealogy in which there is a flaw, for the aspirants tempt the officials, there is collusion between them and forged documents are to be expected. The chief reason, he says, why commissionerships are sought is because of the opportunities thus afforded and, writing in Toledo, he declares that all the commissioners and notaries attached to that tribunal are untrustworthy and venal.[1]

It was natural that the evils with which this absurd cult of limpieza afflicted the land should arouse opposition and call forth suggestions to mitigate its hardships. The earliest writer who ventured publicly to urge a reform seems to have been Fray Agustin Salucio, a distinguished Dominican theologian. In 1599 he issued a brief tract, pointing out that practically all Spaniards, in the course of ages, had contracted some more or less infinitesimal impurity of blood and that, unless investigations were limited to some moderate period, such as a hundred years, only the lower orders, whose genealogies were untraceable, could escape the consequences. He tells us that both Pius V and Gregory XIII drew up briefs prescribing narrow limits to these investigations but that, on communicating their designs to Philip II, discussions arose as to the term, which proved so protracted that the briefs were never published. Philip himself became convinced of the necessity of some limitation and, towards the close of his reign, he assembled a junta, including Inquisitor-general Portocarrero (1596–99) which unanimously agreed to a term of a hundred years, but Philip's death caused the project to be dropped. Salucio's tract was promptly suppressed by Philip III, but it was reprinted, in 1637, by Fray Gerónimo de la Cruz with a verbose confutation. Yet, while he indignantly denied the aspersion on the limpieza of the nation, he was fully alive to the misery caused by the current practice and he urged a limitation of time, placing it at 1492, the year of the expulsion of the Jews.[2]

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[1] MSS. of Royal Library of Copenhagen, 218[b], pp. 398–401.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[2] Defensa de los Estatutos y Nobleza españolas. Destierro de los Abusos y Rigores de los Informantes (Zaragoza, 1637).

The tract of Fray Salucio was reprinted by Valladares in the Semanario erudito, Vol. XV.

At length Philip IV was induced, in a pragmática of February 10, 1623, to attempt some amelioration of existing conditions. Anonymous communications were to receive no attention and precision as to dates and persons was required in alleging punishment inflicted by the Inquisition. Witnesses were prohibited to testify as to common rumor unless they could allege reasons and details. Some tribunals, especially colleges, were so rigorous that they required not only proof of limpieza but also that no doubts had been expressed, whereby many families had been unjustly defamed through the malice so frequent in these matters, all of which was forbidden for the future. A significant clause pointed out that, in the early days, persons sometimes confessed to matters about which there was no other evidence and such confessions, unsupported by external proofs, were not to be prejudicial to their descendants. The practice of many persons in compiling books called "Libros verdes ó del Becerro," fabricated with no greater authority than their own malignity, was condemned, because they caused irreparable injury and injustice and disturbance of the public peace, seeing that many persons gave evidence based only on having read such books. Any one possessing books or papers calling in question the limpieza or nobility of others was therefore commanded to burn them under pain of five hundred ducats and two years of exile. Then, to place some limit on the multiplication of investigations, it was decreed that when there had been "tres actos positivos"—three positive decisions affirming limpieza or nobility—it should be deemed a proved and settled matter for the party involved and his lineal descendants, not thereafter to be called in question, provided always that the decisions were made, with full knowledge of the case by proper tribunals, which were defined to be the Inquisition, the Council of Military Orders, the Order of St. John, the four principal colleges of Salamanaca, the two principal ones of Valladolid and Alcalá and the Church of Toledo.[1]

Considering the acute perception of existing evils displayed in the preamble to the law, the slender restrictions imposed manifest the strength of the prejudices to be overcome. Slight as they

[1] Novis. Recop. Lib. XI. Tit. xxvii, ley 22.—Under this law Anchias's *Libro verde de Aragon* shared the fate of less authoritative compilations, but a copy escaped destruction in the Biblioteca Columbina of Seville, where it was discovered by Amador de los Rios and the greater part was published by his son, Rodrigo Amador de los Rios, in the *Revista de España*, 1885.

were, the Inquisition and the Council of Military Orders, after nominally accepting the law, proceeded vigorously to nullify the provision of the *tres actos positivos*. A writer, in 1629, tells us that they had succeeded in requiring regular investigations, in spite of the production of the three acts; they also held that these only related to parents and grandparents and that they were conclusive only as to the articles covered by them and not as to new points that would require fresh examinations and thus the fees of the officials and the anxieties of the applicants remained undiminished.[1] As regards the character of the testimony received, the secrecy of the procedure renders credible the assertion of Escobar, in his commentary on the law, that there was little if any improvement. There was some mitigation of rigor in an order of the Suprema, about 1645, that when an applicant could prove the *tres actos positivos* it was not necessary to push investigations as to his great grandparents. Somewhat halting was another rule promulgated in 1639, requiring submission to the Suprema of matters more than a hundred years old, before rejecting the applicant, but this was withdrawn in 1654.[2]

The futility of the system and its unfortunate influence are forcibly set forth by the writer of 1629, who tells us that those who succeed best in their proofs are the poor peasants, whose grandparents have been forgotten, and the great nobles, against whom no one dares to testify. The chief sufferers are the lesser nobility and gentlemen—too conspicuous for their ancestry not to be known and too powerless to exclude adverse witnesses. Everybody knows that he who has friends succeeds and that he who has enemies fails, irrespective of the truth, and thus the statutes wholly fail of their object. This is facilitated by the secrecy enabling the enemy to produce false witnesses and the accomplice to bribe and bring forward perjured testimony, so that it is notorious that in no other class of cases are the results so fallacious. In this way there has been created a sort of factitious nobility—that of limpieza—the possessors of which look down with contempt on the old nobility of the land.

Another evil of magnitude is the fearful waste of money. He who succeeds, after paying his agents for things too scandalous

[1] Tratado de los Estatutos de Limpieza, cap. 1, 16 (Bibl. nacional, MSS., Q, 418).

[2] MSS. of Royal Library of Copenhagen, 213 fol., p. 105; 218b, p. 193.

to be described, finds himself penniless, and he who fails has not money enough left to make another attempt; his proofs are destroyed and he hangs around the court, wasting his life and perhaps that of his father and sons, and all this under the ban of being infamous—he and his latest posterity.

The damage to men's honors is incredible and also to the kingdom, for strangers call us all Marranos. Moreover those whose talents would be of great service to State and Church are lost to us, for they have not confidence to seek to enter a college and, what a base cobbler can risk and gain, those who are noble and ambitious fail in, because there may be a single drop of tainted blood in their veins. It is also one of the causes of depopulation, for women enter nunneries and men remain celibates rather than inflict infamy on descendants, while large numbers emigrate. Besides all this are the hatreds arising from adverse testimony and the infinite bribery and collusions and perjury, so that Satan has no greater source of winning souls. It is not required for an Archbishop of Toledo, but it is insisted on for the beadle of his cathedral; it is not demanded for an inquisitor-general, but for the messenger of a tribunal; not for the President of Castile, but for a familiar or the purveyor of a college.[1]

This is not exaggeration, for it is merely an amplification in detail of the preamble of the pragmática of 1623 and is fully borne out by Escobar in his commentary on the law.[2] That in fact it was the conviction of all sober-minded and thinking men of the period may be gathered from the emphatic testimony of Fray Benito de Peñalosa, though he does not venture to suggest a remedy more radical than restricting the effect of impurity of blood to five generations.[3]

The effects of this proscription were manifold. As early as 1575, Lorenzo Priuli, the Venetian envoy, describes the descendants of the Conversos as living like other good Christians and being among the richest and noblest of the land, yet perpetually incapacitated from the honors and employments which were the ambition of every Spaniard—an evil which was increasing every day. Thus Spain, being full of discontented persons and divided in itself, some rising would be feared but for the severe execution

[1] Tratado de los Estatutos de Limpieza, cap. 2, 3 (Bibl. nacional, MSS., Q, 418).

[2] Escobar de Purit. et Nobil. probanda, P. II, Q. 1, Gloss. viii, n. 20.

[3] Cinco Excelencias del Español, fol. 98 *sqq.* (Pamplona, 1629).

of justice and the presence of the king. In 1598, Agostino Nani repeats the assertion—the descendants of all, who have at any time been punished by the Inquisition, live in a state of despair for, to the third and fourth generation they are regarded as infamous and incapable of any office in Church or State.[1] Navarrete does not hesitate to suggest that, but for the exclusion from public life of all but Old Christians of purest lineage, the fatal necessity of the expulsion of the Moriscos might have been averted: they might have been Christianized had they not been driven to desperation and hatred of religion by the indelible mark of infamy to which they were subjected.[2]

In fact, the statutes of limpieza created a caste of pariahs who infected all with whom they might form alliances, but the caste was not recognizable by exterior signs and no one could tell what corruption of blood he might entail upon his family by any marriage that he might contract. As Fray Salucio says, no one, entering into wedlock, could make the investigations required by the colleges and the Military Orders. Thus the infection was constantly spreading; every man stood upon a mine which might explode at any moment when some distant kinsman of his own or of his wife might provoke an investigation during which a taint might be discovered in the common line of ancestry. When we recall the history of the Conversos anterior to the sixteenth century and the enormous operations of the early Inquisition we can conceive how this indelible stain must have spread throughout society, to be revealed at any moment in the most unexpected places.[3] A writer in 1668 reflects the popular prejudice when he compares a marriage with a man whose father has been penanced by the Inquisition to sleeping in a bed full of lice or in sheets that have been used by one who has the itch.[4]

Another result was greatly to increase the authority of the Inquisition and the terror which it shed around it, by the fact that at a word it could inflict this undying infamy upon a lineage. To be arrested and cast into the secret prison, even without

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[1] Relazioni Venete, Serie I, T. V, pp. 242, 451.

[2] Navarrete, Conservacion de Monarquias, pp. 51–3 (Madrid, 1626).

[3] Fray Salucio does not exaggerate when he says "No hay peste en el mundo tan contagiosa, y el ayre de ella sola basta á inficionar y donde entre la mancha no es posible que salga; y poquita levadura corrompe toda la masa" (Semanario erúdito, XV, 172).

[4] Francisco Santos, El No Importa de España, p. 175 (Madrid, 1668).

cause, was sufficient. In 1601, Philip III, when instructing the Inquisition to furnish to the Council of Military Orders full information as to any one, when called upon, required the report to include, not only the imprisonment of an ancestor subsequently acquitted, but even the fact of an accusation never acted upon.[1] It can readily be understood that even a summons to appear, in a matter not of faith, was felt acutely through a whole kindred. In the long struggle at Bilbao over the *visitas de navios*, the corregidor Mendieta took an active part against the commissioner Leguina who, to silence him, caused him to be cited by the tribunal of Logroño. This caused intense excitement and the Señorio of Biscay had him accompanied by two caballeros. When he demanded to know the charges against him, there were none forthcoming and he was dismissed. The affair was regarded as so serious that the Council of State presented a consulta to the queen-regent in October, 1668, setting forth that the citation might lead to the disgrace of his family and posterity and suggesting that some relief should be found for him.[2]

All this is of supreme importance in estimating the benignity and mercy of which the Inquisition was constantly boasting. The sentences rendered may frequently appear to us trivial, but the penance was the smallest part of the penalty. Villanueva, as we have seen, was condemned merely to abjure for light suspicion of heresy and to a few years' absence from Madrid, but that cast disgrace upon his whole kindred; he and his descendants fell into the class of pariahs and could form no alliance outside of that caste; through generations they were branded with an ineffaceable stigma. To Spanish *pundonor* the scaffold were merciful in comparison. The mercy of the Inquisition was more to be dreaded than the severity of other tribunals and men might well beware of incurring the enmity of those who could at discretion consign them and their posterity to infamy.

The limpieza test survived the Revolution and purity of blood was as essential under the Restoration as under the old monarchy, but there was some relaxation of rigidity. Thus, if a man and wife proved their limpieza, it sufficed for their children, only a legal certificate of baptism being required, and in the same way the proofs presented by one brother answered for another on his

[1] Archivo de Simancas, Inquisicion, Lib. 926, fol. 293.
[2] Ibidem, Lib. 43, fol. 131.

furnishing evidence of their common paternity.[1] A couple of years was also allowed to appointees in which to put in their proofs, and there is even a case of secretaries admitted without proofs, but with a warning that it would not be allowed again.[2] In the extreme penury of the time the Suprema imposed a fee, for its own benefit, of 60 reales on every investigation, which the receivers were required to collect and to remit yearly.[3] It was also in receipt of the two per cent. levied by the *depositarios de los pretendientes*, and one of its last acts was the acknowledgement, February 10, 1820, of 360 reales remitted by the depositario of Seville, which would show that 18,000 reales had passed through his hands.[4] The part of the business which fell to the Suprema was not large. Its first certificate is dated January 3, 1816 and the last one January 4, 1820, the whole number being only one hundred and eight.[5] From these certificates it would appear that the investigation was scarce more than a formality.

The demand for limpieza survived the Inquisition, though with its closure it is not easy to conjecture where any serious proofs could be found. Up to 1859 it was still requisite for entrance into the corps of cadets but, in 1860, the Córtes unanimously abolished this survival of prejudice and intolerance.[6]

Yet there is still a corner of Spain where that prejudice has proved superior to law. We shall have occasion hereafter to refer to the terrible persecution of the Judaizing New Christians of Majorca, in 1679 and 1691. Padre Francisco Garau, S. J., who promptly printed an exulting account of the four autos de fe celebrated in the latter year, tells us that the descendants of Conversos formed a community of some two hundred families, living huddled together in the *calle* and apart from the rest of the population, for there never was intermarriage between them and the Old Christians. The people called them Jews and, on their complaining of this, an offensive nick-name was speedily invented and they were termed *chuetas* in allusion to their avoid-

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[1] Archivo de Simancas, Registro de Genealogías, n. 916, fol. 10, 22, 23, 29.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 17, n. 4, fol. 19, 39, 101.

[3] Archivo de Simancas, Inquisicion, Lib. 559. [4] Ibidem, Lib. 435[2].

[5] Ibidem, Registro de Genealogías, n. 916. As a matter of possible interest I insert in the Appendix the certificate issued, May 24, 1816, to Fitz-James Stuart, Duke of Berwick and Alva, to enable him to take office in the Inquisition.

[6] Taronji, Estado religioso etc. de Mallorca, p. 278.

ance of pork. They were not allowed to hold public office, although great efforts, supported by the government, were made by the wealthy and influential among them. The same proscription was exercised by the guilds and brotherhoods, especially by the surgeons, confectioners, candle-makers, grocers and silk-weavers, so that they were virtually all traders.[1] Thus there was a solid foundation of inveterate prejudice which was stimulated, in 1755, by the malicious reprint of Father Garau's book, followed by the circulation of lists, furnished by the secretary of the tribunal, of all Conversos punished by the Inquisition, comprising all the families of Jewish extraction. This caused a recrudescence of ill-feeling, and complaint was made to Carlos III, who responded in cédulas of December 10, 1782, October 9, 1785 and April 18, 1788, ordering that they should not be impeded from residing in any part of Palma or of the islands, that the entrance-gate of the *calle* should be destroyed, and that insults or calling them Jews or *chuetas* should be punished with four years of presidio. They were declared fit for service in army or navy or any other department, and free to exercise all arts and trades, and all this was extended to the descendants of Conversos throughout Spain.[2]

Yet even an autocratic monarch could not overcome prejudices so deep-rooted. Church and State in Majorca had bitterly opposed the appeal to the throne and had succeeded in postponing action for ten years. The University, in 1776, had revived its statute of limpieza and had closed its doors to the proscribed class. When the royal decrees came they provoked warm opposition on the part of the municipal authorities who resolved not to yield obedience. It was the force of events rather than the growth of tolerance that gradually brought relief. In 1808, when the nation rose against the French, they were admitted to military service, but when the local levies were ordered to the mainland, there was a mutiny in which the *barrio del Segell* was sacked.

After the reaction of the Restoration, under the revolution of 1820 they were enrolled in the National Guard, but when came the counter-revolution of 1823 they were disarmed and the rabble promptly sacked their houses and made bon-fires of what was too cumbrous to steal. After the death of Fernando VII the

[1] Garau, La Fee triumfante, en quatro autos celebrados en Mallorca, por el Santo oficio de la Inquisicion, pp. 158, 161–3 (Ed. 1755).

[2] Novis. Recop. Lib. XII, Tit. 1, ley 6.

enforced constitutionalism of the Cristina government restored them practically to citizenship and military service and gradually their exclusion from civil office disappeared.

Popular aversion however was not to be overcome by statute. It was rekindled, in 1856, by a suit brought to establish their right to membership in the Circulo Balear, or Balearic Club, which led to republication of the essential portions of Father Garau's book. This was answered, in 1858, by Tomás Bertran Soler, from whom we learn that the New Christians were still excluded from Christian society and continued to dwell in the *calle;* they were refused all public offices and admission to guilds and brotherhoods so that they were confined to trading; they were compelled to marry among themselves, for no one would contract alliance with them, nor would the ecclesiastical authorities grant licences for mixed marriages. Since then there has been some abatement of popular prejudice, but the latest accessible view of the situation, in 1877, by Padre Taronji, a priest of the proscribed class, represents the clergy as still obstinately impervious to all ideas of extending fellowship to their fellow-believers and as busily fanning the dying embers of class hatred, based on events two centuries old.[1]

Wise statesmanship in Spain would have sought the unification of the races within its borders. In place of this, race hatred was stimulated in the name of religion, with the deplorable results recorded in Spanish history.

[1] Taronji, Estado religioso y social de la Isla de Mallorca (Palma, 1877).—Soler, Un Milagro y una Mentira (Valencia, 1858).

BOOK V.

RESOURCES.

CHAPTER I.

CONFISCATION.

When the Inquisition was established it was expected to be not only a self-sustaining institution but a source of profit. To what extent the anticipation of gain, by seizing the substance of their subjects, may have influenced Ferdinand and Isabella, in adopting this method of vindicating the faith, it would be useless now to enquire, but they refused to permit any division of the spoils as in the older papal Inquisition of Italy. These were reserved to the crown and, when the first inquisitors were sent to Seville, in 1480, they were accompanied by a receiver of confiscations—a royal official whose appointment shows what were the expectations entertained. Yet the support of the Inquisition had to come out of the product of its labors; the basis of its finances was confiscation and the use which it made of its powers in this respect, whether for its own benefit or for that of the sovereign, exercised so large an influence on the prosperity of Spain that it demands a somewhat careful examination. Spoliation on such a scale, continued unremittingly for nearly three centuries, was a tremendous burden on the productivity of the most industrious class of the population. At the commencement, a very large portion of the accessible wealth of Spain was in the hands of the Jews and Conversos. By the expulsion of the former and the prosecution of the latter they were stripped of it. The marvellous persistence of the New Christians, their tireless activity and business aptitude, kept them incessantly at work making acquisitions which continued to render persecution profitable and contributed to maintain the institution which was laboring, with equal per-

sistence, for their destruction. It would not be wholly true to assert that the exhaustion of confiscations caused the inertia of the later decades of the Inquisition, but it unquestionably was a contributing factor.

The cruelty of confiscation was equal to its effectiveness. To strip a man, perhaps advanced in years, of the results of the labors of a life-time and to turn his wife and children penniless on the street was a severity of infliction which rendered the sparing of his life a doubtful mercy, and it was not without reason that the legists deemed it equivalent to capital punishment.[1] To the persecutor this was a recommendation, in addition to its financial advantages, and we can readily understand why it was enforced with such remorseless perseverance.

Confiscation as a punishment for crime was too settled a principle of the imperial jurisprudence for any jurist to call in question its propriety. As heresy was held to be treason to God, more detestable than treason to an earthly prince, the Church naturally adopted it as soon as, in the twelfth century, persecution became systematized. In 1163, Alexander III, at the Council of Tours, commanded all potentates to seize heretics and confiscate their possessions, and Lucius III, in his Verona decree of 1184, sought to divert this to the benefit of the Church.[2] Under the Roman law of treason, the property of a traitor was forfeited from the time when he first conceived his crime and this was applied to the heretic, whose earliest act of heresy was the date from which the fisc claimed his estate—a provision of much importance in the settlement of debts.

In Aragon, the introduction of the Inquisition in the thirteenth century rendered confiscation for heresy a matter of course. In Castile a more tolerant spirit, as expressed in the laws of Alfonso X, forbade it, so long as there were Catholic heirs or kindred; if there were none, the king inherited, subject to the right of the Church, if the culprit were a cleric, to claim it within a year.[3] This code however was not confirmed until 1348, by which time scruple had diminished, for Alfonso XI, followed by Henry III, confiscated to the royal treasury one-half of the possessions of

[1] Simancæ de Cathol. Institt. Tit. IX, n. 223.

[2] Constitt. 13, 15, 17 Cod. I, v; 2, 3, 4, 7, 8, 9 Cod. IX, xlix; 6, 7, 8 Cod. IX, viii.—Concil. Turon. ann. 1163, cap. 4.—Lucii PP. III, Epist. 171.

[3] Partidas, P. VIII, Tit. xxxvi, ley 2.

the convicted heretic.[1] It was reserved for Ferdinand and Isabella tacitly to accept the canon law in all its rigor, while diverting to the royal treasury all the proceeds. A contemporary asserts that they divided it into thirds—one for the war with the Moors, one for the support of the Inquisition and the third for pious uses,[2] but there is no trace of such allotment and we shall see that the crown made such use as it pleased of its acquisitions.

Strictly speaking, the Inquisition did not confiscate but merely pronounced the culprit guilty of that which implied confiscation, and it seems to have felt some hesitation as to assuming the responsibility. In the earliest trials that have reached us, there is no settled formula, either in the demand of the fiscal for punishment or in the sentences, confiscation being sometimes expressed and sometimes inferred and left for the alcalde to pronounce.[3] The Instructions of 1484 are silent as to confiscation in cases of the living but, in treating of prosecution of the dead, they order the heirs to be heard, so that the property may be confiscated and applied to the fisc of the sovereigns, and it is noteworthy that in sentences on the dead, immediately after this, the Instructions are referred to as though to shield the inquisitor from responsibility.[4]

There evidently was popular repugnance to this spoliation and no one wished to be responsible for it. Ferdinand, in a proclamation of October 29, 1485, declared that the confiscations were made by order of the pope, in discharge of his conscience and by virtue of his obedience to holy Mother Church.[5] It was probably owing to his instructions that the tribunals finally assumed the responsibility, as is seen in a sentence of July 8, 1491, in Saragossa, on the deceased Juan de la Caballería, where the king is ordered, in virtue of holy obedience, to take the property and hold it as his own.[6] Apparently all did not acquiesce promptly for we find

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[1] Ordenanzas Reales, Lib. VIII, Tit. iv, leyes 3, 4.

[2] Repertorium de Pravitate Hæret. s. v. *Divisio Bonorum* (Valentiæ, 1494).

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 137, n. 98; Leg. 138, n. 123; Leg. 140, n. 162; Leg. 153, n. 333; Leg. 154, n. 356.—Boletin, V, 404.

[4] Instrucciones de 1484, § 20 (Arguello, fol. 7).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 137, n. 98; Leg. 165, n. 551.

In Torquemada's supplementary Instructions of December, 1484, however, the system of confiscation in all its rigor is applied to those reconciled outside of the Time of Grace.—See Vol. I, p. 573.

[5] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 63.

[6] MSS. of Bibliothèque nationale de France, fonds espagnol, 81.

him, in 1510, ordering the inquisitor of Majorca, when pronouncing any one to be a heretic, to add at the end of the sentence that he declares the property confiscated and applied to the royal fisc and orders the receiver to take it, when the receiver is to do so in virtue of the sentence.[1] In accordance with this the official formula adopted bore that the tribunal found the culprit guilty of heresy and as such to have incurred excommunication and the confiscation and loss of all his property, which it applied to the royal treasury and to the receiver in the name of the king, from the time when he commenced to commit the crime of heresy. Or, if the offender was an ecclesiastic, it was applied to whom it lawfully belonged. This rather evaded the question whether confiscation was self-acting, but the *Fe de confiscacion*, given by the notary to the judge of confiscations, formally asserts that the inquisitors and Ordinary had confiscated the property to the king's treasury and by the sentence had applied it to his receiver in his name.[2] If any uncertainty remained, it was removed by a carta acordada of 1626, which ordered that, in all cases of formal heresy, the sentence should include confiscation for, if there was to be any mitigation, the granting of such grace belonged to the inquisitor-general.[3] The anterior date to which the confiscation operated was determined, under the Instructions of 1561, by the consulta de fe when voting on the sentence.[4]

The phrase, in the case of ecclesiastics, of adjudging the property to whom it legally belonged, was a recognition of the claims of the Church. What these were seems to have been open to question. Under the Partidas the Church had the right, if it put forward the demand within a year, but Ferdinand, in a letter of March 11, 1498, says he is told that he has a right to a third in such cases. Whence this was derived we are not told, but he established the rule and it remained in force as late as 1559 when two-thirds of the estate of Dr. Agustin Cazalla passed to the Bishop of Palencia who, however, transferred it back to the Inquisition.[5] This was probably a compromise, for the Inquisition had asserted its right to the whole, and Bishop Simancas,

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 120.

[2] Pablo García, Orden de Procesar, fol. 31, 43.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 1, fol. 371.

[4] Instrucciones de 1561, § 74 (Arguello, fol. 37).

[5] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 9, fol. 49; Llorente, Añales, I, 363; II, 15.

in 1552, had said that many hold that the property of clerics goes to the bishop, but the truer opinion, which had always been followed in Spain, was that it belongs to the fisc, for the use of the Inquisition.[1] The question, however, was not definitely settled for, in 1568, the Suprema called upon all the tribunals to report without delay what was their practice and what was their formula of sentence.[2] It was inevitable that any doubts should eventually be construed in favor of the Holy Office and, in the seventeenth century, the authorities assume as a matter of course that the confiscations of clerics enure to the tribunals, although the sentence still attributed them to whom they lawfully pertained. Forfeited benefices of heretics, however, were a papal perquisite, by decree of Paul IV, June 18, 1556 and this is cited, about 1640, as still in force in Spain.[3]

For awhile the confiscations were subject to another diversion. The feudal lords, who saw the property of their vassals swept into the royal maelstrom, grew restless and, although they do not seem to have put forth any legal claim, Ferdinand, in many cases, deemed it wise to pacify them with a grant of one-third of the confiscations made in their estates. The earliest grant of the kind that I have happened to meet is to the Infante Enrique, Duke of Segorbe, April 20, 1491.[4] These grants were subject to a deduction for the expenses of the trials, which led to a good deal of friction, as none of the parties concerned were over-scrupulous. If the grantee quarrelled with the receiver over the question of expenses he had a fashion, when the customary auction of the property was held, of announcing that he desired to bid and that nobody should bid against him. By this device the Duke of Bejar enforced a settlement in 1514 and again in 1517.[5] The experience of the Duke del Infantado shows how skilful were the officials in neutralizing these grants. In 1515 he obtained a grant of one-half of confiscations up to that time and one-third for the future, subject to expenses. Disputes arose as a matter of course and, in 1519, he prevented auction sales till he should be paid and, in

[1] Simancæ de Cath. Institt. Tit. ix, n. 91, 92.

[2] Archivo de Simancas, Lib. 942, fol. 25.

[3] Bibl. nacional, MSS., V, 377, cap. ii, § 13; cap. iii, § 9.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Locati Opus judic. Inquisitor. p. 473.

[4] Archivo hist. nacional, Inquisicion de Valencia, Cartas de los Reyes Católicos, Leg. 1.—Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 30, 37.

[5] Ibidem, Lib. 3, fol. 389, 391; Lib. 4, fol. 8.

1520, he compromised for two hundred ducats in settlement of claims up to that time and ten per cent. for the future, free of expenses.[1] It is safe to say that Ximenes was exposed to no such trouble in his settlements but, with his enormous revenues and his position as inquisitor-general, it would have better comported with his dignity to have abstained from procuring, in 1515, a grant of one-third of the confiscations made in his estates and in the Cazorla lands assigned for the expenses of his table.[2] With the gradual weeding out of the wealthier Conversos and the increasing expenses of the tribunals, the share of the feudal lords doubtless diminished until it was not worth contesting, for shortly after this period we cease to hear of this division of the proceeds.

Confiscation, as we have seen, was one of the invariable penalties of heresy under the canon law. The heretic was outside of the Church; if persistent he was relaxed and burnt; if he repented and professed conversion he was "reconciled" to the Church, but though he thus escaped death the forfeiture of his property remained. Reconciliation, as a rule, inferred confiscation. An exception to this was when a Term of Grace was published, usually of thirty or forty days, during which those who made full confession of their sins and gave full information about others were received to reconciliation, under promise of release from imprisonment and confiscation, but subject to public penance and giving as "alms" such portion of their property as the inquisitors should designate.[3] This was an abandonment by the king of the property which had become forfeit through heresy and was confirmed by a formal grant by him to them of what was lawfully his, empowering them to sell and convey a good title, which otherwise they could not do.[4] This did not apply to what the penitent suffered from the crimes of others, and thus children so reconciled could not claim estates forfeited by their parents. Outside of the Term of Grace there was no escape. *Espontaneados*—those coming forward spontaneously—after its expiration, had already forfeited all their possessions and, as it was explained, it was not the intention of the sovereigns to remit the penalty to them, save

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 446; Lib. 5, fol. 20; Lib. 9, fol. 18, 30.

[2] Ibidem, Lib. 3, fol. 427, 440.

[3] Instrucciones de 1484, §§ 3, 7 (Arguello, fol. 3, 4).

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 98.

when, in special cases, they might exercise clemency.[1] This covetous policy, which discouraged the repentant sinner, was continued until, in 1597, the Suprema ordered that espontaneados should be reconciled without confiscation.[2] Yet, in spite of this, when, in 1677, Alvaro Núñez de Velasco, came forward voluntarily to denounce himself and was reconciled, his sentence included confiscation.[3]

Occasional instances are met in which confiscation was spared on account of the extreme youth of the penitent, but I have been unable to find any formal rule to that effect and it seems to have been discretional with the tribunal. In 1501, at Barcelona, when Florencia, daughter of Manuel de Puigmija, was condemned to perpetual prison, it is said that her property was spared in view of her tender age. In the reconciliation, at Toledo, April 20, 1659, of Ana Pereira, aged ten, confiscation was included; in that of Beatriz Jorje of the same age, December 8, 1659, there is no allusion to confiscation and, in that of Diego de Castro, aged ten, December 8, 1681, it is stated that confiscation is omitted in view of his age.[4]

The enforcement of confiscation was a business matter, reduced to a thorough and pitiless system. The sufferers naturally sought to elude it and every possible means that experience could suggest were adopted to prevent the loss of the minutest fragment. When the accused was arrested, all his visible possessions were simultaneously sequestrated and inventoried. His papers and books of account were examined to ascertain what debts were owing to him, and he was at once subjected to an *audiencia de hacienda* in which he was interrogated under oath, in the most searching manner, as to all his property, his debts and credits, his marriage settlement, dowries or gifts to his children, their estates if they were dead, whether he had secreted anything in apprehension of arrest, and every detail that the circumstances suggested. Any failure to answer fully and truly was perjury, for which he could be punished, as occurred in the case of Louis de

[1] Instrucciones de 1484, §§ 8, 23 (Arguello, fol. 4, 8).

[2] MSS. of Royal Library of Copenhagen, 213 fol., p. 132.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[4] Carbonell de Gestis Hæreticor. (Col. de Doc. de la C. de Aragon, XXVIII, 120).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

Perlas, tried in Valencia for Lutheranism in 1552.[1] The most repulsive incident in this perquisition was the advantage taken of the terrors of approaching death, when the confessors of those who were to be executed in an auto de fe were employed during the preceding night in exhorting them to reveal any portion of property that might have escaped previous investigations. Thus, June 29, 1526, Fray Castell reported that Pedro Pomar, whom he had confessed during the night of the auto de fe "estando en el suplicio de la muerte" had revealed where certain account books could be found and also some debts due to him. So, December 21, 1529, Anton Ruiz, under the same circumstances, confessed to debts due to him which had eluded previous search.[2]

This prostitution of religion to the service of greed was exploited to the utmost. Excommunication was so habitually abused for temporal purposes that it was naturally resorted to, and all who concealed or held any property of a convicted heretic were subjected to it. In 1486 Ferdinand writes that certain notaries refuse to give copies of contracts passed before them, relative to obligations due to heretics, to which they must be constrained by censures and the invocation, if necessary, of the secular arm, and the same course must be taken with debtors refusing to pay what they owe.[3] October 17, 1500, he scolds some inquisitors for their negligence; those who know that they are suspected commonly hide their property or place it in the hands of third parties and "in this way those who hold such property become excommunicated to the great damage of their souls, for they continue under the censure and my fisc suffers, for the property escapes confiscation."[4] In 1645 a writer gives us the form adopted in such cases. If the fiscal thought that there was property of a confiscated estate concealed or debts due to it unrevealed, the tribunal issued an edict to be read from the pulpits, ordering under pain of excommunication every one holding such property, or cognizant of facts concerning it, to make it known to the com-

[1] MSS. of Royal Library of Copenhagen, 213 fol., pp. 123, 130; 218b, p. 389. —Modo de Proceder, fol. 65 (Bibl. nacional, MSS., D, 122).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 31, 299.—Proceso contra Ana Enríquez (MS. *penes me*).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. 1, n. 31, 33, 35, 40.

[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 96.

[4] Archivo de Simancas, Inquisicion, Lib. 1.

missioner or to the parish priest within three days. On the expiration of this term the priests were required to denounce from their pulpits all such persons as excommunicated and to be avoided by all Christians. Then, after three days more, followed the anathema, in its awful solemnities of bell, book and candle, with the imprecatory psalm, and invoking the wrath of Almighty God and the glorious Virgin his Mother and of the Apostles Peter and Paul and all the saints of heaven and all the plagues of Egypt on the wicked ones who were withholding its own from the Holy Office.[1]

This spiritual punishment did not exclude temporal. In 1671, Manuel Fernández Chaves, tried in Toledo for the "occultation" of confiscated effects, was fined in five hundred ducats and was banished for two years from Toledo, Pastrana and Madrid. When the concealment was for the benefit of a culprit, there was the additional charge of fautorship, as in the case of Gabriel de la Sola and Joseph López de Sossa, who secreted property of the latter's sister Beatriz and whose trial, in 1697, in Valladolid, lasted for two years.[2]

More effective, at least in the earlier period, when the press of business rendered minute investigation difficult, was the offer of heavy commissions to those who would furnish information as to confiscated property that had escaped the search of the receivers. This resulted in creating a gang of professional detectives and informers of whom a certain Pedro de Madrid, "delator," may be taken as the type. Under a provision of 1490 he was entitled to one-third of all the hidden property that he might discover, whether alienated or conveyed under other names or otherwise concealed. In 1494 he complained that this was not enough, in view of his heavy expenses, travelling to France, sharing with other informers, etc., whereupon Ferdinand agreed to give him one-half, and moreover to those who should furnish information he pardoned the offence committed by their knowing without revealing; the inquisitors were to remove the excommunication and all receivers were to comply with these instructions under penalty of a thousand florins.[3] Ferdinand however

[1] Modo de Proceder, fol. 79 (Bibl. nacional, MSS., D, 122).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Archivo de Simancas, Inquisicion, Leg. 552, fol. 52.

[3] Archivo hist. nacional, Inquisicion de Valencia, Cartas de los Reyes Catolicos, Leg. 2.

did not always play fair with these gentry. Under the stimulus of his fifty per cent., Pedro worked hard and successfully but, when in 1499 the account of a receiver who had settled with him came in for audit, Ferdinand ordered the payments to be disallowed for the present; Pedro ought not to have such large sums; his success was attributable to the negligence of the receiver rather than to his own activity and, in fact, it was a voluntary gift to him. A year later we find Ferdinand agreeing to let him have one-half of thirty libras that he had discovered and promising to determine what share he should have when other properties unearthed by him should be settled.[1]

The frequent allusions to these transactions in Ferdinand's correspondence show what an active business it was, both with professionals and volunteers, and Ferdinand was sometimes liberal in rewarding the zeal of the latter as when, in 1501, he made a gift to Don Antonio Cortes, his sacristan mayor, of a house and an oil warehouse in Seville, which Cortes had discovered to be the property of Beatriz Fernández, condemned to perpetual imprisonment, which had escaped the receiver.[2] This indicates that men of standing did not disdain to engage in this disreputable business, and it would seem that Juan de Anchias, the secretary of the Saragossa tribunal, to whom we owe the *Libro Verde*, gave up his office to speculate in it for, in 1509, we find him complaining that the receiver refused to pay him the one-third which he had been promised on certain discoveries and Ferdinand ordering the bargain to be carried out. There was no settled rate of commissions. About this same time Climent Roderes, of Barcelona, was only allowed one-seventh of the property recovered through his investigations, while the Majorca tribunal was authorized to offer twenty-five per cent. and, when the case seemed desperate, in 1514, Juan Martínez was encouraged by a promise of fifty per cent. to devote himself to looking up the concealments in Teruel and Albarracin, which were understood to be large.[3]

While doubtless the fisc, by thus stimulating detectives, recovered property which might otherwise have escaped, the system was one which invited collusion between them and the officials. Frauds of this kind were probably not uncommon for, in 1525, the

[1] Archivo de Simancas, Inquisicion, Lib. 1. [2] Ibidem.
[3] Ibidem, Lib. 3, fol. 23, 100, 121, 302.

Suprema complained of the abuses that had sprung up through the disregard by the receivers of their instructions. These were to be strictly observed and, in future, commissions must be paid only on property of which nothing had been known to the officials, and the informer must not be an official whose knowledge had been acquired in the discharge of his duties. Moreover the compensation was strictly limited to twenty per cent. of the amount realized through the information furnished.[1] This is the latest allusion that I have met with to this phase of the business; it evidently diminished with the falling off in the confiscations, though doubtless special transactions continued to occur, for it was inevitable that the victims should exhaust their ingenuity in the effort to save for their children some fragments of their possessions.

Cruel as was confiscation in principle, its enforcement by the older papal Inquisition was iniquitous to a degree which multiplied to the utmost its cruelty and power of evil. The forfeiture of property from the time when the first act of heresy had been committed was construed to invalidate all subsequent acts of the heretic, for he had lost his dominion over all his possessions. All alienations thus were void, all debts contracted and all obligations given were invalid and the prescription of time against the Church had to be at least forty years' possession by undoubted Catholics, ignorant of the former owner's heresy. Prosecutions of the dead, moreover, for which there was no limit, carried back to previous generations the claim of the Inquisition to upset titles. Thus in practice, when a man was adjudged a heretic, all debts due to him were rigorously collected, while all due by him were cancelled, and all real estate that he had sold was reclaimed. The only mitigation of this was a declaration, by Innocent IV in 1247, giving to a Catholic wife, under certain conditions, a life-interest in her dowry, expiring at her death, for her children were incapable of inheritance.[2]

It is pleasant to be able to say that, in time, some of the worst features of this all-grasping rapacity were softened in the Spanish Inquisition. Its early operations were so extensive and the commerce of the land was so largely in the hands of the New Christians, that we can readily imagine the general consternation

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[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] See the author's "Inquisition of the Middle Ages," I, 509, 522–4.

aroused by the strict enforcement of the canon laws which vitiated all alienations and stripped all creditors of their claims. It could lead only to wide-spread ruin and general paralysis of trade, and there doubtless arose a cry for relief which the sovereigns could not disregard. With a wise liberality, therefore, they consented to a partial abandonment of their claims, which is set forth in the Instructions of 1484, in a manner showing how fully they knew what were their rights. The clause recites that they could recover all alienations and refuse to pay all debts unless the proceeds could be identified among the effects of the confiscated estate, whether of those condemned or of those reconciled outside of the term of grace, but, out of clemency and to avoid oppression of vassals who had dealt with heretics, they ordered that all sales, donations, exchanges and contracts, prior to the year 1479, should be valid, if duly proved to be genuine. Attempts to take fraudulent advantage of this were declared punishable, in reconciled heretics, with a hundred lashes and branding in the face with a hot iron; in Christians, with confiscation, deprivation of office and penalties at the royal discretion.[1]

While there was substantial relief in this abandonment of the right to upset all transactions prior to the introduction of the Inquisition, yet it was retained with regard to all subsequent dealings and no man could know whether the banker or merchant or tradesman with whom he dealt might not soon fall into the hands of the Holy Office. It thus can readily be conceived how fatally credit was affected and what risks were encountered in the daily transactions of business. That there was difficulty in making the tribunals respect even this concession is visible in its promulgation anew by the Suprema in 1491 and again in 1502.[2] Cases, in fact, occur which show that the officials paid slender attention to it. Thus in 1499, Costanza Ramírez appealed to Ferdinand for property comprised in the dowry given to her mother, in 1475, by her grandfather Juan López Beltran, whose

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[1] Instrucciones de 1485 (Arguello, fol. 23–4). Attributed to 1484 in Archivo de Simancas, Inquisicion, Lib. 933.

This article is in the supplementary Instructions of December, 1484, but there it draws a distinction, limiting it to the reconciled and inferring that in those condemned the rigor of the law was enforced. There is also an article exempting the debts and alienations of those reconciled within the Term of Grace. See Vol. I, p. 573.

[2] Arguello, fol. 20, 22.

estate had been recently declared confiscated, and the king ordered its restoration if the statement was true. So, in 1509, the widow and wards of Johan Pérez de Oliva petitioned him for the release of certain houses which Oliva had bought in 1474 and which were now claimed as having been purchased from a condemned heretic.[1] Here was a perfectly legitimate transaction, thirty-five years old, which the Inquisition was endeavoring to set aside.

In the Instructions of 1484, prosecutions against the dead, including confiscation, were ordered, even if they had died forty or fifty years before. As it stands in the printed collections, this virtually postponed indefinitely the prescription against the Inquisition, as the transactions of the deceased might have extended anteriorly through forty or fifty years and, in fact, it was quoted, about 1640, as a proof that there was no prescription.[2] This however was a later additional severity for, in a MS. copy of the Instructions of 1484, there is a clause, omitted by the official compilers, to the effect that, if the heretic had died more than fifty years before the accusation was brought and, if the heirs or owners of the property had been good Catholics and had held it in good faith, they were not to be disturbed.[3] There is significance in this suppression and, under such a system, it is conceivable what a cloud hung over the titles of all property that had ever passed through the hands of a New Christian, and how poignant was the feeling of insecurity of its possessors.

In the struggle made by the kingdoms of Aragon against the oppression of the Inquisition the iniquities of confiscation were prominent. They were illustrated in the Córtes of Monzon, in 1512, by a special grievance which illustrates the working of the system. The local government had borrowed money and secured it by a censo or obligation given to Maestro Miro and Juan Bertran, who were condemned for heresy and the censo was demanded. The authorities showed that the censo had been paid off and the debt cancelled twenty-nine years before, but the receiver insisted on their paying it again because the heretical acts of Miro and Bertran were anterior and their release of the censo was therefore invalid. They petitioned Ferdinand for relief but he contented himself with ordering that

[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 42.

[2] Bibl. nacional, MSS., V, 377, cap. 2, § 15.

[3] Archivo de Simancas, Inquisicion, Lib. 933. This addition to § 20 is not in the Granada collection of 1537 nor in Arguello, fol. 7.

they should not be unduly oppressed, which left the matter open.[1] Still, one of the concessions granted in 1512 was that prescription of time should be reduced to thirty years; this was confirmed in Mercader's Instructions of 1514 and when, in 1515, the Catalans complained of its inobservance, Ferdinand ordered it to be maintained. Leo X went even further in his bull of 1516, confirming the Concordia of 1512 and, in that of 1520 this was defined as protecting from confiscation all property acquired in good faith from those not publicly noted for heresy even though they should subsequently be condemned and the prescription of thirty years had not expired. This was declared applicable to all pending cases and, to render it more emphatic, Charles V made a formal grant of all such property to the holders.[2] We have seen, however, how completely the Inquisition ignored this settlement, denying its authority and even its existence. Castile was no more successful for, when the Córtes of 1534 petitioned that possession for three years in the hands of Catholics should confer immunity from confiscation and that dowries of Catholic wives should be exempt, Charles flatly refused both requests.[3] Finally the question settled itself in the canonical prescription of forty years' undisturbed possession by orthodox Catholics, for this is what Simancas informs us was the rule. The old Instructions requiring longer possession, he says, had been abrogated and, although some authorities argued that five years sufficed, or at most twenty, these were not recognized by the tribunals.[4] How business adjusted itself to the risks attending all transactions with New Christians, we can only conjecture.

In one important respect the Inquisition mitigated the iniquitous harshness of the older institution by recognizing the claims of the creditors of the condemned heretic. This, however, was not the case at first and it would not be easy to exaggerate the general confusion and distress when it came to be understood that confiscation included the debits as well as the credits of the victims. The early extensive arrests were followed by the wholesale flight of those who felt themselves under suspicion;

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 338.

[2] Ibidem, Lib. 933.—Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 219.—Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, § 3.

[3] Córtes de los antiguos Reinos de Leon y de Castilla, IV, 589.

[4] Simancæ de Cath. Institt., Tit. IX, n. 133, 134.

flight was regarded as confession and the fugitives were condemned *in absentia* as soon as the necessary formalities could be despatched. The losses of the consequent confiscation of debits fell not only on individuals connected with their extensive transactions but on the public bodies and ecclesiastical establishments, the collection of whose revenues was largely in their hands. The conditions thus created are impressively reflected in the records of Xeres de la Frontera, where the municipal taxes were largely farmed to Conversos who had fled; the public funds had been in their hands and they were naturally in debt to the town as well as to churches and private persons. It would appear that all these obligations were calmly ignored by the Inquisition and the municipality appealed to the sovereigns who replied, December 6, 1481, that the matter had been referred to the Licenciado Ferrand Yañez de Lobon—the very commissioner who, for about a year, had been busy in enforcing the collections of the confiscations. This boded ill for relief; the documents do not reveal the outcome but, as all the efforts of the authorities only brought them in contact with the officials engaged in gathering the spoils, it is evident that the sovereigns did not propose to abandon their rights.[1]

We have seen that the Instructions of 1484–5, when recognizing the validity of transactions anterior to 1479, asserted absolutely the right of the fisc to refuse payment of debts and made no concessions as to those contracted subsequently to that period. At the same time a clause concerning claims made by nobles, who had received fugitives in their lands, shows that the Inquisition felt the matter to be within its discretion.[2] The earliest positive admission that I have met of an obligation to pay debts due by a confiscated estate is an order by Ferdinand, May 12, 1486, to Alfonso de Mesa, receiver at Teruel, that wages due in good faith by heretics to their Moorish servants, are to be paid—but this may perhaps be attributable to the special preference allowed to servants' wages by the laws of Aragon.[3] Various contradictory decisions illustrate the uncertainty hanging over the matter at this time, and it is clearly manifested by two letters of Ferdinand, evidently drawn up for him by his unscrupulous secretary Calcena. The first of these, March 6, 1498, relates to the Castillo de

[1] Padre Fidel Fita (Boletin, XV, 317–23). [2] Arguello, fol. 24.

[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 96.—Fueros de Aragon, fol. 119, 193 (Zaragoza, 1624).

Calanya, which Calcena had obtained from the confiscated estate of Johan Benete and against which certain parties held censos (ground-rents) and other claims. The king is made to order the receiver to suspend action, because the debts had been contracted after Benete had committed acts of heresy. The other letter, March 11, 1498, reiterates an order of August 29, 1497, to a receiver to pay out of the sequestrated property of Antoni Cones a hundred ducats which Calcena had lent him and to pay him before any other creditors.[1]

By this time however the claims of creditors were beginning to be officially recognized. The Instructions of 1498 give detailed orders as to surrendering property belonging to others, and promptly paying debts clearly due out of sequestrated estates and, when confiscation was pronounced, a proclamation was to be made to all claimants to present their claims within a designated time, which in 1499 was fixed at thirty days, while no property was to be sold until the claims against it had been determined.[2] Yet, in spite of this, the rights of creditors were admitted with difficulty by the receivers and numerous instances occur in which they were obliged to appeal to Ferdinand. As late as 1515, Margarita Dartes, wife of Doctor Francisco Dartes, assessor of the Valencia tribunal, complained that in 1499 she had bought a censo secured on a house of Aldonza Cocarredes; Aldonza had now been relaxed and Aliaga, the receiver, refused to recognize the censo because it had been created after she had committed heresy. Ferdinand admitted the validity of this argument and said that, in the rigor of justice, she had lost her claim but, in view of the fact that her husband had been in the service of the Inquisition since its foundation, he ordered it paid as a favor.[3]

An examination of the records of the Valencia court of confiscations, in 1531 and 1532, evinces on the whole an evident desire to administer the law rigidly, whether in favor of or against the fisc. Among the claimants were a number of serving women for wages, which were always allowed, although the court exercised somewhat arbitrary discretion in cutting down the amounts.[4] Gradually the honest policy prevailed and, in 1543, the Suprema

[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Arguello, fol. 12, 18, 20.
[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 334.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300.

instructed the tribunals that the first thing to be paid were the debts that were properly proved—a rule which apparently was difficult to enforce, for the order had to be repeated in 1546 and again in 1547.[1] Yet it was no easy matter for creditors to obtain payment against the resistance offered by receivers and their advocates. In 1565, after Pierre and Gilles de Bonneville were burnt for Protestantism in Toledo, the fiscal reported to the inquisitors that numerous creditors had come forward whose claims were pending before the *juez de los bienes*, wherefore he asked for a certificate as to the date of the culprits' heresies, in order to use it before the court. The inquisitors duly certified that the date was about 1550, the object being to plead the obsolete canonical rule that subsequent obligations were invalid.[2] That chicanery of all kinds was employed to exhaust the patience of creditors and accumulate costs is plainly admitted in the memorial of 1623 to the Suprema, which states that, in the suits of creditors, there is much that brings discredit on the Inquisition, for confiscations are managed solely for the benefit of those who administer them, the appointees of the *juez de los bienes* and ordinarily his kinsmen or friends, for whose advantage the suits are prolonged until they become immortal.[3] Abuses such as these were inevitable in a system which confined everything within the circle of the Inquisition, permitting no outside interference or supervision, while dealing so tenderly with official malfeasance. It would be difficult to overestimate the widespread damage resulting when the accused were merchants with extensive and complicated transactions, as in the immense confiscations in Mexico and Peru from 1630 to 1650 and those of Majorca in 1678, when funds and merchandise of correspondents were tied up for an indefinite time to the destruction of their credit. The hazards to which business was thus exposed was a factor, and by no means the least important, in the decay of Spanish commerce, for no one could foresee at what moment the blow might fall. Sequestration accompanied arrest and, in 1635, it was ordered that, during the pending of a trial, no payments or delivery of property should be made to creditors, no matter what evidence they presented, without awaiting the decision of the

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 128.—Cf. Simancæ de Cath. Institt. Tit. IX, n. 151–2.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. V.

[3] Archivo de Simancas, Inquisicion, Lib. 926, fol. 22.

Suprema, the only exception being claims of the king, which were to be paid without delay. In 1721 this prohibition to pay debts was made absolute, excepting a few trivial matters such as servants' wages and house-rent.[1] That foreigners dealing with Spain had ample cause to dread the decisions of the *juez de los bienes* is shown by a remarkable clause in the English treaty of 1665 which provided that, in case of sequestration of property by any tribunal of either nation, the effects or debts belonging to a subject of the other should not suffer confiscation but should be restored to the owner.[2] On the whole, however, the Spanish Inquisition is entitled to the credit of mitigating, in favor of creditors, the abhorrent harshness of the inquisitorial law of confiscation, although in practice its officials were guilty of minimizing, as far as they could, the benefits of this moderation.

In the matter of dowries there was also a partial mitigation of the old severity. The dowry was forfeited by the wife's heresy but not by that of the husband and, in the latter case, it descended to her children. There was one provision, however, which worked infinite hardship for, if the parents of the wife had been guilty of heresy at the time of her marriage, it was forfeited on the ground that all their property then belonged to the fisc and they had no power of alienation. The cases are numerous in which the parties, after prolonged married life, thus suddenly found themselves despoiled by the condemnation of parents who had enjoyed the reputation of faithful Christians and, in the intermarriages, so frequent in the earlier period, the blow thus often fell upon Old Christians. We hear of these cases through despairing appeals to Ferdinand for mercy—appeals to which he not infrequently responded by abandoning his claims or surrendering a part. A typical case, illustrative of many others, is that Juan Quirat, of Elche, whose petition to the king, in 1513, represents that, twenty-five years before, he had married Violante Propinan, receiving ten thousand sueldos as her dowry from her parents, Luis and Blanca. Eight years ago they were condemned, and now the receiver claims the dowry; he is a poor *escudero* or squire and the enforcement of the claim would send him with his wife and children to the hospital, in view of all which Ferdinand

[1] MSS. of Royal Library of Copenhagen, 218b, pp. 174, 389.
[2] Coleccion de los Tratados de Paz; Carlos II, Parte I, p. 11.

charitably waived his right.[1] More peculiar was the case of Juan Castellon of Majorca who, when trading in Tunis, was enslaved by a brother of Barbarossa; after forty-two months of captivity he was ransomed for four hundred ducats and returned home in 1520 to find that his wife's mother, Isabel Luna, had been condemned and the dowry received from her was claimed by the receiver. He petitioned Cardinal Adrian; the matter was referred to Charles V, who humanely ordered that, if his story was true and he was unable to pay, the confiscation should be remitted.[2] The hardship was sometimes aggravated by an ostentatious custom of inserting in the marriage-contract a larger sum than was actually paid. Thus, in 1531, the magnifico Diego de Montemayor, Baile of the Grau of Valencia, swore that he received only three thousand sueldos of the six thousand specified in his marriage-contract with Beatriz Scrivana, in 1510, and that the larger sum had been inserted *honoris causa*.[3]

The dowries of nuns were subject to the same merciless absorption. In 1510, the convent of Santa Inez of Córdova appealed to Ferdinand, stating that, some twenty years previous, Pedro Syllero had placed his niece there as a nun, giving as her dowry certain houses which it had peacefully enjoyed until her grandfather had recently been condemned for heresy and the property was seized as part of his confiscated estate. This was strictly legal and it was a pure act of grace when the king ordered the houses to be released.[4]

Still, the dowry of an orthodox wife was exempt from the confiscation of a heretic husband's estate, but it was imperilled by the possibility that the estate might be exhausted in the maintenance of the husband in prison during a prolonged trial and by the sacrifice of values in the realization of assets at auction, which was imperative. In the proceedings of the *juzgado de bienes* of Valencia in 1531 there are numerous cases which show that this claim of the wife was fully recognized and a fair adjudication made in the complicated questions which frequently arose.[5]

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 243.

[2] Ibidem, Lib. 6, fol. 94.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. I, n. 51.

[4] Archivo de Simancas, Inquisicion, Lib. 3, fol. 78.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. I, n. 46; P. II, n. 9; P. III, n. 9, 22.

In the Appendix will be found the receipt for her dower by Doña Beatriz Despuch, wife of Pere Alcañiz; she leaves the money in the hands of the receiver,

Correlative to this was the liability of the husband to pay to the fisc the dowry of a wife condemned or reconciled for heresy. How pitilessly in time this was exacted is manifested in 1549 by a petition to Valdés from Don Pedro Gascon, who represents himself as an hidalgo whose ancestors had served the king faithfully. The judge of confiscations at Cuenca had condemned him in a hundred and fifty ducats for the dowry of his wife and the receiver had cast him in prison to enforce payment. While there he had sold a large part of his property and had paid fifty ducats, but the rest of his estate would not produce the remaining hundred. Ferdinand would have forgiven him the balance, but Valdés only looked to obtaining assurance of ultimate payment when he empowered the receiver to grant him six years' time on his furnishing good security.[1]

Another feature, which frequently complicated these settlements, was the question of the conquests—the *ganancias* or *creix* —the gains made during married life, in which both spouses had an equal share. The laws of Toro, in 1505, provide that neither husband nor wife could forfeit claim to half the *ganancias* for the crime of the other, even if the crime were heresy, and the *ganancia* is defined to be the whole increase during wedlock until the decree of confiscation, no matter when the crime was committed—a rule which remained in force.[2] The complexity introduced by these various interests in the settlement of confiscations is illustrated in the case of Diego López, a merchant of Zamora, reconciled in the auto de fe of Valladolid, in June, 1520. He kept no books and the number of debits and credits rendered his affairs exceedingly complicated; moreover the paternal estate had never been divided between him and his brothers, while his wife put in claims for her dowry and share of the *ganancias*. In this perplexity the only solution was a compromise, which was reached by the wife and brothers agreeing to pay four hundred and fifty thousand maravedís in instalments, giving adequate security.[3] The Valencia court of confiscations, however, invented a method of evading the wifely claim to the accretions for, in

awaiting decision of her claim to the ownership of certain household goods which she had bought from the confiscated estate.

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 178.

[2] Leyes de Toro, ley lxxvii.—Hugo de Celso, Repertorio de las leyes de Castilla, s. v. *Herege* (Alcalá, 1540).—Nueva Recop. Lib. v, Tit. ix, ley 10.—Novís. Recop. Lib. x, Tit. iv, ley 10.

[3] Archivo de Simancas, Inquisicion, Lib. 6, fol. 27.

1532, when Angela Pérez, widow of Luis Gilabert, burnt for heresy, demanded her dowry of three thousand sueldos and the *creix*, the court ordered the receiver to pay the dowry but refused the *creix* on the ground that the date of his committing heresy showed that he could not lawfully make any gains.[1]

The exemption from confiscation of those who came in under Edicts of Grace, confessed and were reconciled, gave rise to an impressive illustration of the passionate greed aroused among all classes by the legalized spoliation of the New Christians and the corollary that they had no rights. Prelates and chapters of churches, abbots and priors of convents, rectors of hospitals and pious institutions and other ecclesiastics and laymen, who had mortgaged their properties to the heretics or had sold ground-rents to them or otherwise hypothecated them, repudiated their engagements and would render no satisfaction, whereby, we are told, many were deterred from seeking reconciliation. A more practical objection was that those who were thus despoiled were hindered in paying the heavy fines laid upon them by the inquisitors. Ferdinand and Isabella therefore applied to Innocent VIII for a remedy which he furnished, in 1486, by a brief in which, after reciting the above, he granted to those thus reconciled the mortgages and censos and other liens which they held on properties, forbidding the debtors from claiming release and pronouncing invalid any judgements which they might obtain.[2]

While thus the Spanish Inquisition, in some respects, dealt more liberally than its medieval predecessor with the unfortunates subjected to its operations, it was ruthlessly systematic in its absorption of everything that was not covered by the above exceptions. It was in vain that, in 1486, Innocent VIII—probably induced by the gold of the Conversos—represented to the sovereigns that, as the confiscations had been conceded to them, it would stimulate the penitents to be firm in the faith if their property was restored to those who were reconciled.[3] It was much more profitable for greed to disguise itself as zeal for religion, as when, in 1533, at the Córtes of Monzon, Valencia petitioned that an exemption from confiscation granted to the forcibly converted Moriscos should be extended to their children,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. III, n. 4.
[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 40.
[3] Bibl. nacional, MSS., Dd, 145, fol. 352.

and the Suprema replied that confiscation was the penalty most dreaded and that which most deterred from heresy; as for relying on the terror of burning as a preventive, the fact was that the Church received to reconciliation all who repented and, if they were not punished with confiscation, they would enjoy immunity.[1] In the same spirit, Bishop Simancas argued that it was for the public benefit that the children of heretics should be beggared and therefore the old laws which allowed Catholic children to inherit had justly been abrogated.[2]

This heartless remark indicates that, by the middle of the sixteenth century, there was no compassion for the helpless offspring, but at first there was some responsibility felt for them, possibly through a reminiscence of the old laws. The Instructions of 1484 provide that, when the children of those condemned to the stake or to perpetual prison are under age and unmarried, they were to be given to respectable Catholics or to religious, to be brought up in the faith, and a record of such cases was to be kept, for it was the intention of the sovereigns that, if they proved to be good Christians, they should have alms, especially the girls, to enable them to marry or to enter religion.[3] There is no trace of any systematic attempt to carry out this humane provision, but when cases of special hardship were called to Ferdinand's attention, he occasionally was moved to make liberal concessions. When, however, in 1486, the inquisitors of Saragossa asked for authority to grant relief to some poor culprits, not very guilty, who were encumbered with daughters likely to be forced to evil courses, the canny monarch evidently distrusted this sudden access of benevolence and, while approving the kindliness of the suggestion, he said that he was better acquainted than they with the people of Saragossa and less likely to be deceived, so they could send him the names of the parties, their properties and the number of their daughters, when he would determine what should be done.[4] It was evidently a question only of kindly impulses; there was no obligation, moral or legal and, as the wants of the Holy Office grew more urgent in the shrinkage of the stream of confiscations, inquisitors like Simancas argued that the service of God required the sacrifice of the innocents.

[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 192.

[2] Simancæ de Cath. Institt. Tit. IX, n. 4.

[3] Instruccion de 1484, § 22 (Arguello, fol. 8).

[4] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 103.

In practice, everything on which the officials could lay their hands under any pretext was swept remorselessly into the fisc. Even the bedding and clothes of those led out to execution at the autos de fe were seized, as appears from occasional donations of them to officials.[1] When, in 1495, Charles VIII occupied Naples, it became a place of refuge for fugitives from Spain, but the pious skippers of the vessels carrying them not infrequently served God by stripping their defenceless passengers and carrying home the spoils. This was an invasion of the rights of the crown which vindicated itself by sending to Biscay and Guipúzcoa Anton Sánchez de Aguirre to search for the jewels and merchandise thus taken from heretics and sell them for the benefit of the fisc.[2] In 1513, when Jayme de Marrana, scrivener of the court of Segorbe, was condemned, all his subordinates were called upon to surrender the fees which they had received during his term of office.[3] A dying man could not make even a pious bequest if his natural heir was a heretic, for when, in 1514, Nicholas de Medina, a merchant of Seville returning from France, died at Bayonne in the Hôpital du Saint-Esprit and bequeathed to it a bill of exchange for a hundred and twenty-six ducats, the procurator of the hospital came to Seville to collect it. Villacis, the receiver there, promptly sequestrated it on the ground that Medina's heir, Rodrigo de Córdova, had been condemned for heresy and, although the Suprema finally released it, this was done as an act of charity to the hospital.[4] The same rule applied when there was heresy in the ascendants. Juan Francisco Vitalis, a native of Majorca, was settled in Rome as a merchant. He desired to trade with Spain but feared to do so, for his father and grandfather had been condemned for heresy and any merchandise or funds that he might send would be liable to confiscation as constructively derived from them. He therefore, in 1511, applied for a safe-conduct for his goods which Ferdinand issued, exempting them from seizure by the Inquisition; it was good however, only during the royal pleasure and for six months after its withdrawal should be notified to Vitalis or be publicly proclaimed in Valencia.[5]

Heresy shed around it an infection which contaminated every-

[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 441.
[2] Coleccion de Cédulas, IV, 310 (Madrid, 1830).
[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 244.
[4] Ibidem, Lib. 9, fol. 195.
[5] Ibidem, Lib. 3, fol. 164.

thing with which it came in contact. Not only was a ship carrying heretics forfeited but also its cargo. In 1501, Vicencio de Landera, a merchant of Gaeta, shipped some cotton by a Biscayan vessel for Alicante. On her arrival the receiver seized the cargo because she carried two persons condemned by the Inquisition, but the Bishop of Gaeta, head chaplain to Ferdinand's sister the Queen of Naples, brought influence to bear, and the king ordered Landera to be paid the proceeds of his cotton.[1] Apparently the other owners of the cargo had no redress. Ferdinand was more obdurate, in 1511, when a ship and its cargo were condemned in Seville for carrying heretics. This included a quantity of pepper belonging to a Portuguese merchant named Juan Francisco. King Manoel interposed to protect his subject, when Ferdinand replied that he had ordered justice done but that the Inquisition had represented that Francisco had bought the pepper from King Manoel and had paid for it with bills of exchange drawn by heretics, and thus with heretic money, which was held to forfeit the pepper.[2]

This policy was not merely transient. In 1634 the Inquisition seized the goods and credits of Portuguese merchants, residents of Holland, Hamburg and France, trading with Spain. Agents had been sent abroad to secure evidence of their Judaism; they naturally sought to defend their property and presented certificates of their orthodoxy; the affair dragged on and, in 1636, Doctor Juan de Gosa presented an elaborate opinion in justification of this, proving that the property must be confiscated, although the owners were not Spaniards, nor domiciled in Spain, nor had committed heresy in Spain. His argument was based on the principle of the canon law that the heretic had no rights and that any Catholic could seize and despoil him; heresy is a crime all-pervading and not limited to the spot where it is committed for it is an injury to the whole Christian Republic. No evidence was required, for it was notorious that the Portuguese absented themselves in order to indulge their heretical proclivities and that they frequented the synagogues in Amsterdam and elsewhere. The Inquisition was to hold the property and, for greater justification, to summon by edict the owners to appear and defend it within a fixed term, or it could appoint defenders to act for them, but in no case was it to raise the sequestration or

[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Ibidem, Lib. 3, fol. 142.

surrender the property.[1] It is superfluous to point out the effect of all this on Spanish commerce.

As regards property alienated subsequently to the commission of heresy, the only limitation on its confiscation is found in the provision prohibiting interference with transactions anterior to 1479.[2] All later ones were subject to forfeiture, without compensation to the purchaser, unless, indeed, he had made improvements, the value of which was reimbursed to him. The frequency of these cases and the hardship to which they exposed innocent third parties are amply illustrated by the numerous appeals to Ferdinand for relief, which, be it said to his credit, he often granted. The cloud thus thrown on the title to all property that had passed through the hands of New Christians, at any time subsequent to 1479, continued to hang over it, and the Inquisition grew stricter in the interpretation of its rights. A letter of May 6, 1539, from the Suprema to the inquisitor of Saragossa, says that he is reported to have decided that, when a person is condemned or reconciled with confiscation, and has alienated real property subsequently to the commission of heresy, if the purchaser is required to surrender it to the fisc, he is entitled to reimbursement of the purchase-money. The inquisitor is therefore summoned to state his authority for this decision, as law and custom are to the contrary and it is so practised.[3] This was peremptory and it is not likely that the question was raised again, although it took no count of the rule, which Simancas soon afterwards tells us was still in vigor, that if the purchase-money or what represents it is found in the confiscated estate, restitution should be made to the purchaser.[4] The Spanish Inquisition preferred to both keep the money and take the property.

Ferdinand and Isabella manifested liberality in setting free the Christian slaves of confiscated estates, and this was extended by the Instructions of 1484, at the cost of those reconciled under

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[1] Archivo de Simancas, Inquisicion, Lib. 49, fol. 58, 193.—MSS. of Bodleian Library, Arch. S, 130.

[2] Arguello, fol. 20, 22, 23, 24.

[3] Archivo de Simancas, Inquisicion, Lib. 78, fol. 235.

[4] Archidiaconi Gloss. super Sexto, Tit. de Hæret., cap. *Cum secundum* (Eymerici Director. P. II).—Bernardi Comens. Lucerna Inquis. s. v. *Bona hæreticor.* § 4.—Simancæ de Cath. Institt. Tit. IX, n. 29.

Edicts of Grace, for, though they were not subject to confiscation, their Christian slaves were manumitted.[1] It was, perhaps, a kindly care that kept these freedmen in a species of serfdom, for Instructions about 1500 direct the inquisitors to place them with proper persons under agreements as to wages and, if they are not reasonably treated, to transfer them to other masters.[2] Embarrassing cases sometimes arose, such as that in which a slave was owned jointly by a good Catholic and a condemned heretic, but it would seem, from a decision in 1531, that the manumitted half carried with it into freedom the enslaved half, and the Catholic owner had no redress.[3] The inquisitors did not always respond to the humane intentions of the Instructions; they seem to have sometimes kept slaves for themselves, in place of setting them free, for which, in 1516, they were rebuked and were also ordered that, during the trials of the owners, the slaves should be hired out and their wages be strictly accounted for—all of which points to current abuses. These did not cease for, in 1525, Dr. Mercader, in a visitation of Sicily, found similar ones flourishing.[4]

While thus considerate of the slaves of culprits, confiscation seems sometimes to have extended to the persons of the culprits themselves. One of the few letters concerning the Inquisition, in which Isabella joins with Ferdinand, is of December 28, 1498, addressed to the Count of Cifuentes, Governor of Seville, ordering him, for the service of God and good execution of justice, to take all the Jews condemned for heresy, now held as prisoners by the Abbot of San Pedro, and sell them as slaves at such prices as he deems fit, the proceeds to be handed over to the receiver and be applied to the debts and necessities of the tribunal. An intimation of a similar kind is made, November 6, 1500, respecting Maestre Luis Carpano of Antequera and his wife, who are described as confiscated to the royal fisc, with all their property, real and personal.[5]

In the rigor of collection, debtors to the confiscated estates, who were unable to pay, were imprisoned without mercy. Thus, in 1490, the judge of confiscations at Segovia orders the alguazil to seize the lands and goods and money of Don Mosé de Cuellar,

[1] Instrucciones de 1484, cap. 24 (Arguello, fol. 8).
[2] Archivo de Simancas, Inquisicion, Lib. 933.
[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. I, n. 26.
[4] Archivo de Simancas, Inquisicion, Lib. 933. [5] Ibidem Lib. 1.

who was indebted in the sum of 393,000 maravedís to the late Gonzalo de Cuellar, regidor of Buitrago, burnt for heresy; if he cannot find property enough to satisfy the debt he is to seize the person of Don Mosé and confine him in the public prison of Segovia.[1] It was the same with husbands who were liable for the dowries of their wives, as we have seen in the case of Don Pedro Gascon (p. 334). Forbearance, however, was sometimes found to be better policy. In 1509 Sancho Martínez of Hellin was sentenced to pay 50,000 maravedís for the dowry of his wife whose parents had been reconciled. He pleaded poverty to the Suprema, which ordered that, if his property was insufficient, he should not be imprisoned and that, at the auction of his effects he should be allowed to purchase to the amount of 10,000 or 12,000 maravedís on a year's credit. The event showed the wisdom of the arrangement. The auction realized 17,000; he was the purchaser and paid for it at the expiration of the year. He accumulated, as the years went by, 100,000 maravedís and the judge ordered execution on him for the 33,000 still due on the dowry. Again he appealed to the Suprema, some members of which doubted whether his subsequent acquisitions were liable and the matter was compromised, July 5, 1519, by ordering him to pay half the deficiency.[2] These instances are not without interest as illustrations of the manner in which this gigantic spoliation was effected through more than a couple of centuries.

The elaborate system adopted is revealed to us in the records of the Valencia court of confiscations in 1530 and 1531. When an arrest was made with sequestration, the receiver opened an account in his *Libro de Manifestaciones*, in which the notary of sequestrations entered all the items of the inventory. Then followed the *audiencia de hacienda* and the summons to debtors, to declare their obligations, which were likewise entered. If the prisoner was engaged in trade, his books were examined and all debts were duly placed in the same record. Information of all kinds was diligently sought and, no matter how vague and worthless, was similarly recorded. Much of this was obtained from prisoners, who testified to gossip heard from cell-companions in the dreary hours of prolonged confinement. Thus, July 9, 1527, Violante Salvador testified that Leonor Bonin told her that

[1] Printed by Padre Fidel Fita, Boletin, XXIII, 393.

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 48.

Angela Parda, when arrested, had entrusted certain small coins to Leonor Manresa. Angela Parda and Leonor Bonin were both burnt and Violante Salvador was reconciled. Leonor Manresa, when summoned to account for the deposit, denied it under oath and, as there was no other witness, the claim for a few pennies was abandoned.[1]

The persistence with which these shadowy claims were pursued is illustrated in the case of Rafael Moncada, arrested in 1524. A certain Sor Catalina testified that she had heard say, by some one whose name she could not recall, that Moncada had said that, during the revolt of the Germanía (1520–1522), he had hidden a large amount of goods. His wife, or widow, Violante, when summoned, declared that during the troubles he had hidden some silks in the dye-house; when peace was restored, he had taken them out and when, two years later, he was arrested, they were among the effects sequestrated. She was brought forward again and again, always adhering to the same story, and it was not until 1531 that she was discharged.[2]

This persistence is explained by the fact that the receiver was responsible for every item entered by the notary of sequestrations unless he could show that it was not collectable, to the satisfaction of the judge, who would then relieve him by a *sentencia de diligencias*, signifying that he had made due exertion. The care thus induced in following up the minutest fragments of property is manifested in a petition presented by the receiver, March 4, 1531, to the effect that he had made every effort to recover fourteen sueldos, the dowry given by Pere Barbera and Grabiel Barbera to their sister Leonor Barbera on her marriage to Grabiel Mas. More than twenty years ago Pere Barbera was burnt in effigy, Mas went to the Canaries covered with debts and died there poor. Leonor died eighteen years ago, leaving her property to Pere's son Anrich and he, too, had been reconciled with confiscation. Anrich was called and duly interrogated and then the judge allowed the entry to be cancelled.[3]

Besides the excommunication incurred by all who did not voluntarily reveal their indebtedness to a confiscated estate, the receiver was clothed with ample powers enabling him to perform his duties thoroughly. When the first appointments were made

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. 1, n. 25.
[2] Ibidem, P. 1, n. 67. [3] Ibidem, P. 1, n. 27.

for Aragon, in 1484, all officials, secular and ecclesiastic, were required to assist him when called upon, under pain of the royal wrath and three thousand gold florins.[1] Apparently this was found insufficient, for the formula in a commission issued, September 5, 1519, to Alonso de Gumiel, receiver of Ciudad Rodrigo, sets forth that, if any one refused or delayed to deliver up confiscated property, the receiver could impose penalties at discretion and these penalties were confirmed in advance, while every one, of whatever station, was required to obey his orders under the same discretional penalties.[2] It is easy to imagine the wrong and oppression which an unprincipled official could inflict, under powers so vague and arbitrary, and the terror which the office shed around it is exemplified in a Valencia case, decided in 1532. September 2, 1528, Noffre Calatayut mustered courage to present to the court of confiscations a petition setting forth that, in 1507, as heir to his father, he became liable for a *violario*—a sort of annuity—of fifty sueldos a year, redeemable at fifteen libras, due to Luis Alcanys, which he paid sometimes to Jayme Alcanys and sometimes to a daughter of Joan Alcanys. Jayme was condemned and the receiver seized the violario. Through fear of the consequences, Noffre continued to pay it up to the present time, although it did not belong to Jayme and the parties on whose lives it was based, Guillem Rancon de Belvis and Johan Voluda, had been dead for twenty years. The case must have been bitterly contested for it was not until April 17, 1532, that a decision was rendered in his favor, to the effect that the violario had not belonged to Jayme Alcanys and that the lives had ended a quarter of a century before, wherefore the receiver was ordered to refund all the payments that he had received.[3] It was fortunate that a court was sometimes found to check the lawless rapacity of the receivers.

It would not be easy to exaggerate the confusion and the hardships caused by the enforcement of confiscation, especially in the early period. The New Christians had filled so many positions of public and private trust, and the trade of Spain was so largely in their hands, that the long procession of arrests, accompanied

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[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 12.

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 61.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. III, n. 16.

with sequestration and followed by confiscation, could not but be paralyzing and affect interests far wider than those of the victims and their kindred. Even after the first wild torrent of persecution, the industry of the tribunals was constantly involving men hitherto unsuspected, bringing ruin or inextricable perplexities on the innocent who had chanced to have dealings with them. The backward search, moreover, into the heresies of those long since dead, vitiated old transactions and invalidated titles to property that had long been held by innocent owners. During Ferdinand's life we hear of many of these cases brought before him on appeal, and for the most part not in vain, for, when the injustice of his receivers was clear, he was prompt to revoke their action, and when there was doubt he would often kindly waive a portion or the whole of his claim. A few typical instances will illustrate some of the various aspects of the troubles which pervaded the land and crippled the development of Spanish prosperity.

Early in 1498, Ferdinand was startled to learn that the Barcelona tribunal had arrested Jaime de Casafranca and had sequestrated his property. Casafranca was deputy of the royal treasurer-general of Catalonia; he had served long and faithfully, without suspicion of his orthodoxy, and possessed the king's fullest confidence. In his hands were the moneys of the crown and also sums sent thither for the repairs of the castles of Roussillon, and the embargo laid on these funds threatened serious complications. Had private interests only been concerned, the embarrassment would have been irremediable, but Ferdinand set aside the established routine by ordering all the sequestrations to be placed in the hands of his advocate-fiscal, who was directed to employ the moneys as instructions should be sent to him and to furnish an inventory so that public and private property could be separated. Then a messenger to Italy had just been despatched in hot haste with orders to Casafranca to provide immediate passage for him to Genoa and, as delay would be most injurious, this must be seen to at once. Besides this there were two chests of silk, in the name of Gabriel Sánchez, but belonging to the king, and two chests of paper for the royal secretary and some horse-covers and tools, the property of the treasurer-general, and some books belonging to the heirs of González Ruiz, all of which had to be looked after. Moreover Ferdinand recommended Casafranca to the kindly consideration of the tribunal, as the accusation might be malicious,

and he charged the conscience of the inquisitors to observe justice. Casafranca, however, in the end was convicted and Ferdinand consoled his children with some fragments of the confiscation.[1]

The arbitrary comprehensiveness of inquisitorial procedure and the difficulties thrown in the way of the New Christians are exemplified in the case of Gilabert de Santa Cruz the younger. When his father, of the same name, was penanced, the son made a compromise with the receiver, under which he received a portion of his father's property in settlement of his mother's dowry and some other claims. Then he married María Cid and pledged this property in the nuptial contract. In 1500 the father was again arrested, when the property was at once sequestrated again; he was living with the son, under which pretext all the latter's household effects, even to the clothes and trinkets of the wife, were included in the inventory. Moreover, the son was a member of a firm who employed the father as a factor, on which account all their goods and books were sequestrated, threatening the ruin of their business. In this emergency the only recourse was to Ferdinand, who responded with instructions to the tribunal that his will was that injustice should be done to no one; it was to examine the papers and at once to act according to the facts, without oppressing or injuring the parties in interest and without awaiting the result of the father's trial.[2]

The insecurity which overshadowed all transactions is illustrated by the case of Diego de Salinas of Avila, who had received as a marriage portion with the daughter of González Gómez, since deceased, a rent of forty-five fanegas of wheat, which the latter, in 1499, had bought for the purpose from Rodrigo del Barco for 30,000 maravedís. In 1501 it was found that Rodrigo had inherited this rent from his grandfather, Pedro Alvárez, whose fame and memory were condemned, and it was legally claimed by the fisc. Luckily for Diego, he had rendered services to the sovereigns, in consideration of which they granted him 25,000 maravedís of the rent; it was to be valued and he was to pay whatever it was worth over and above that sum.[3]

Ferdinand's kindly interposition was sought by Pascual de Vellido, who had sold to Pedro de Santa Cruz a house for 1000 sueldos, reserving the right of redemption at the same price. Pedro was reconciled with confiscation and Pascual applied to the

[1] Archivo de Simancas, Inquisicion, Lib. 1.

[2] Ibidem.

[3] Ibidem.

receiver to allow him to redeem the house but, as he had mislaid his *carta de gracia*, he was denied, and the house was sold for 1600 sueldos. In 1502 he found the document and claimed the excess of 600 sueldos which the receiver refused to pay, until Ferdinand ordered him to do so, because Pascual was poor and had a daughter to marry.[1]

It was by no means the Conversos only who suffered in this way, for Old Christians were constantly finding themselves embarrassed by the cloud thrown on titles. In 1514, Don Pero Nuñez de Guzman, Clavero, or treasurer of the Order of Calatrava and majordomo of the Infante Ferdinand, represented to the king that his uncle, Luis Osorio, Bishop of Jaen, had a majordomo named Rodríguez Jabalin who fell in debt to him and settled with certain properties renting for 4500 maravedís. The bishop died in 1496 and Guzman, who inherited the properties, gave them to the dean and chapter of Jaen to found a perpetual mass for his uncle's soul. The chapter sold them and, in 1514, the Inquisition seized them because Jabalin had inherited them from an ancestor whose fame and memory were condemned. Guzman represented that, if the present possessors were ejected, the chapter would have to make it good; the mass thus would be discontinued and, at his prayer, Ferdinand ordered the seizure to be withdrawn.[2]

As an insurance against such losses, sellers and purchasers sometimes sought to procure, from the king or the tribunals, licences to convey property, real and personal. This was probably rare, as I have met with but a single case, that of Johan Garriga, his wife and children who, in 1510, from Majorca, petitioned Ferdinand for licence to sell his property and faculties for others to purchase. Ferdinand referred the matter to the Mallorquin inquisitor, saying that he did not know whether the property was in any way liable to the fisc, but if the inquisitor thought the licence ought to be granted he was empowered to issue it with the royal confirmation.[3] If Garriga obtained his licence he probably had to pay roundly for it, for the officials were often by no means nice in the abuse of their unlimited power. In this same year, 1510, Antonio Mingot of Alicante complained to Ferdinand that he had been sentenced to pay 294 libras as a

[1] Archivo de Simancas, Inquisicion, Lib. 1.
[2] Ibidem, Lib. 3, fol. 394.
[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 93.

debt due to Gonzalo Roiz, condemned for heresy. He had appealed to the inquisitor-general, who referred the matter back to the inquisitors but, before they had decided the case, the receiver put up at auction property of his worth more than 4000 ducats, and then, for a payment of 100 ducats, postponed the sale to St. John's day. Mingot sought to appeal to the king, but could not get copies of the necessary papers, delays being interposed to carry the matter over the postponement. Ferdinand warmly expressed his displeasure, in a letter of May 21st, ordering copies of all papers to be furnished and proceedings to be suspended for seventy days thereafter—but the peccant officials were not punished.[1]

Old claims, long since satisfied, were constantly turning up and prosecuted, from which the only recourse would seem to be the king. A few months later than the last case, he had a petition from the people of the hamlets of Scaviella and La Mata stating that on November 3, 1487, they had paid off a censo of 400 sueldos to Leonart de Santangel and now, after nearly a quarter of a century, the receiver demands it of them on the ground that Santangel at the time was in prison and incapable of receiving the money. Ferdinand ordered the receiver not to trouble them, as they were ignorant peasants and the payment was made with the assent of their lord, the Bishop of Huesca. Similarly, in 1511, Domingo Just of Saragossa represented that, in 1484, he had given an obligation for 3000 sueldos, as security for the issue to him of a bill of exchange on Rome. On his return he had been unable to secure the surrender of the paper, in consequence of the flight of the holder, but it had turned up and was now demanded of him. Ferdinand ordered him to be relieved on his taking an oath guaranteed by excommunication.[2]

Old and forgotten heresies were exploited with equal rigor. In 1510, Pedro de Espinosa of Baza represented to Ferdinand that, when Baza was recovered from the Moors (December 4, 1489) he married Aldonza Rodríguez, niece and adopted daughter of the esquire Lazaro de Avila and Catalina Ximenes and, on Lazaro's death, they went to live with Catalina. Now Catalina has been condemned for an act of heresy committed when a child in her father's house (probably a fast, or eating unleavened bread) and her property, worth some 18,000 ducats, has been

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 98.

[2] Ibidem, fol. 128, 140.

confiscated. In view of his services in the war with Granada, Espinosa begged that the confiscation be remitted and Ferdinand liberally assented, to the amount of 18,000 ducats.[1]

With the death of Ferdinand these frequent appeals to the crown become fewer and are met with less kindliness, though the call for relief from the rigor of the law was undiminished, as will be seen from the case of the monastery of Bonifaza. In 1452, Pedro Roy, priest of Tortosa, sold to Dalvido Tolosa of Salcet for 400 libras a rent of 20 libras per annum secured on certain property, and this property Roy subsequently sold to the monastery. In 1475, Dalvido died, leaving the rent to his son, Luis Tolosa, from whom the monastery redeemed it, March 1, 1488. Luis, or his memory, was condemned and, about 1519, the receiver demanded of the monastery the 400 libras and all arrearages of rent, claiming that the redemption had been in fraud of the fisc, as Luis's heresy antedated it. The case was clear and judgement against the monastery was rendered, June 7, 1519. Pleading poverty, it applied for relief to Charles V, who instructed the receiver that, if it would pay 100 libras during July and 50 more within a year, he should release the claim.[2]

The avidity of the Inquisition did not diminish with time, nor its disastrous influence on all exposed to its claims. In 1615, a German Protestant, known as Juan Cote, was condemned by the Toledo tribunal to perpetual prison and confiscation. He was then twenty-four years old and had been taken, in early youth, by his uncle Juan Aventrot, to the Canaries, where the uncle married María Vandala, a widow with four children, who died in 1609, leaving one-fifth of her estate to Cote. In 1613 Aventrot sent him to Spain with a letter to the Duke of Lerma, which led to the discovery of his heresy. Proceedings for the confiscation of his share in the widow's estate dragged on interminably. September 7, 1634, the Suprema ordered the Toledo tribunal to furnish papers in the case, including a certificate of the date of Cote's heresy, which, in view of his having been brought up as a Protestant, it fixed at the age of fourteen, when he could be considered responsible. In this the Inquisition overreached itself, for in 1635 the Canary tribunal reported that the heirs alleged Cote to have been incapable of inheritance, seeing that he was brought up as a Protestant and both he and his uncle had pre-

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 103.
[2] Ibidem, Lib. 9, fol. 56.

tended to be Catholics, and they called for a copy of the sentence to demonstrate this. The unabashed Suprema then shifted its ground and procured, September 10, 1640, from the Toledo tribunal, a certificate that Cote had commenced his heretical acts in 1613, when he brought the letter to Lerma and delivered it to Philip III, in August, 1614. How the affair terminated and how much longer it was protracted we have no means of knowing, but the Inquisition had at least succeeded in tying up the estate for twenty-five years.[1]

The hardship of the system on innocent third parties was intensified by the fact that in this, as in all else, the Inquisition claimed and exercised exclusive jurisdiction. There was no appeal to a disinterested tribunal but only from the judge of confiscations to the Suprema, which was as much interested as its subordinates in obtaining as large returns as possible from all sources. As these fell off, the liberality, so often displayed by Ferdinand, was no longer in place and it became inexorable. Confiscations were specially assigned to the payment of salaries and the judges were thus directly interested in their productiveness. The danger and the humiliation of this were fully recognized. In his futile plan of reform, in 1518, Charles V proposed to assign to the officials definite salaries and relieve them from dependence on the sentences which they pronounced.[2] In 1523, he received from his privy council a memorial in which, among other matters, he was urged to see that proper appointments were made in the Inquisition and that they had fitting salaries from other sources, so that they should live neither by beggary nor on the blood of their victims, and that their labors should tend to instruction rather than to destruction and to rendering Christianity odious to the infidel.[3] The Córtes of Castile remonstrated repeatedly to the same effect. Those of 1537 complained of the salaries being thus defrayed; those of 1548 asked Charles to provide fixed salaries so as to put an end to the notorious evil of the judges paying themselves by fining and confiscating, and again, in 1555, they pointed out that, besides the danger of judges deriving their pay from the condemnations which they decree, it diminished the respect due to the Holy Office. To this the answer was merely that the matter has been considered and will be fit-

[1] MSS. of Library of University of Halle, Yc, 20, T. VI.

[2] Bibl. nacional, MSS., D, 153.

[3] Fredericq, Corpus Documentt. Inquis. Neerland., IV, 241.

tingly decided.[1] Spanish finances, however, were never in a position to assure the Inquisition that, if it paid over its receipts to the crown, it would get them back in appropriations for salaries and expenses. As we have seen, it kept them under its own control and it jealously repelled all intrusion, even by the crown, on its exclusive jurisdiction over confiscations.

This position had not been won without a struggle. January 20, 1486, Ferdinand empowered the inquisitors of Saragossa to act as judges in the complicated litigation which was growing, and he commissioned them to decide all questions thence arising. On March 31 he reiterated the injunction; if the secular judges were allowed to intervene, everything would be lost; they were to be restrained by censures, as had already been done and, if royal letters or *exequutorias* were required, they would be promptly furnished. There evidently was active resistance to this for, on May 5th he wrote that all questions must be settled by ecclesiastical law for, if the fueros were admitted, he would never get justice. The inquisitors must therefore act, the receiver and fiscal must try the cases before them alone, and they must be speedy.[2] When persecution was active, this threw upon the inquisitors too heavy a burden and one, moreover, for which they were unprepared, for they were theologians and not canon lawyers. The assessors, it is true, assisted them, but a special tribunal evidently was a necessity and this was furnished by the erection of courts of confiscation, presided over by the *jueces de los bienes*. In Castile, where the *fueros* were not an impediment, this had already been tried. As early as 1484, there is an allusion to such an official[3] and a commission as such was issued, April 10, 1485, to the Bachiller Juan Antonio Serrano, of Córdova.[4] For some time, however, such appointments continued to be unusual. In 1490, we hear of Juan Pérez de Nieva as juez de los bienes in Segovia,[5] but for the most part the inquisitors and their assessors continued to perform the functions and, when a juez existed, his position was subordinate, as appears by a letter of Ferdinand,

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[1] Colmeiro, Córtes de los antiguos Reynos, II, 179, 217, 250.—Córtes de Valladolid del año de MDLV, Pet. xii (Valladolid, 1558, fol. xxxiv).

[2] Archivo gén. de la C. de Aragon, Regist. 3684, fol. 87, 92, 95.

[3] Vol. I, Appendix, p. 573.

[4] Informe de Quesada (Bibl. nacional, MSS., Tj, 28).—Cf. Zuñiga, Annales de Sevilla, Lib. xii, año 1480.—Archivo de Alcalá, Estado, Leg. 3137.

[5] Boletin, XXIII, 293.

August 27, 1500, to an assessor, telling him that the juez was only to relieve him in ordinary cases and not to tie his hands in important ones.[1] Inquisitors also continued to act for, in 1509, we hear of Niño de Villalobos as inquisitor and juez in Cartagena and a certain Dembredo as filling both positions in Seville, while as late as 1514 Toribio de Saldaña is spoken of as inquisitor and juez.[2] With the gradual disappearance of the assessors, however, the necessity of a separate functionary became apparent, and the courts of confiscations grew to be an established feature of the tribunals, so long as confiscations continued to be numerous and profitable. Towards the end, when they had become infrequent, the senior inquisitor performed the duties of the juez.[3]

Ferdinand, meanwhile, persisted in asserting the exclusive jurisdiction of the Inquisition over all matters connected with confiscation, recognizing that his interests would suffer if the secular courts were allowed to intervene. The establishment of this as a rule of practice is attributable to the year 1508. The receiver of Jaen had sold a confiscated house to Diego García el rico for forty-two thousand maravedís on a year's credit. When the term expired, García, instead of paying, exhibited a grant made to him of the house by Philip of Austria. After Philip's brief career was over, his acts were not treated with much respect, and the juez de los bienes refused to recognize the grant, on the ground that it was not countersigned by the Suprema. García appealed to the chancellery of Granada which ordered the grant to be recognized, but Ferdinand interposed, January 18, 1508, commanding the judges to keep their hands off and not to interfere with the Inquisition, in any way, either in its civil or criminal jurisdiction.[4] The chancellery did not take this kindly and invited, in 1510, another rebuke for meddling in suits concerning sequestrations and confiscations; if any cases of the kind were pending they must be forthwith remitted to the tribunals to which they belonged, and in future nothing of the kind was to be entertained.[5]

It was impossible that this monstrous policy, of making it the

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[1] Archivo de Simancas, Inquisicion, Lib. 1.

[2] Ibidem, Lib. 3, fol. 29, 31, 297.

[3] Discurso histórico-legal sobre la Inquisicion, p. 137 (Valladolid, 1803).

[4] Archivo de Alcalá, Estado, Leg. 3137.—Archivo de Simancas, Inquisicion, Lib. 929, fol. 294.

[5] Archivo de Simancas, Inquisicion, Lib. 3, fol. 69.

judge in its own cases, should be submitted to without resistance, but it was stoutly maintained by the crown. The tribunal of Jaen invested some of its funds in a censo created by a cleric of Alcalá. He died in 1524, when his mother and brothers attacked the censo as being secured on a property in which they held undivided interests, and another party came forward with an incumbrance on the same property. The Inquisition seized it and also collected some debts due to the deceased, which reduced its claim to seven or eight thousand maravedís. The other parties appealed to the chancellery of Granada, which entertained the case, but the Inquisition invoked Charles V who, in letters of May 19 and July 7, 1525, repeated the commands of Ferdinand to abstain from all interference. The Inquisition was the sole judge and parties thinking themselves aggrieved must appeal to the Suprema.[1] Still, those who smarted under injustice sought relief in the secular courts, which were nothing loath to aid them; complaints were loud on both sides and competencias were frequent until, as we have seen, they led to the settlement of 1553, in which Prince Philip emphatically forbade cognizance of such matters to all courts and ministers of justice, and confined appellate jurisdiction strictly to the Suprema.[2]

As has been seen in other matters, the great high court of Granada was recalcitrant and persisted in asserting its jurisdiction. In 1571 and 1573 it entertained cases relating to confiscations, in both of which it was told by Philip II to hold its hand and not to meddle with such affairs. Despite this, in 1575, it intervened in a case which suggests the reasonable objection felt to rendering the Inquisition a judge in its own cause. The creditors of Don Diego de Castilla had embargoed his property and the court had placed it in the hands of an administrator for their benefit; but the tribunal of Murcia chanced to hold a censo of his for a thousand ducats; the juez de los bienes stepped in, seized the property, sold it and kept the money. The chancellery was seeking to obtain justice for the other creditors; it arrested the juez and threw him into prison, when Philip again intervened, ordering his liberation and the abandonment of the case.[3]

It illustrates the independence of the kingdoms of the crown of Aragon that, when the tax-collectors of Valencia levied taxes

[1] Archivo de Simancas, Inquisicion, Lib. 929, fol. 295.

[2] Salgado de Somoza de Retentione Bullarum, P. II, cap. xxxiii, n. 13.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 303, 304, 310.

and imposts on confiscated property and its sale, Charles V was obliged to appeal to the Holy See for its prevention. Clement VII obligingly granted a bull, July 7, 1525, forbidding this under pain of excommunication and a fine of a thousand ducats to the papal camera; the inquisitor-general was named as conservator and judge to enforce it by censures and interdict and invocation of the secular arm, which doubtless put an end to the practice.[1]

As the operations of the Inquisition developed, an additional source of gain was found in speculating upon the terror pervading the New Christian communities. Whether the idea originated in their mercantile instincts, or in the desire of the sovereigns for prompt realization, cannot be determined, but it was in essence a kind of rude and imperfect insurance against certain contingencies of confiscation, for which those in danger were willing to pay a heavy premium. As early as September 6, 1482, in a letter of Ferdinand to Luis Cabanilles, Governor of Valencia, there occurs an allusion to an arrangement of this kind, made with the Conversos of that city, under which apparently they had agreed to pay a certain sum in lieu of the confiscations and had appointed assessors to apportion the share of each individual. Some of those thus assessed refused to pay, and Ferdinand ordered them to be coerced by imprisonment.[2] What were the exact terms of this we have no means of knowing but, on June 6, 1488, he made another bargain with the Valencia Conversos, who were reconciled under an Edict of Grace, by which they paid him for exemption from confiscation—apparently rather a fresh impost, for this reconciliation substituted fines for confiscation. Then, April 6, 1491, he confirmed this and, for a further payment of five thousand ducats, he added exemption for heretical acts subsequently committed, if they did not amount to relapse, and for imperfect confessions made under the Edict of Grace—for, as we shall see hereafter, such confessions were frequently a source of danger arising from trifling omissions, construed by the inquisitors as rendering them fictitious and entailing relaxation. It is an indelible disgrace to Ferdinand that, in these compositions, he did not keep faith with those whose money he took. In 1499, the Suprema took exception to this arrangement, probably in consequence of complaints that it was violated by the seizure and

[1] Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 224.

[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 9.

sale of properties comprehended under it. Then Ferdinand declared that it had not been his intention to relieve from confiscation those whose confessions had been imperfect, whereupon the Suprema ordered the inquisitors and receiver to prosecute and confiscate the property of all such penitents in spite of the agreement. Even the hardened receiver Aliaga seems to have hesitated to obey these orders, for Ferdinand was obliged to write to him, September 27th, that they were to be executed notwithstanding the privilege and its confirmation.[1]

The hardships inflicted on the innocent by this breach of faith are illustrated in a petition presented, in 1519, to Charles V by Juan and Beatriz Guimera, children of Bernat and Violante Guimera who, after the composition of 1488, had been condemned for imperfect confession and their property confiscated. Juan and Beatriz, with other children in the same position, appealed to Ferdinand who, under the provision of April 6, 1491, ordered the receiver to restore all such property. They received and enjoyed possession for twelve years, after which, under the orders of 1499 the inquisitors took it from them. From this they appealed, but were too poor to follow it up, and the Suprema declared the appeal abandoned. Now they prayed Charles for the restoration of their property and showed that, after the execution of their parents, they had paid all the instalments remaining of the composition. In view of this, Charles, as a special grace and in the exercise of the royal clemency, ordered —not that the property of which they had been robbed should be restored—but that the receiver should repay them what the inquisitors might find that they had paid of the composition after the death of their parents, without deducting therefrom the claim of the fisc for the income of the property during their twelve years' possession.[2]

Even worse, if possible, was Ferdinand's course in a composition made, September 10, 1495, with the heirs and successors of all who in Aragon had died up to that time and whose memories had been or might in future be condemned. For the sum of five thousand ducats he abandoned, to those who contributed, all the confiscations of their inheritances and also the inheritances of those who refused to contribute, to be distributed among

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 98; Cartas de los Reyes Católicos, Leg. 2.—Archivo de Simancas, Inquisicion, Lib. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 63.

them in proportion to their contributions. Inferentially this was confirmed when, in 1499, in view of trouble with the receiver, at the prayer of the contributors, he appointed Vicent de Bordalva administrator of the property, to claim and hold it and distribute it to the owners. After seven years had passed, in 1502, he was seized with qualms of conscience at thus violating the canon law which incapacitated the children of heretics as inheritors. It is true that he might have assumed the property and then made a free gift of it, as was frequently done in special cases, but his scruples were too delicate for such a subterfuge. By letters of December 13, 1502, to the inquisitors and assessor, he ordered the seizure and confiscation of all the property thus devolved and the return to the contributors, in all cases where they were sufferers, of the moneys which they had paid—thus retaining the contributions of those who had not profited by the composition. This breach of faith made an immense sensation in Saragossa and even his son, the archbishop, ventured to remonstrate, when he replied sanctimoniously that he was acting by the advice of learned and God-fearing men, who had demonstrated to him that he could not, with a clear conscience and without peril to his soul, grant a privilege contrary to the canon law; the sufferers must have patience, for it was in accordance with the canons of holy Mother Church which were obligatory on him.[1]

The inquisitors and receiver were not over-nice in utilizing their opportunity and complaints speedily came pouring in that, besides the inheritances, they seized all the property belonging to the heirs, including their acquisitions and the dowries of their wives, and that moreover they did not repay the contributions. Thus, before the month of December, 1502, was out, the brothers Buendia appealed to him; they had paid fifteen thousand sueldos to the composition and now the receiver had seized what they had inherited from their father; much of this they had sold; they had acquired other properties by their labor, they had inherited from their mother, who was an Old Christian, and had received dowries with their wives, all of which was included in the seizure. Ferdinand merely reported this to the inquisitor, with a vague order to do justice so as not to afford grounds for complaint. It is easy to conceive the confusion of titles, the multiplicity of suits and the amount of misery resulting from this arbitrary

[1] Archivo de Simancas, Inquisicion, Lib. 1.

abrogation of a contract. Resistance was prolonged, but it was unavailing, for Ferdinand held good and repeated his peremptory orders, January 4 and March 8, 1503, July 8 and November 7, 1504 and October 7, 1508.[1] It would appear, moreover, that many of the contributors who suffered never obtained a return of their money, for this formed the subject of one of the articles of the Aragonese Concordia of 1512, confirmed in the 1516 bull of Leo X, providing that whoever had joined in a composition for the property of the dead and had paid his money, if the deceased was subsequently convicted and the fisc seized his inheritance, he should recover from the estate what he had paid, provided the payment had not been made out of the effects of the deceased.[2] It was thus admitted that the contracts were no bar to the Inquisition.

There were various forms of these compositions, insuring against the different risks and disabilities to which the property of the Conversos was exposed, but they all had this in common that the contributor threw his money into a pool from which his chance of deriving advantage was in the highest degree problematical. It is therefore a striking evidence of the desperation to which the New Christians were reduced that they were eager to grasp at these forlorn chances and to pour their money into the ever-gaping royal treasury, while Ferdinand, in spite of his conscientious scruples, was always ready to speculate on their despair. It is impossible now to say how many compositions were made, from first to last, but they probably covered nearly the whole of Spain, at one time or another. We have seen that there was one in Córdova, prior to 1500, which was highly profitable to the inquisitor who managed it and another of uncertain date in Andalusia (Vol. I, pp. 190, 220); there was one in Orihuela in 1492 and a second in Valencia in 1498 and, in 1515, there were others in the Biscayan provinces and in Cuenca. Occasionally, moreover, inquisitors were authorized to enter into such bargains with individuals, as in Majorça in 1498 and in Catalonia in 1512.[3]

A specimen of these individual compositions is revealed to us in an investigation made in 1487, by Doctor Alfonso Ramírez, juez de los bienes of Toledo, into the accounts of Juan de Urría,

[1] Archivo de Simancas, Inquisicion, Lib. 2, fol. 26, 28, 29, 30; Lib. 926, fol. 211.
[2] Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 219.
[3] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 933; Lib. 3, fol. 181, 408, 419.

the late receiver, who was reported to have defrauded the fisc of more than a million and a half maravedís. Pedro de Toledo had fled to Portugal, to escape trial, and his wife, Isabel Díaz, arranged with Urría for a royal letter of security and pardon for him, his property and his paternal inheritance, for which the price agreed upon was half a million maravedís, in addition to which Urría was promised a hundred florins for his services. Pedro returned and paid for the letter, when Isabel gave Urría thirteen gold cruzados and fourteen pieces of cloth, which he sold and claimed that he was five hundred maravedís short.[1] This was productive but still more so was one, in 1514, by which Francisco Sánchez of Talavera ransomed the estate of his deceased father for a million maravedís.[2]

These transactions justify the conclusion that persecution was largely a matter of finance as well as of faith. Such conviction is strengthened by the history of the greatest of the general compositions, a most prolonged and involved transaction, of which space will permit only the barest outline. It commenced with a composition, signed December 7, 1508, with Seville and Cádiz, by which, in consideration of twenty thousand ducats, there was made over to the penanced and condemned, or to their heirs, all confiscated property in suit, or that had not been discovered and seized, from the commencement of the Inquisition up to November 30th, except what was included in the auto de fe of October 29th. The property of those who did not join in the agreement and pay their assessments was liable to seizure and all amounts thus realized were to be deducted from the payment. There was also granted the valued privilege of going to and trading with the Indies, forbidden to all *reconciliados*. This was extended, October 10, 1509, in the name of Queen Juana, covering the archbishopric of Seville, the bishopric of Cádiz and the towns of Lepe, Ayamonte and la Redondilla, and providing for the payment of forty thousand ducats, for which the queen made to the contributors a donation of all real and personal property forfeit to her from persons reconciled and guilty of imperfect confessions or other offences prior to reconciliation; also all the property of those who had died reconciled or to be reconciled and forfeitable by reason of prior offences, together with all property confiscated on those who refused to contribute. All alienations

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 18.

[2] Ibidem, Lib. 3, fol. 371.

made by contributors were confirmed to the purchasers and contributors were relieved from all penalties incurred for disregarding the disabilities inflicted on those reconciled and their descendants. On the other hand, it was expressly stated that the grant did not exempt the property of those who relapsed or committed offences subsequent to reconciliation, nor did it relieve them from prosecution in person or fame. After this, for some cause, the total payment was increased to eighty thousand ducats, of which sixty thousand were for the composition and twenty thousand for rehabilitation or removal of disabilities.

The first obstacle lay in the assembling of the enormous mass of papers relating to the old confiscations. The tribunal of Leon, which held some of them, refused to deliver them, and the same occurred with papers concerning Ecija, requiring repeated peremptory orders from Ferdinand to procure their deposit in the Castle of Triana for inspection. At last the unwieldy business was got under way. Assessors were appointed to make the assessments on contributors, but troubles arose and the whole affair was put in the hands of Pedro de Villacis, the experienced receiver of Seville, who had been instrumental in getting up the agreement of 1508. The work went on and large collections were made, although delays in payment incurred penalties which, by 1515, amounted to seven hundred and fifty thousand maravedís, to be paid to the tribunal of Seville—but it never got the money.[1]

Encouraged by this initial success the scheme was extended over the kingdom of Granada, the bishoprics of Córdova, Jaen, Badajoz, Coria, and Plasencia and the province of Leon, the sum agreed upon for them being fifty-five thousand ducats. Complaints however arose about injustice in the assessments; payments were not forthcoming in time; difficulties apparently insuperable accumulated and Ferdinand, after consultation with Ximenes and the Suprema, revoked the composition. Then it was revived and Ferdinand, January 18, 1515, placed it in the hands of Villacis, whose instructions justify the assumption that, under the guise of an act of mercy, the whole scheme was merely the pretext for fresh exactions on the defenceless. He was ordered to proclaim the composition in all places within the districts concerned; to order all persons obligated to pay their contributions; those proposing to join were to appear before him by their pro-

[1] Archivo de Simancas, Inquisicion, Lib. 933; Lib. 3, fol. 19, 46, 65, 78, 79, 91, 107, 386, 403; Lib. 9, fol. 3.

curators at a specified time and arrange the assessments to be paid by each place or person, such assessments being binding on the absent. As for those who refused to join, Villacis was empowered to levy on their property as being jointly liable and to sell it at auction, giving to the purchasers good and sufficient title, guaranteed by the crown, while all secular officials were required to give him whatever aid he required. Inquisitors were to do the same and were to commission as alguazils such persons as he might name. Letters were sent to the corregidors of the towns, telling them that some contributors refused to pay, and they were empowered to decide all such questions summarily and finally.[1]

That the matter was really an unauthorized impost, enforced by the authority of the Inquisition, would appear not only from this admittance of secular jurisdiction but also from what we know as to the methods pursued in the original composition of Seville. Each town was assessed at a certain sum which it divided at discretion among the contributors. When Alcázar was assessed at a thousand ducats it remonstrated to Ferdinand, who kindly ordered execution suspended. Other places were not so fortunate and the pitiless exaction of the assessment provoked resistance. Thus in March, 1514, when, by order of the tribunal and as representative of Villacis, Fernando Royz went to San Lucar de Barrameda, he seized some slaves and other property and placed them in the prison for safe-keeping. The Duchess of Medina Sidonia ordered the alcalde to return them to their masters and would allow no further levies to be made. Ferdinand forthwith rebuked her, ordering her to assist the officials and never again to interfere in matters concerning the Inquisition. He also wrote to the inquisitors to inflict due punishment on the person and property of the alcalde and all connected with the affair; the levies and executions must proceed and the money be collected, for the last instalment of the composition was to be paid by the end of May.[2]

This indicates that the Seville composition had been fairly productive, but the other had continued to drag. With the death of Ferdinand, in January, 1516, pressure was removed and resistance became general. A cédula issued in the name of Queen Juana, February 24th, states that those who were assessed were

[1] Archivo de Simancas, Inquisicion, Lib. 9, fol. 190; Lib. 3, fol. 378, 386, 400, 401, 402.

[2] Ibidem, Lib. 3, fol. 367, 372.

refusing to pay and were supported by nobles and magnates, wherefore the inquisitors of Seville, Córdova, Jaen and Leon were instructed to enforce the payments by levy and execution and to prosecute with all rigor those who impeded the collection, irrespective of their rank and dignity. This was ineffective. In Córdova, the Count of Cabra and the Marquis of Priego forced the agents of Villacis to abandon work among their vassals, and the latter compelled them to deposit sixty thousand maravedís which they had collected. It was in vain that the Governors of Castile ordered them to desist and when, in September, the Count of Cabra justified his persistence by stating that his people had paid their composition to Rodrigo of Madrid—who had organized the scheme—and he would not allow them to be coerced into duplicate payments, he and the marquis were told that Rodrigo had no authority and that his receipts were worthless, which suggests the impositions practised on the victims. In the lands of the Duke of Medina Sidonia the same opposition was offered and the high court of Granada took advantage of the opportunity by issuing mandates restraining the collection, nor is it likely that it respected a royal cédula of July 4th commanding it to abstain from interference.[1]

This resistance was fully justified. Even before Ferdinand's death, the proceedings of Villacis and his underlings had aroused general indignation. At the Córtes of Burgos, in 1515, the procurators of Seville had called the attention of the nation to their extortions in a petition which set forth their misdeeds, doubtless with exaggeration, but which, coming from those not personally interested, must have had substantial foundation in fact. Villacis was accused of arbitrary assessments and of making up deficiencies by assessing again those who had already paid, of cruelty, extortion and fraud, of selling at auction property taken in execution, at unusual places and times, so that he and his friends could buy it in, of using the machinery of the composition to collect his private debts, of defrauding the fisc by false returns, of charging to the contributors the exorbitant fees and expenses of his collectors, although the agreement provided that the fisc should bear them, of rendering to the contributors only a partial account of his collections and refusing to complete it, and in this charging himself with only forty ducats as collected in the Canaries, when

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 430, 449, 450, 451, 453, 455; Lib. 927, fol. 301.

there was evidence that the amount was more than a thousand. In short, he was accused of abusing his arbitrary powers in almost every conceivable way to oppress the people and enrich himself, and numerous specific cases were cited in support of the allegations. The magistrates of Seville had endeavored to restrain him but he scorned their jurisdiction and therefore, in the name of the whole community, the king was supplicated to send to Seville some one empowered to investigate and punish and make restitution to those wrongfully despoiled.

It was impossible to ignore such an appeal made in the face of the nation, and the Licenciado Giron, one of the judges of the high court of Granada, was despatched to Seville, but only with power to investigate and report to the Suprema within sixty days. The time proved too short and, after exceeding it, he begged to be relieved on making a partial report. In December, 1516, the Licenciado Mateo Vázquez, a resident of Seville, was commissioned, with the same powers, to complete the investigation and also to enquire into many complaints coming from various places that, prior to the appointment of Villacis, Pedro del Alcázar and Francisco de Santa Cruz and their employees had made large collections, of which they had rendered no account; that they had retained more than a million of maravedís, while those who had paid them were subjected to levy and execution to enforce duplicate payments. Altogether the whole business would seem to have been a Saturnalia of spoliation and embezzlement. Vázquez undertook the task and, on September 17, 1517, he was ordered to furnish to Villacis a copy of the evidence to enable him to put in a defence, after which all the papers were to be submitted to the Suprema for its action.

If anything resulted from this it has left no trace in the documents. The influence of Villacis carried him through, for he was continued in office and went on with the work. August 13, 1518, Charles V ordered an audit of his accounts and payment of balances due, which he skilfully parried. A new assessment was ordered to make good any part of the eighty thousand ducats that might still be uncollected and this was given to him to enforce. The old methods were still pursued for, in March, 1519, Charles was obliged to write vigorously to the Count of Cabra, the Marquis of Priego and the alcalde mayor of the Marquis of Comares, who had again interfered with his collectors and stopped all proceedings in their lands.

Charles's Flemish favorites were growing impatient to share in the elusive spoils. He had granted to his chamberlain, M. de Beaurains, the rest of the composition, but it was not forthcoming, nor were the accounts of Villacis. In January, 1519, he wrote to Torquemada, one of the Seville inquisitors, to enforce on Villacis, with the utmost rigor of the law, the payment to Beaurains of any amounts collected and not paid over, while, if there was a balance uncollected, Villacis was to assess it afresh and account for it to Beaurains. This produced nothing and, on March 24th Charles emphatically repeated the order, granting full power to enforce it with penalties at discretion. Villacis, however, had experience in eluding such demands and Ferdinand had not left much to glean. In 1515 he had divided up the Córdova composition, giving twenty thousand to the Inquisition and reserving thirty thousand for himself. Of this he had received twenty thousand and the remaining ten he granted to the Marquis of Denia, but when the latter presented this order to Villacis, he was told that eight thousand was covered by previous grants and he could only have two thousand. Denia complained to Ferdinand, by that time mortally sick, who, on December 4th, assented to the transfer to him of the previous grants, but Ximenes, in transmitting this order to Villacis, made a condition that the twenty thousand for the Inquisition must first be paid and he subsequently suspended Denia's grant altogether. The marquis complained of this to Charles, who from Ghent, May 22, 1517, ordered Ximenes to lift the suspension, but again Ximenes insisted with Villacis that the Inquisition must first be paid. The funds seemed to evaporate and vanish into thin air. It is probable that Denia got little or nothing and that Beaurains fared no better, for Charles's prime favorite, Adrien de Croy, received as his share of the spoils only the seven hundred and fifty thousand maravedís, the penalties for delay, which had been assigned to the tribunal of Seville. The insatiable Calcena and Aguirre, however, secured a thousand ducats which, in 1515, Ferdinand granted them in recompense for their labors on the composition.[1] Thus for ten years the New Christians of a large part of Spain had been harried and impoverished under delusive promises of exemption and, of the moneys thus extorted, but little reached either the crown or the Inquisition. The tribunal of Seville,

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 403, 428, 432; Lib. 4, fol. 1–3, 5, 96; Lib. 5, fol. 17, 20, 25, 95; Lib. 9, fol. 3, 5, 28, 29, 30, 58.

indeed, can have received virtually nothing for, as we have seen, in 1556, its Archbishop Valdés asserted that, since the beginning of the century, it was so impoverished that it could support but a single inquisitor and pay only one-third of the ordinary salaries.[1]

It would be impossible now to conjecture what was the amount of which the industrious and producing classes of Spain were thus despoiled, or what was the sum of misery thus inflicted, although we may estimate the retribution which followed in the disorganization of Spanish industries and the retardation of economic development. What reached the royal treasury and the money-chests of the Inquisition was but a portion of the values of which the owners were deprived. The assets taken melted in the hands of the spoilers. The expenses of the trials, which became inordinately prolonged, and the maintenance of the prisoners consumed a considerable part. Dilapidation and peculation, which even Ferdinand's incessant vigilance could not prevent, were the source of constant loss. Even without these, the necessity for immediate realization, to supply the peremptory demands of the treasury and the tribunals, threw an enormous amount of property and goods of all kinds on the market, in forced sales which were inevitably sacrifices. It was the established rule, perpetually enunciated, that every thing, except money and securities, was to be sold at auction, the real estate on the thirtieth day after condemnation, in presence of the receiver and notary of sequestrations.[2] Notwithstanding all precautions, collusion and fraud were perpetual. It was doubtless as an effort to check them that Valdés, in 1547, ordered that real estate or censos, or government securities should not be sold without consulting the Suprema, together with an attested statement of past income and probable proceeds, and this was followed, in 1553, with an order that property in litigation was not to be sold.[3] Precautions however were unavailing. The memorial of 1623 to the Suprema remarks that there are many opportunities for human wickedness in the seques-

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 76.

[2] Instrucciones de 1498 (Arguello, fol. 18).—Bibl. nacional, MSS., D, 118, fol. 112, n. 39.

For occasional special exceptions see Archivo hist. nacional, Inquisicion de Valencia, Cartas de los Reyes Católicos, Leg. 2.—Archivo de Simancas, Inquisicion, Lib. 2, fol. 29; Lib. 3, fol. 263.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 128.

tration, valuation and sale of sequestrated property; the valuations are habitually too low and the sales are made at the lowest prices. Whenever possible, property should be brought to the city of the tribunal, be properly valued and the receiver be forbidden to sell it for less. When sales have to be made at the place of arrest, they should be by public auction, in the presence of the commissioner and of a familiar, to see that just prices are obtained.[1] The Suprema seems to have mooned over this until 1635, when it called for reports as to the manner in which the auctions were held and whether just prices were obtained; if the property was in some small place it must be brought to a larger town to prevent fraud.[2]

During the period of active confiscation, moreover, when the moneyed classes were either ruined or anticipating ruin, it was sometimes impossible to effect sales and, in the pressure and confusion, property was allowed to go to waste. A letter of March 20, 1512, to the receiver of Huesca and Lérida, speaks of the uninhabited houses and lands which had not been sold, because fair prices could not be had, and which were perishing in consequence, and he was told to see whether he could not sell them on ground-rent, redeemable or irredeemable.[3] It is impossible not to see in this the commencement of the *despoblados* which were the despair of Spanish statesmen for more than two centuries. So, in 1531, the dwelling in Játiva of Juan Sanz, on whom it was confiscated, was allowed to fall into such disrepair that no one would take it subject to the incumbrances, and the rentals did not meet the ground-rents, so it was abandoned to the incumbrancers.[4]

The manner in which property melted away is seen in the settlement, made in 1519, of the estate of Mayor de Monzon, burnt for heresy. It was appraised at 110,197 maravedís, but against this were the expenses of the woman and her children while in prison, amounting to 41,100, and the widower, Diego de Adrade, finally agreed to take the estate for 17,000 maravedís, subject to whatever claims there might be against it.[5] Everybody concerned grasped at what he could. In 1532, the Valencia tribunal sent Rafael Diego to Majorca to arrest and fetch Leonor Juan, wife

[1] Archivo de Simancas, Inquisicion, Lib. 926, fol. 21.
[2] Bibl. nacional, MSS., D, 118, fol. 167.
[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 182.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. II, n. 18.
[5] Archivo de Simancas, Inquisicion, Lib. 9, fol. 54.

of Ramon Martin who was blind. She was reconciled with confiscation and Charles V made a grant to the husband of a hundred libras from the estate, but when the account was made up the expenses did not leave enough to pay him. One item against which he protested was twenty-five ducats to Diego for twenty days' work, when his salary was only eighty ducats a year; the Suprema consequently suspended the item but, in 1545, Inquisitor-general Tavera ordered it to be paid.[1]

It is perhaps superfluous to insist upon what was inevitable in an age when integrity was exceptional in public affairs, and in a business affording peculiar temptations to malversation, through the fluctuating uncertainty of receipts and the difficulty of effecting competent supervision. Ferdinand did his best to establish accountability, and his incessant activity exhibits itself in his minute criticisms on his auditor's reports of the accounts of receivers, but even his vigilance could not prevent frauds and peculation, nor was it possible for him to penetrate the mysteries lurking behind statements of receipts and expenditures, when the receivers were apt to use the funds as their own. When Juan Denbin, the receiver of Saragossa, died and his accounts were balanced, after all possible allowances were made, he was found, in 1500, to owe 9367 sueldos, which Ferdinand vainly endeavored to collect from his heir, the Abbot of Veruela. Denbin's deputy at Calatayud improved on his example and was found, in 1499, to be short 24,000 sueldos, of which he paid 8000 and promised the rest at the rate of 4000 a year; the instalment of 1500 was obtained after some delay and, when we last hear of him, Ferdinand was endeavoring to secure that of 1501.[2]

It is easy to understand the chronic reluctance of such officials to render statements, and Ferdinand's correspondence shows how difficult it was to force them to do so. There is much suggestiveness in a letter of October 15, 1498, to the Maestre Racional or Auditor-general of Catalonia, telling him that, as Jayme de la Ram, the former receiver, and Pedro de Badia, the present one, refuse under various pretexts to hand over their books so that their accounts can be settled, he is to take legal steps to compel it; they can have until March 1, 1499, to obey and, if they still refuse, their salaries are to be stopped. When the books are

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 148.

[2] Ibidem, Lib. 1.

obtained no time is to be lost in striking a balance, and especial care is to be taken that they do not give themselves fraudulent credits. Juan de Montaña, receiver of Huesca and Lérida was another whose accounts were chronically in arrear.[1] This continued to the end of Ferdinand's reign. In 1515 we find him writing to a receiver, who had flatly refused to obey an order of Ximenes to go to Valencia with his books and papers and render an account of his collections, for persistence in which the king threatened him with prosecution.[2] After his death Ximenes labored energetically to evoke order out of disorder. He appointed a receiver-general, with power to collect by levy, execution and sale, all moneys due by the receivers, and all fines, penances, commutations and rehabilitations; moreover, to a new auditor-general Hernando de Villa, he addressed a cédula, February 21, 1517, reciting that the receivers had collected from the confiscations and other sources large sums of which for a long time they had rendered no account, wherefore he was instructed to visit every tribunal, to demand an accounting from the receiver, to examine all papers and vouchers and ascertain the balances due, while all notaries were instructed to furnish whatever documents he might call for, and he was empowered to enforce his orders with punishment at discretion.[3]

Possibly this may have produced improvement, but if so it was but temporary. We have just seen how recalcitrant about his accounts was Pedro de Badia, the receiver of Barcelona; he did not improve and when he died, in 1513, he left his office in bad condition. He was replaced by Martin de Marrano, transferred from Majorca, who proved to be no better. In 1520 Cardinal Adrian, to punish him, reduced his salary to 2880 sueldos and then, April 16, 1521, wrote a long and indignant letter to the inquisitors, principally devoted to Marrano's misdeeds, among which was refusal to settle his accounts and alleging claims for which he had no vouchers. Yet, to all appearances, with the inexplicable tenderness shown to official culprits, he was retained in office.[4] The tribunal of Sicily, where the confiscations were large, was in even worse hands. Diego de Obregon, who served as receiver from 1500 to 1514, left its affairs in lamentable con-

[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 67.
[2] Ibidem, Lib. 3, fol. 332.
[3] Ibidem, Lib. 5, fol. 8.
[4] Ibidem, Lib. 3, fol. 225; Lib. 933.

fusion. He was succeeded by Garcí Cid, who was sent to reduce it to order. How he accomplished this is seen in a report of Benito Mercader, sent as inspector, describing the financial management as characterized by every vice, while peculation was rife among all the officials. Garcí Cid returned to Spain in 1520 and it was not until 1542 that the Suprema ordered him to pay the 1420 ducats, which he was found to owe, as well as what he had collected of 9300 more which were charged against him.[1] Things did not mend for, as we have seen, Zurita, who became Auditor-general for Aragon in 1548, describes his untangling of the Sicilian accounts, which had not been received for twenty years and were in the utmost disorder.[2]

It is evident that the receipts of the royal treasury formed but a portion of the amount wrung from the victims. What those receipts were, we have no means of knowing but, in 1524, the Licenciado Tristan de Leon, in an elaborate memorial addressed to Charles V, asserted that Ferdinand and Isabella obtained from this source the enormous amount of 10,000,000 ducats, which greatly assisted them in their war with the Moors.[3] Occasionally we have scattering indications of the productiveness of inquisitorial labors. Thus in the little temporary Geronimite Inquisition of Guadalupe, in 1485, the sovereigns appropriated the proceeds to the erection of a royal residence for their frequent devotional visits to the shrine. It was a magnificent palace, the cost of which, 2,732,333 maravedís, was almost wholly defrayed from this source.[4] In 1486, the Valencia tribunal must have been productive, for Ferdinand wrote from Galicia to the receiver Joan Ram, to supply all that was needful for a fleet, as he had not the money in hand at the court.[5] The impression produced on contemporaries is conveyed in Hernando de Pulgar's grim remark, when, describing the violent expulsion from Toledo of the Count of Fuensalida, he adds that the populace, like rigid inquisitors

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[1] Archivo de Simancas, Inquisicion,Lib. 3, fol. 239, 294, 296, 314; Lib. 933; Lib. 940, fol. 47, 68.

[2] Ibidem, Sala 40, Lib. 4, fol. 239.

[3] Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 35.

[4] Padre Fidel Fita (Boletin, XXIII, 286).

[5] Don Ramon Santa María (Boletin, XXII, 373). An abstract of a partial statement of the receipts in Valencia, during the year 1493, will be found in the Appendix. Some of the details illustrate the current business of the office.

of the faith, found heresies in the properties of the count's peasants, which they plundered and burnt.[1]

The large sums which were raised in the various compositions, in return for the very slender exemptions offered, are an index of the magnitude of the confiscations and so is a proposition, made to Ferdinand and declined, of a loan of 600,000 ducats if he would transfer the adjudication of such matters to the secular courts.[2] Although receipts were perhaps diminished, with the weeding out of the Judaizing New Christians, we have seen (Vol. I, p. 220) the offer made, in 1519, to Charles V, to provide an endowment which would meet all the salaries and expenses of the Inquisition and, in addition, to pay him 400,000 ducats in compensation for the abandonment of the confiscations. Soon after this another offer was made of 700,000 ducats, which seems to have been held under consideration for a year or two.[3]

During the remainder of the sixteenth century, the constant drafts by the Suprema on the several tribunals shows that they were, as a rule, supporting themselves, with a surplus for the central organization, although occasionally a tribunal in bad luck had to be helped by some more fortunate brother. The grant, in 1559, of a prebend in each cathedral and collegiate church, supplied the growing deficiency of confiscations, but the latter received a notable augmentation after the annexation of Portugal, in 1580. This was followed by a large influx of New Christians from the poorer to the richer kingdom, where their business ability speedily led to the acquisition of wealth, while their attachment to the ancient faith gave to the Inquisition a new and lucrative field of operations. We shall see hereafter the curious transaction by which, in 1604, they purchased a brief immunity, and this led soon afterwards to an offer, by the New Christians of Seville and the western provinces, of 1,600,000 ducats for a forty years' suspension of confiscation, coupled with the release of descendants from disabilities and infamy, the rating

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[1] Pulgar, Letra xxv (p. 58).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 27.

[3] Ibidem, fol. 35.—It is probably to this that allusion is made, November 10, 1527, by Martin de Salinas, in a letter to Ferdinand of Austria when, in enumerating the sources from which Charles expected to carry on the war, he includes more than a million of gold offered by the New Christians, "without disturbing the Inquisition." There is no appearance that the project was successful.—A. Rodríguez Villa, El Emperador Carlos V y su Corte, p. 386 (Madrid, 1903).

of testimony at its true worth, and papal intervention with the king in the rendering of sentences. The offer was seriously considered, but an investigation of the treasury accounts showed that, in its financial aspect, it would be a losing bargain for the crown, which would have to support the Inquisition, and it was rejected.[1]

The persecutions in Peru and Mexico furnished evidence against wealthy merchants at home which was profitably utilized. In 1635, the Pereiras, who were large contractors in Madrid, were implicated and also "the Pasariños and all the rich merchants of Seville." Then too, Francisco Illan of Madrid, rated at 300,000 ducats, was accused and we hear of the arrest of Juan Rodríguez Musa, described as a wealthy merchant of Seville.[2] It is true that when, in 1633, Juan Nuñez Sarabia was arrested, and his books showed a fortune of 600,000 ducats, hope was dashed by Gabriel Ortiz de Sotomayor, a member of the Suprema, who claimed the major part of it as a deposit by him as curador of Doña María Ortiz and as executor of Don Bernabé de Vivanco.[3] Still, a class of culprits such as these, composed of rich bankers and merchants, gave ample opportunity of swelling the assets of the Holy Office. In 1654, in an auto de fe at Cuenca, there were fifty-five Judaizers, many of them evidently in easy circumstances, one of whom said, on the way to the brasero, that his chances of heaven were costing him 200,000 ducats.[4] Yet these were uncertain resources and we have seen that the Suprema, in its budget for 1657, only reckoned on receiving from the tribunals 755,520 maravedís, or about 2000 ducats, but, on the other hand, in a consulta of May 11, 1676, it boasted that, within a few years, it had contributed to the royal treasury confiscations amounting to 772,748 ducats vellon and 884,979 pesos in silver.[5] In addition to this the confiscations were not only defraying any deficiencies in its income, but it was gradually becoming richer, for, in the years 1661–1668, the surplus of the Suprema and tribunals invested in government securities amounted to 21,064 ducats.[6]

[1] MSS. of Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, T. 4, n. 46.

[2] Archivo de Simancas, Inquisicion, Lib. 812, fol. 3, 4, 9.

[3] Ibidem, Gracia y Justicia, Inquisicion, Leg. 621, fol. 80–1.

[4] Bibl. nacional, MSS., S, 294, fol. 375.

[5] Ibidem, D, 150, fol. 224.—Archivo de Simancas, Inquisicion, Lib. 40, fol. 138.

[6] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 30.

Towards the end of the seventeenth century, the persecution of the Judaizing New Christians became sharper and we have seen the large results obtained, in 1679, by the Majorca tribunal from its wholesale prosecution of the Conversos of Palma. This persecution lasted till near the middle of the eighteenth century, with a large number of victims and, as they belonged in great part to the commercial class, the receipts must have been substantial. In sixty-six autos de fe, celebrated between 1721 and 1727, there were 776 sentences of confiscation. Many of these were unproductive, for confiscation was included in the sentence, whether the culprit had property or not, and the formula "confiscacion de los bienes que no tiene"—of the property which he has not got—is one of frequent occurrence, but there were doubtless enough possessed of wealth to make a fair average.[1] Then there were occasional windfalls from others than Judaizers, as in the case of Melchor Macanaz, in 1716. The financial management seems not to have improved since the days of Ferdinand. No account of the estate was rendered until December 31, 1723. This shows that his real estate brought in a revenue of 1269 libras, indicating a value of about 25,000 libras. There had been collected 9320ll. 7s. 10d. and expended 5838ll. 1s., leaving a balance of 3482ll. 6s. 10d. If the results were not greater it was not owing to any scruples. Melchor's brother Luis had an interest of 770 doubloons on the books of the glass-factory of Tortosa. It was guessed that he had not sufficient capital to justify such an investment, so the Madrid tribunal, October 21, 1716, ordered Valencia to sequestrate it.[2] Another piece of good fortune was the discovery, in 1727, of an organization of Moriscos, who had preserved their faith and whose confiscations were so profitable that the principal informer, Diego Díaz, received as reward a perpetual pension of 100 ducats a year.[3]

As the eighteenth century advanced, confiscation gradually grew obsolete. Heresy had been so successfully extirpated that relaxation and reconciliation grew rarer and rarer. In the records of the Toledo tribunal, extending to 1794, there is no sentence of confiscation later than 1738.[4] In the census of all the tribunals,

[1] Royal Library of Berlin, Qt 9548.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 13, n. 2, fol. 224; Leg. 14, n. 1, fol. 8.

[3] Archivo de Simancas, Inquisicion, Leg. 1479, fol. 2.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

about the year 1745, there is but a single *juez de los bienes*, though occasionally we find that office tacked on to an inquisitorship, as in Valencia in 1795, where an addition of 52ll. 10s. is made to the salary in consequence, but that it was a sinecure is apparent from the fact that, in a record of the sentences of that tribunal from 1780 to 1820, there is not a case of confiscation.[1]

It is not without interest to examine what was the use made of the large receipts during the early period, when they were controlled by Ferdinand and Charles V, and before the Suprema monopolized them for the support of the tribunals, save an occasional concession extorted by the crown. Pulgar and Zurita loyally assure us that, large as they were, the sovereigns employed them solely for the advancement of the faith—the war with Granada, the maintenance of the Inquisition and other pious uses.[2] Supported by these authorities, modern writers assume that no covetousness can be attributed to the sovereigns in the employment of these means for the public weal.[3]

Unfortunately, the records do not bear out these flattering assurances. The Inquisition, of course, had the first claim on the product of its labors and its expenses were defrayed from this source. I have met with but two cases, one in 1500 and one in 1501, where a salary was paid from the royal treasury and in both of these the recipient was Diego López, member of the Suprema and royal secretary—a duplicate position which might justify calling upon either source of supply.[4] During the war with Granada, ending with 1491, undoubtedly the funds derived from the industry of the Holy Office were largely employed in its prosecution which, according to the standards of the age, was not only a patriotic but an eminently pious use. While this drain continued it is not likely that much of the confiscations was otherwise employed, and I have met with but one or two pious gifts—in 1486 a thousand sueldos to aid in the construction of an infirmary for the Franciscan convent of Santa María de Jesus and, in 1491 a rent of five hundred sueldos a year to the church

[1] Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 10, n. 9, fol. 7.—Ibidem, Leg. 100.

[2] Pulgar, Cronica, P. II, cap. lxxvii.—Zurita, Añales, Lib. xx, cap. xlix.

[3] Rodrigo, Historia verdadera, II, 53.

[4] Archivo de Simancas, Inquisicion, Lib. 1.

of San Juan of Calatayud.[1] After the conquest of Granada we find occasional grants to convents and churches, but they are not frequent and, as a rule, are meagre in comparison with the profusion lavished on courtiers and servants. The only large recipient of bounty seems to have been Ferdinand's favorite Geronimite convent of Santa Engracia of Saragossa to which, in 1495, he gave thirteen thousand sueldos for the purchase of certain lands and gardens and, in 1498, ten thousand more. There was, in addition, a yearly allowance of six thousand sueldos for the maintenance of the frailes; the payment of this was suspended, in 1498, on account of lack of funds, but Ferdinand, after some hesitation, made this good by transferring to the convent certain censos that had been appropriated to the Inquisition.[2] In his correspondence of this period, up to 1515, there occur a few more pious expenditures, but all are of moderate amount and in no way justify the assertion that the confiscations were largely expended in this manner.

The acquisitive secretary Calcena was a much more frequent beneficiary. His position gave him exceptional facilities for watching the confiscations and of profiting by his knowledge. His name continually recurs as the recipient of gifts of censos, houses and money, and he had indirect means of participating, as we have seen when he shared in the ruin of the Archdeacon of Castro. Some light is thrown on the methods in vogue when, in 1500, the estate of Francisco López of Calatayud was confiscated. In this certain houses, valued at ten thousand sueldos, were included, which the son of López hoped to save, as belonging to his mother's dowry, but the father's papers had been seized and the marriage settlement was inaccessible. The son thereupon promised Calcena a third of the valuation for a copy of the document; the effort failed, the houses were confiscated and Ferdinand, compassionating Calcena's loss, not only gave him the promised third but pledged himself to defend the title in case it should be attacked.[3] This suggests a possible source of profit in favoring the sufferers by confiscation. Many instances have been cited above of Ferdinand's kindly consideration in mitigating exceptional cases of hardship, and we shall have occasion to refer to others; it would be pleasant to attribute them wholly to a side

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 99.—Archivo de Simancas, Inquisicion, Lib. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 1. [3] Ibidem.

of his character that has not hitherto revealed itself in history, but one cannot escape an uneasy suspicion that, as Calcena was the channel through which these bounties flowed, in some cases, at least, the successful petitioners were those who had made it worth his while to aid them.

The abuse of making to favorites grants out of confiscations antedated the establishment of the Inquisition. The Córtes of 1447 petitioned against it and Juan II assented in a fashion too equivocal to hold out much prospect of improvement.[1] It continued and, when the property of the New Christians came pouring in, Ferdinand yielded to the greed of his courtiers and nobles with a profuseness which explains where much of the products of confiscation disappeared. His recklessness in this matter is illustrated by a complaint, in 1500, of the Admiral of Castile, representing that he had been given a censo on his vizcondado of Cabrera, confiscated in the estate of Juan Beltran, but that certain parties to whom it had also been granted were suing him for it. Ferdinand evidently kept no record of these heedless gifts, for he could remember nothing as to this duplication, and he applied to the tribunal for a list of the provisions respecting the estate so that he could decide between the claimants.[2]

His only serious collision with the Inquisition arose from this source and he found its censures more effective than his own. His lavishness kept the tribunals drained to the point that frequently there was no money to pay the salaries. As early as 1488 the inquisitors assembled at Valladolid complained of this and supplicated the sovereigns to order receivers to provide for salaries before honoring royal drafts; if they failed to keep sufficient funds on hand for salaries they should be subject to removal by inquisitors.[3] This was ineffective; the royal treasury was chronically bankrupt, endurance ceased to be a virtue and the question came to a head at the close of 1497. On November 15th, Ferdinand wrote to receiver Juan Royz of Saragossa to pay some small amounts, less than a hundred ducats in all, chiefly needed for an inspection and reform of Franciscan convents then on foot. He knew, he said, that the Saragossa tribunal was in great straits, but he could not furnish the money himself and means must be found to raise it, without compelling him to write again. Royz

[1] Córtes de los antiguos Reinos, III, 535.
[2] Archivo de Simancas, Inquisicion, Lib. 1.
[3] Instrucciones de 1488, § 13 (Arguello, fol. 11).

however refused to make the payments, stating that the inquisitors-general had placed him under excommunication if he should pay any royal grants. Ferdinand shifted the order to the receiver of fines and penances, but the inquisitors-general had been beforehand with him by removing that official. Thus baffled, he wrote to them, January 28, 1498, telling them that these payments were absolutely necessary and he had nothing wherewith to meet them; besides, there were other pressing demands. The Córtes were about to meet at Saragossa and he had ordered certain alterations in the Aljafería to accommodate him during his residence, the cost of which Royz refused to pay and the work was stopped. There was also the tomb of his father and mother, with alabaster statues, which he was building at the abbey of Poblet (the burial-place of the kings of Aragon) at a cost of fifteen hundred ducats; five thousand sueldos were due to the architect, Maestre Gil Morlan, and when Royz refused to pay this from the confiscations, Ferdinand ordered the amount to be collected from the ground-rent of Parascuellos, but it chanced that Royz himself owed that ground-rent and was in no haste to pay it. Meanwhile the salaries were paid, but the excommunication still hung over Royz and he refused obstinately to furnish money for these needs and for some more that were crowding in. February 28th, Ferdinand vainly endeavored to induce the inquisitor to make Royz yield by excommunicating him, and he then appealed to Suárez de Fuentelsaz, one of the inquisitors-general, but equally without success. Finally, on March 30th, he wrote to Torquemada by a special messenger, with orders to bring an answer, telling him that, as the salaries were paid, the excommunication must be lifted, for he would not permit it. This was successful and, on April 10th, he wrote again, promising that in future he would not make grants from the confiscations and penances. On April 20th he communicated to Royz the removal of the excommunication and urged the speedy completion of the alterations of the Aljafería and the payment to Santa Engracia of what was due.[1] Thus ended this episode, which sheds a curious light on the relations of Ferdinand with the Inquisition and on the precarious nature of public finance at the time.

The excommunication had not been confined to Saragossa, nor was it removed elsewhere when Saragossa paid its salaries. In

[1] Archivo de Simancas, Inquisicion, Lib. 1.—Ferdinand's letter asking Torquemada to lift the excommunication will be found in the Appendix.

July, 1500, we find Ferdinand arguing with the obdurate Juan de Montaña, receiver of Huesca and Lérida, that it did not apply to the completion of an old donation to the church of Lérida, which had never been fully paid. We hear nothing subsequently of the censure, though complaints continued of salaries in arrears, and the Archdeacon of Almazan, who was inquisitor at Calatayud, was consequently unable to pay his debts when, in 1500, he was transferred to Barcelona. The tribunal of Valencia was hopelessly bankrupt when, in 1501, there came a lucky composition with the heirs of Juan Macip, for sixty thousand sueldos, which Ferdinand ordered to be applied to its liabilities so that, for once, it might be out of debt.[1] It is scarce necessary to add that Ferdinand's promise to make no more grants was violated almost as soon as made.

In the profusion which kept the tribunals exhausted it by no means followed that those who had no influence profited by the royal favor. In 1493, Ferdinand granted to Leonor Hernández two thousand sueldos as a marriage-portion. Under various pretexts, payment was evaded. Leonor married and died, leaving the claim to her husband and brother who, in 1502, procured from Ferdinand an order for its immediate settlement, but whether this was honored is problematical.[2] Even more delayed was a concession, in 1491, to Martin Marin of Calatayud, of three thousand sueldos on the confiscations of his father and mother-in-law; in 1512 Marin represented that he had never been able to obtain it and Ferdinand ordered its payment forthwith. These postponements were not always due to poverty. In 1491, a grant was made to Anton del Mur, royal alguazil, of a vineyard, forming part of the confiscated estate of Pascual de Santa Cruz. Receiver Royz of Saragossa made answer that the vineyard had been sold, but when the king ordered him to make over the proceeds to del Mur, the latter got nothing and Royz managed fraudulently to keep the vineyard in the hands of a third party. After nineteen years, del Mur, in 1510, revived the matter, when Ferdinand ordered the inquisitor and receiver to find out who held the vineyard and by what title and, if it was not found that Royz had sold it for a just price, del Mur was to be placed in possession.[3]

The eagerness for these spoils was such that claims for them

[1] Archivo de Simancas, Inquisicion, Lib. 1.

[2] Ibidem, Lib. 2, fol. 15, 17.

[3] Ibidem, Lib. 3, fol. 50, 58, 59, 188.

were put in without waiting for confiscation to be decreed, and it is evident that, when a man of wealth was arrested, there were agencies to convey the news to the expectants and the prey was divided before the quarry was killed. After Isabella's death, in 1504 these grants were an economical way to secure the fluctuating allegiance of the Castilian nobles, which Philip of Austria was ready to exploit and the nobles eager to profit by. When the Licenciado de Medina, of Valladolid, was arrested, the Admiral of Castile, Fadrique Enríquez, petitioned him at once for the confiscation and Philip from Brussels, May 5, 1505, granted the request, repeating it six months later. While awaiting Juana's confinement, before sailing for Spain, the two spouses, on September 12th, sent orders to all the cities, the nobles and officials not to obey Ferdinand or to pay taxes to him, and the receivers of the tribunals were specially told to withhold from him the confiscations.[1] Philip's orders from Flanders, however, received scant respect and his reign in Castile was too transitory for him to exercise any notable influence on the disposition of the confiscations.

As for Ferdinand, what he granted with one hand he withheld with the other. February 23, 1510, he issued a cédula to all receivers saying that, in consequence of the falling off in confiscations, if all the grants which he had made and was making were paid, the officials would not receive their salaries and would abandon the work, to the great disservice of God, wherefore in future, no matter what orders he or the inquisitor-general might issue, no grants were to be paid until all officials had received their salaries and ayudas de costa and, when such grants were presented, he or the inquisitor-general was to be consulted. The rule was to be that debts must be paid first, then salaries and grants not until the last.[2] Yet, on the day previous, he had given to Fernando de Mazueco, a member of the Suprema, certain olive orchards and censos confiscated on Gonzalo Ximenes of Seville; the same day he ordered the receiver of Jaen to deduct twenty thousand maravedís from the appraised value of some confiscated houses wanted by Dr. Juan de Santoyo, former judge of confiscations of Jaen, and he continued making gifts with reckless prodigality as though the royal treasury were overflowing and the Inquisition were richly endowed. In January, the Admiral

[1] Coleccion de Documentos, VIII, 295, 330, 365.

[2] Archivo de Simancas, Inquisicion, Lib. 3, fol. 61. See Appendix.

of Castile had had a grant of houses valued at eight or nine thousand sueldos and, on April 2nd, he ordered the receivers of Toledo, Seville, Córdova and Jaen each to pay 375,000 maravedís, or 1,500,000 in all to his servant Juan Rodríguez de Portocarrero.[1] Apparently it was exceptional for the Inquisition to enjoy the product of its exertions for, in May, we find him assuring the Suprema that no one had asked him for a confiscation of 100,000 maravedís just made in Valladolid, and that he will reserve it for the known necessities of that tribunal and, in July, that, although he has been much importuned for another confiscation, he will make no grant of it, so that the officials shall not suffer want.[2] It is needless to point out what a stimulus this state of things gave to the condemnation of those whose estates promised relief.

Ferdinand went on precisely as before and it would be superfluous to multiply instances of his reckless profusion, save that we may mention a gift to his wife Queen Germaine, in 1515, of 10,000 florins from the confiscations of Sicily and we may recall his attempted grant of 10,000 ducats to the Marquis of Denia from the composition of Córdova.[3] In this general scramble for fragments of the spoils, there is one point that may be noted—the demand for attractive slave-girls. How their existence came to be known to those who asked for them we can only guess, and it would be indiscreet to enquire why reverend members of the Suprema seem to be especially desirous of such acquisitions. April 7, 1510, Ferdinand writes to the receiver of Cartagena that he is told that, in the confiscated property of Ramado Martin de Santa Cruz, there is a Moorish female slave named Alia; if this is so she is to be delivered to Doctor Pérez Gonzalo Manso, of the Suprema, to be his property as a gift. March 18, 1514, the Licenciado Ferrando de Mazuecos, of the Suprema, petitions for a Moorish slave-girl, confiscated among the property of Juan de Tena of Ciudad Real, and Ferdinand orders her to be given to him, to do what he pleases with her. There was some contest over Fatima, a white Moorish slave-girl confiscated in the estate of Alonso Sánchez del Castillo. The Marquis of Villena asked for her and Ferdinand granted his

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 50, 62, 63, 80.

[2] Ibidem, fol. 91, 106.

[3] Ibidem, fol. 331. See also fol. 73, 76, 86, 87, 101, 103, 105, 112, 133, 136, 137, 138, 145, 169, etc.

request, June 15, 1514, but when the order was sent to Toledo, the deputy receiver refused to obey it, alleging that it was obtained by false representations, as the Suprema had already given her to the fiscal, Martin Ximenes. This was promptly answered, in a letter signed not only by Calcena but by the members of the Suprema, reiterating the grant to Villena and ordering the receiver to compensate Ximenes for her value.[1] It is suggestive that no such eagerness is shown to obtain male slaves.

Ferdinand himself was not above appropriating articles found among the spoils of his subjects. In 1502 we find him taking fifty-five pearls from Sardinia, a part of the confiscation of Micer Rejadel, burnt for heresy. Sometimes he did not even wait for the conviction of the owner, as in the case of a horse which, in 1501, he gave to the inquisitor of Córdova, and then, on learning that the animal would be serviceable to him in the chase, he had it sent to him and ordered four thousand maravedís to be paid to the inquisitor wherewith to buy a horse or mule.[2] He was even more unscrupulous, in 1501, when in Granada, on hearing of the death of Bernaldalla, a prisoner not yet convicted, he ordered that the garden belonging to him in the Rambla should be seized and given to the Princess Juana for her pastime, although he did not know whether it had been sequestrated.[3] It manifests the abiding confidence felt in the conviction of all who fell into the hands of the Inquisition.

Yet it would be unjust to Ferdinand not to allude again to the numerous cases in which he softened the hardships of confiscation by concessions to the sufferers or their representatives—and this when, as we have seen, his own treasury was empty. No doubt in many instances the influence of Calcena was purchased but, as a whole, they are too numerous not to find their origin in a kindliness which has been deemed foreign to the stern consolidator of the Spanish monarchy, nor could Calcena have ventured to presume too far, during a long series of years, in making his master an unconscious almoner. Two or three examples of this must suffice to show the spirit actuating him. In 1509, Juan de Peralta of Segovia betrothed himself to Francisca Nuñez, daughter of Lope de Molina and his wife, who were prisoners of the tribunal of Jaen. They were condemned and burnt, their estate was confiscated and Peralta petitioned the king, saying that he could not

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 84, 368, 377, 378, 383.

[2] Ibidem, Lib. 2, fol. 1, 26.

[3] Ibidem, Lib. 1.

marry without a dowry and begging an allowance out of the estate, whereupon Ferdinand ordered the receiver to give them two hundred thousand maravedís. The Inquisition was not to be balked; Francisca in turn was tried and reconciled with confiscation. Peralta made another appeal and this time Ferdinand granted twenty thousand maravedís.[1] October 21, 1500, he writes to the receiver of Leon to release to Leonor González, reconciled, a vineyard confiscated on her, of the value of two thousand maravedís, because she is poor and has a daughter to marry.[2] In 1510, he instructs receiver Badia of Barcelona to collect from the Bishop of Urgel ninety libras due to the confiscated estate of Guillen Dala, and, in view of the poverty and misery of Beatriz, Violante, Isabel and Aldonza his daughters, the money is to be paid to them. There was also an old debt due to Dala by Ferdinand's father, Juan II; this he orders to be collected from the rents of property set aside for the benefit of Juan's soul and to be also paid to the daughters.[3] These are only examples of numerous similar acts, which afford a welcome sense of relief as mitigations in some small degree of the miseries inflicted on thousands of the helpless through the pitiless enforcement of the cruel laws of the Church.

It would be wrong not to bear testimony also to the spirit of justice which is apparent in many of Ferdinand's decisions of questions brought before him. Thus on January 8, 1502, in instructing a receiver about a censo in dispute with Galceran de Santangel, he concludes by telling him to act without legal delays, so that justice may be administered with rectitude and promptitude, and that nothing may be taken but what belongs to the fisc, without wronging any one. September 12, 1502, he wrote that Garcí Corts complains that he had granted him certain censos and then, by a second letter, had stopped the transfer, whereupon he now orders the matter to be settled according to justice, without reference to what he may have written to the contrary, for it is not his will to inflict wrong on any one.[4] It would be easy to multiply these examples, from his confidential correspondence with officials, when there could have been no possible object in a hypocritical affectation of fairness. If he not infrequently rebuked inquisitors and receivers for

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 33, 79.
[2] Ibidem, Lib. 1.
[3] Ibidem, Lib. 3, fol. 105.
[4] Ibidem, Lib. 1; Lib. 2, fol. 11.

negligence in gathering in confiscations, it may be truly said that he more often scolded them for undue harshness and delay in settling honest claims.

The pressure on Ferdinand for grants from the confiscations continued to the last and was yielded to more often than prudence would dictate. The courtiers maintained intelligence with the tribunals to obtain advices in advance of the arrest or condemnation of wealthy Conversos, in order to make early application, and occasional letters from the king to receivers asking information as to such estates and forbidding their sale without further orders, indicate a growing sense on his part of the necessity of caution. One of his latest utterances, as mortal sickness was stealing over him, is a letter of September 23, 1515, to the receiver of Toledo, in reply apparently to a statement thus furnished. He had received, he says, the information as to the confiscated property of Pero Díaz and his wife, and also the representation as to the pressing needs of the tribunal, in consideration of which he will change his mind and make no grants from it except of a hundred thousand maravedís to his treasurer Vargas to reimburse him for certain outlays.[1] Thus to the end was maintained the struggle between those who labored for the harvest and those who sought to reap its fruits.

When, after his death, Ximenes sought to bring order into the finances of the Inquisition, he seems to have felt that his conjoined power as inquisitor-general and governor was insufficient to remedy these abuses, and he procured from the young King Charles a pragmática dated at Ghent, June 14, 1517, which was assuredly drafted by him. This recites that the salaries and ordinary expenses of the Inquisition are defrayed by the confiscations, but experience shows that often they cannot be paid, in consequence of the grants made by the crown; this must be remedied, or the Inquisition cannot be sustained, to the great damage of the royal conscience, and therefore, during the good pleasure of the king and until the salaries and ordinary expenses are provided for, no graces, donations or reliefs are to be complied with, under pain of a thousand gold ducats. Copies of this are to be sent to every tribunal and all officials are exhorted to see to its enforcement.[2] The gloss put on this by Cardinal Adrian, when sending it to the tribunal of Sicily, shows that there was no scru-

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 421, 422, 426.

[2] Ibidem, Lib. 74, fol. 90; Lib. 688, fol. 509.

ple in construing its provisions most liberally. He says that he has heard that many are obtaining grants on the Sicilian confiscations; what was collected under Ferdinand must be used as he had ordered, which was to buy rents for the support of the tribunal. The new pragmática postpones all grants to the salaries and charges of the Inquisition and, as Siciliy must provide for the support of the Suprema and of some of the home tribunals, it can be alleged in refusing to pay all grants that are presented, wherefore none must be paid without consulting him.[1]

Having issued this pragmática, Charles proceeded to nullify it with all convenient speed, but it served as a justification to the receivers in withstanding him. Three months later, on September 19th, he landed in Spain, surrounded by a crowd of hungry and greedy Flemish favorites, eager to enrich themselves at the expense of their master and his subjects. This reinforcement of the importunate native beggars made the profusion of Ferdinand seem niggardly by comparison. Peter Martyr tells us that the Flemings, in less than ten months after their arrival, had already sent home eleven hundred thousand ducats, drawn partly from the indulgence of the Santa Cruzada and partly from the Inquisition, for they obtained grants not only of estates confiscated but also of those of prisoners still under trial—showing how promptly they established relations which gave them secret information of the operations of the tribunals, and how little chance of escape had the unlucky prisoners whose estates would have to be refunded if they were not convicted. This was one of the abuses of which the cure was sought in the project of reform in 1518, which failed through the death of Jean le Sauvage.[2]

The booty thus secured by the Flemings shows how the confiscations had increased under this pressure, especially as the Spaniards were no less eager, if not quite so fortunate. This thoughtless prodigality of Charles is emphasized by the fact that he was impoverished in the midst of his profuseness. July 5, 1519, we find him ordering the receiver of Cartagena to pay the paltry sum of thirty ducats to Fernando de Salmeron, receiver-general of the Suprema, to reimburse him for a loan of that amount.[3] The receivers did all that they could to check these extravagant liberalities for, large as were the receipts, the

[1] Archivo de Simancas, Inquisicion, Lib. 933.
[2] Pet. Mart. Epist. 622.—Bibl. nacional, MSS., D, 153.
[3] Archivo de Simancas, Inquisicion, Lib. 9, fol. 49.

tribunals were threatened with bankruptcy. Saragossa, in reporting, March 18, 1519, to the Suprema, some impending convictions, endeavored to avert the dissipation of the results by representing its poverty; the salaries of most of the officials were more than a year in arrears and, if the king did not exercise more restraint, the tribunal could no longer be maintained.[1]

One or two instances of the struggles between the receivers and the recipients of the royal bounty will illustrate the existing conditions, and incidentally show how Adrian and the Suprema were forced to bow to the tempest and to connive at the pillage of the resources of the Holy Office. A letter of Charles, January 19, 1519, to Juan del Pozo, receiver of Toledo, relates how he had granted to M. de Cetebrun, of his body-guard, the confiscation of Alonso de Baena and had ordered Pozo to convert it into money and pay it to him; how Pozo had subsequently been notified that Cetebrun had sold it to Iñigo de Baena, son of Alonso, and had been ordered to deliver it to the latter; how neither of them had been able to make him surrender it; how another royal order had been served on him and then one from Adrian and the Suprema, with no result save an assertion that he had no funds; how Baena had made four journeys to Madrid, to his great loss and expense, the whole winding up with a peremptory command to obey the repeated mandates without further delay or excuse. It is probable that still more energetic measures were requisite to get the property, for Pozo was an obstinate man. A letter from Charles to him, September 5, 1519, refers to an order on him for six hundred ducats, in favor of M. Baudré which remained unpaid, in spite of repeated commands from the king and Cardinal Adrian, whereat Baudré is much aggrieved, especially as he has been keeping a man in Toledo, at his expense, to collect it. Charles now orders it to be paid within sixty days, in default of which Pozo must, within twenty days thereafter, present himself at the court, wherever it may chance to be, with all his books and papers for examination. This was a most formidable threat and perhaps brought Pozo to terms for, on December 2nd we find him ordered to pay on sight four hundred ducats to La Chaulx, as procurator of the Toison d'Or and, the next day, five hundred more to Jean Vignacourt, a gentleman of the royal chamber.[2]

Cristóval de Prado, receiver of Cuenca, was another trouble-

[1] Archivo de Simancas, Inquisicion, Lib. 921, fol. 88.

[2] Ibidem, Lib. 9, fol. 23, 60, 70.

some subject. Charles granted to Cortavila and Armastorff, two of his chamberlains, the confiscated estate of Francisco Martínez and his wife. It must have been a large one, for a suggestion was made of giving the courtiers four thousand ducats and reserving two thousand to pay the salaries, but they demanded the whole and Charles, April 10, 1518, ordered it to be turned over to them and, if any part had been converted to the use of the Inquisition, it was to be made good out of other confiscations. Prado staved it off for nearly eighteen months, pretending to hesitate about including the dowries and marriage portions of the children, until Charles, September 5, 1519, ordered all these to be swept into the grant. Soon after this, on November 9th, there was another crop of confiscations at an auto de fe at Cuenca when, in preparation for fresh bounties, Salmeron, the receiver-general, was ordered to report as to their value and also as to the condition of the salaries and other indebtedness. This probably deprived Prado of excuses for awhile, and we hear of no more refusals to pay until April 16, 1520. The Duke of Escalona had asked for the confiscations of three of his vassals at Alarcon, amounting to three hundred and fifty ducats, but Prado alleged that only two of the parties named had been condemned and that the order therefore must be surreptitious. He wrote in this sense to Charles and to the Suprema but, on September 7th he was commanded to pay it, and the letter was signed by Doctor Manso of the Suprema and countersigned by Cardinal Adrian. Cuenca, at this time, must have been a mine of wealth. Just before sailing from Coruña, Charles, on May 8, 1520, ordered Prado to pay a thousand ducats to Antoine de Croy, two hundred to Henri d'Espinel, four hundred to Simon Fisnal, mayordomo to Charles de Croy, Prince of Chimay, and five hundred to Adolf Duke of Cleves. On October 23rd Charles writes that his secretary Gui Morillon, who had been charged with these collections, reported that Prado refused to pay them, but he adds that, as there are now funds sufficient, after paying salaries and expenses, and the thousand ducats to Cardinal Adrian, they must be paid in preference to subsequent grants. As Adrian had been given an interest in this heavy raid on Cuenca, it is probable that Prado was coerced into obedience.[1]

Our old friend Villacis of Seville was wary and experienced

[1] Archivo de Simancas, Inquisicion, Lib. 9, fol. 60, 72; Lib. 5, fol. 26; Lib. 6, fol. 74.

and accustomed to hard blows. He gave the courtiers infinite trouble, but the cases in which he was involved were too numerous to be detailed here and space can only be found for one of five hundred ducats to Francisco Guzman and Antonio Tovar, gentlemen of the king's chamber. This had originally been drawn on Cuenca, but Prado had been found too impervious and it was transferred to Seville. Villacis evaded it until Charles, on May 6, 1519 threatened him with *merced*—being placed at the king's mercy—if it was not paid at once. This was serious, but Villacis was unmoved and merely replied that he had no money to pay the overdue salaries, besides large sums owing for services and for judgements rendered against the confiscations. The affair dragged on until, on August 23, 1520, Adrian and the Suprema ordered immediate settlement, in default of which an agent would be sent, at his expense, to do it personally. This was probably effective, as we hear no more of it.[1]

Aliaga of Valencia was one of Ferdinand's oldest and most trusted receivers and had given evidence of similar powers of resistance, if we may judge from the anticipatory measures taken when the interests of the powerful favorite, the Prince of Chimay, were involved. When news was brought to the court of the reconciliation and confiscation of the wealthy Alonso de Abella of Valencia, a speedy partition was made among the vultures. Eight hundred ducats were assigned to Jean de Baudré and Philibert de la Baulme, gentlemen of the chamber, three hundred to another gentleman, Jayme de la Trullera, and the rest of the estate to the Prince of Chimay, after paying salaries, if they could not be met out of other confiscations. Orders to this effect were despatched to Aliaga, July 5, 1519, with a pressing letter from Charles to the inquisitors. Apparently the beneficiaries felt that more active measures were necessary; Simon Tisnot, the prince's majordomo, was empowered to receive the property and, as his agent, Gui Morillon was sent to Valencia, July 9th, with letters to the inquisitors, to the Governor of Valencia and to Aliaga. The inquisitors were told that, as the clause concerning salaries might be so construed as to consume the whole, they must order Aliaga, under pain of excommunication, to deliver to Chimay's agent, within three days, all the property, goods, debts and money of the confiscation, except the eleven hundred ducats to

[1] Archivo de Simancas, Inq., Lib. 9, fol. 12, 33; Lib. 5, fol. 26; Lib. 6, fol. 95.

the other courtiers; if the necessities of the tribunal required any portion, it must be very moderate so that Chimay, if possible, might get the whole. The governor was ordered to help Tisnot and to urge the inquisitors to compel Aliaga to obey. Aliaga was told that, under pain of deprivation of office, he must deliver the estate to Morillon within three days and must strain every nerve to meet the needs of the tribunal from other sources, so that Chimay may suffer no deduction. If the salvation of the monarchy had depended on the realization of the grants, the letters could scarce have been more vehement. Yet it was all in vain; Aliaga was imperturbable and, on December 8th, Charles expressed his displeasure that the eleven hundred ducats had not yet been paid though he had postponed to them the grant to Chimay, but it is not likely that his vague threats, in case of further delay, proved effective.[1]

In this carnival of plunder, there is small risk in assuming that the pressure on the tribunals gave a stimulus to the prosecution of the richer class of the Conversos and that wealth became more than ever a source of danger. In fact, the number of large estates referred to in these transactions would seem to indicate that few escaped whose sacrifice would supply needful funds to the Inquisition, while ministering to the greed of the courtiers. It need occasion no surprise, therefore, if the threatened New Christians, in their despair, appealed to Leo X and rendered it worth his while to remonstrate with Charles. Yet the latter, while scattering ducats by the thousand among his sycophants, had the effrontery to instruct his envoy, Lope Hurtado de Mendoza, September 24, 1519, to disabuse the pope as to the accusation that the Inquisition was prosecuting the rich for the confiscations, the truth being that all, or nearly all, of those prosecuted were poor, and that the fisc had to support them while in prison and to pay their advocates and procurators.[2]

After Charles's departure, in May, 1520, to assume the imperial dignity, we hear of few new grants. He was rapidly ripening under the weight of the tremendous responsibilities accumulated upon him and was recognizing that his position implied other duties than the gratification of his courtiers' greed. It would seem that he willingly shifted upon the inquisitor-general and Suprema the burden of such trivial matters, and left it to them

[1] Archivo de Simancas, Inquisicion, Lib. 9, fol. 47, 48, 51, 71.

[2] Archivo hist. nacional, Inquisicion de Toledo, Hacienda, Leg. 10.

to assent to or dissent from such graces as he might bestow. A grant from a confiscation at Saragossa, dated at Brussels, October 1, 1520, bears the formula that it is with the assent and advice of the inquisitor-general and Council of Aragon, and, though it is signed by Ugo de Urries by order of the emperor, it has the *vidimus* of Cardinal Adrian.[1] Practically thus the control was lodged with the Suprema, whose needs, as we have seen, prevented any accumulations in the tribunals and we hear little or nothing subsequently of this dissipation of the confiscations.

If I have entered thus minutely into the details of this branch of inquisitorial activity, it is because its importance has scarce been recognized by those who have treated of the Inquisition. It not only supplied the means of support to the institution during its period of greatest activity, but it was recognized by the inquisitors themselves as their most potent weapon and the one most dreaded by the industrious classes which formed their chief field of labor. Its potency is the measure of the misery which it inflicted, through long generations, on the innocent and helpless, far transcending the agonies of those who perished at the stake. To it was largely owing the ultimate extinction of Judaism in Spain, for the exalted heroism which might dare the horrors of the *brasero* might well give way before the prospect of poverty to be endured by disinherited offspring. To it also is greatly attributable the stagnation of Spanish commerce and industry, for trade could not flourish when credit was impaired, and confidence could not exist when merchants and manufacturers of the highest standing might, at any moment, fall into the hands of the tribunal and all their assets be impounded. Even the liberality of the Spanish Inquisition, in not confiscating the debts due by the heretic, was but a slender mitigation of this, for the creditor was liable to ruin through the difficulties and delays interposed on the realization of his credits, and past transactions were not secure until protected by a proscription of forty years. The Inquisition came at a time when geographical discovery was revolutionizing the world's commerce, when the era of industrialism was dawning, and the future belonged to the nations which should have fewest trammels in adapting themselves to the new developments. The position of Spain was such as to give

[1] Archivo de Simancas, Inquisicion, Lib. 6, fol. 71.

it control of the illimitable possibilities of the future, but it blindly threw away all its advantages into the laps of heretic Holland and England. Many causes, too intricate to be discussed here, contributed to this, but not the least among them was the bleeding to anæmia, through centuries, of the productive classes and the insecurity which the enforcement of confiscation cast over all the operations of commerce and industry.

CHAPTER II.

FINES AND PENANCES.

ALTHOUGH, at least in the earlier period, confiscation was the main financial reliance of the Inquisition, it had other resources. Of these a productive one was the pecuniary penance which the tribunals had discretionary power of imposing on those whose offences amounted only to suspicion of heresy and not to the formal heresy which entailed reconciliation or relaxation with confiscation.

Almsgiving in satisfaction of sin formed a feature of ecclesiastical practice and, in the middle ages, the schoolmen had no difficulty in proving that pecuniary penance was more efficacious than any other[1]—and it certainly was more efficacious in the sense that the enormous possessions of the Church were largely gathered from this source. Moreover, the inquisitor inherited from his medieval predecessors an undefined duplicate function of confessor and judge—his culprits were penitents and the punishments he inflicted were penances.[2] Even when the canon law required the hardened or relapsed heretics to be relaxed to the secular arm for burning, they are sometimes alluded to as *penitenciados*.[3] When, under the early Edicts of Grace, penitents by the thousand flocked to confess their sins and escape corporal penalties and confiscation, the inquisitor was instructed to make them give as "alms" a portion of their property, according to the quality of the person and the character and duration of his offences, and these *penitencias pecuniarias* were to be applied to the war with Granada as to the most pious of causes.[4] Thus, at

[1] Joh. Friburgens. Summæ Confessor. Lib. III, Tit. xxxiv, Q. 123.

[2] In the earliest period this was expressed in the sentence, as in one on Murcia, wife of Diego González, by the Guadalupe tribunal, November 20, 1485.—"E imponemosle e damosle en penitencia en emienda y satisfacion de los dichos hereticos herrores carcel perpetua en la qual mandamos que este e haga penitencia de los dichos pecados."—Archivo hist. nacional, Inquisicion de Toledo, Leg. 133, n. 46.

[3] So in description of the Madrid auto de fe of July 4, 1642, in Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).

[4] Instrucciones de 1484, § vii (Arguello, fol. 4).

the start, pecuniary penance and almsgiving were regarded as convertible terms, both equally applicable to the discretionary fines which the inquisitor could impose on his penitent. There was a technical, though not a practical, distinction between these and the mulcts inflicted on offenders for other than spiritual offences, in the exercise of the royal jurisdiction conferred on the Holy Office. They formed together a common fund which was known as that of the *penas y penitencias*—the fines and penances—of which the former were drawn from the secular and the latter from the spiritual jurisdiction. This distinction at best was shadowy and though it was observed at first, in time the tribunals grew indifferent and recognized that penance was punishment.

The earliest formality is seen in the case of Brianda de Bardaxí, where the consulta de fe, March 18, 1492, pronounces her guilty of vehement suspicion, to be penanced at the discretion of the inquisitors. Accordingly, on March 20th, the inquisitors deliberated on the "penance" and pronounced an *Impositio penitentie*, consisting of five years' imprisonment, with certain spiritual observances, "and moreover we penance her in the third part of all her property, which we apply to the coffer of penances of this tribunal and to the costs of her trial, which third part, or its true value, we order to be paid within ten days to Martin de Cota, receiver of penances."[1] By the middle of the sixteenth century this scruple was overcome. In the case of Mari Serrana, at Toledo in 1545, the consulta de fe, it is true, votes that she be "penanced" in a third of her property, but the public sentence, which customarily did not specify the amount, after enumerating certain spiritual observances, adds "also the pecuniary punishment imposed on her, for a certain reason is reserved for the present." So, in the case of Mari Gómez, in 1551, it is stated that she is "condemned" in twenty ducats for the expenses of the tribunal, which she is to pay within nine days to the receiver. When the sentence was read to her in the audience-chamber, she asked how she was to pay the twenty ducats and was told it would come out of the property sequestrated at her arrest.[2] Sequestration, we may observe, enabled the tribunal to help itself at discretion from the culprit's property and to proportion the penalty to his ability.

There was an advantage to the Inquisition in considering these fines as penitential, for penance was part of the sacrament of

[1] Bibliothèque nationale de France, fonds espagnol, 80, fol. 169.

[2] MSS. *penes me.*

absolution which was an ecclesiastical function, the proceeds of which were controlled by the Church, and it differed thus wholly from confiscation. It is true that practically this was merely a verbal juggle, for the inquisitor did not absolve and, as he was not necessarily a priest, his office did not comprise the administration of the sacraments, but the verbal juggle sufficed and serves to explain the rigid separation of the funds arising from penance and from confiscation, even after both were controlled by the Inquisition. We have seen (Vol. I, p. 338) the prolonged struggle made by Ferdinand to obtain possession of the penances, which finally terminated in favor of the Inquisition. This was rather beneficial to the accused, as the tribunal would be inclined to find him guilty only of suspicion of heresy, enabling it to inflict a pecuniary penance for its own benefit, rather than of formal heresy which inferred confiscation. Of course this passed away when financial control practically lapsed to the Suprema, but the distinction between the funds was still maintained.

In the earlier period the distinction was emphasized by the office of special receiver for the penances, who seems to have been subject to the inquisitor-general, while the receiver of confiscations held from the king. Thus the sentence of Brianda de Bardaxí shows us Martin de Cota as receiver of penances in Saragossa in 1492 and we still hear of him in that position in 1497, while Ferdinand had, as his own receiver, Juan Denbin, succeeded by Juan Royz. As early as 1486, Esteve Costa was "receptor de las penitencias" in Valencia, whose salary of fifty libras shows the office to be of much less importance than that of the receiver of confiscations.[1] Still, there came to be no settled rule about this. In 1498, Juan Royz was receiver of both penances and confiscations in Saragossa and, in Valencia, Juan de Monasterio was inquisitor and at the same time receiver of penances, while, in 1512, in Barcelona the fiscal also filled the latter office, as we learn from his salary being suspended until he should render an account of his receipts.[2] As late as 1515 there was still a special receiver of penances in Huesca, the Canon Pero Pérez, whose death revealed him to be a defaulter to the extent of four thousand sueldos, when the office was consolidated with that of the receivership.[3] In 1516, among his other reforms, Ximenes abolished this

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 89.

[2] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 176.

[3] Ibidem, Lib. 3, fol. 351.

special office and put the fines and penances in the hands of the receivers of confiscations, with instructions, however, to keep the funds separate and not to disburse the fines and penances except on orders from the inquisitor-general. There had previously been, in the Suprema, a receiver-general of fines and penances, an office which was likewise suppressed and all the revenues were placed in charge of a single official, a regulation which was confirmed by Manrique in 1524.[1]

There was difficulty in preventing the unauthorized collection of these funds, by other officials, with the consequent absence of responsibility and risk of embezzlement. In instructions for the prevention of abuses, October 10, 1546, it is prescribed that all fines be paid to the receiver; again, August 20, 1547, it is ordered that neither the inquisitors nor other officials save the receiver shall collect the penances or other moneys. Inspection of the Barcelona tribunal, in 1549, showed that this was not obeyed; other officials made the collections and they were not reported to the receiver, all of which was forbidden for the future, but the order of 1547 had to be repeated December 4, 1551, May 9, 1553, and December 20, 1555.[2] Evidently there were leaks which the Suprema was vainly seeking to stop. A special commission was issued, January 12, 1549, to Gerónimo Zurita, as contador for the kingdoms of Aragon, to audit the accounts of all receivers, past, present and to come, concerning the fines and penances and other *parties casuelles*, with full powers to send for persons and papers under such penalties as he might designate, which is highly significant.[3] Possibly his investigations led to a carta acordada of September 23, 1551, which states that, in some tribunals, some of the pecuniary penalties are not entered in the Book of Punishments; the notaries of sequestrations are therefore impressively ordered, under holy obedience and major excommunication *latæ sententiæ*, to make such entries when sentence is rendered, stating whether they are applicable to the Inquisition or to some pious work, so that the contador may know whether they are collected, and all fines thus omitted are to be deducted from the salaries of the notaries.[4] As, by this time, the fines and penalties were invariably applied to the Inquisition, the pretence of appropriating to

[1] Arguello, fol. 20, 25.—Arch. de Simancas, Inq., Sala 40, Lib. 4, fol. 98.

[2] Archivo de Simancas, Inquisicion, Lib. 926, fol. 33; Lib. 939, fol. 119; Lib. 79, fol. 170; Sala 40, Lib. 4, fol. 173.

[3] Ibidem, Sala 40, Lib. 4, fol. 168.

[4] Ibidem, Lib. 942, fol. 16.

pious uses was presumably a mere device for embezzling them. The Suprema evidently had no doubts as to this, when the inquisitors of Barcelona, in the case of Pirro de Gonzaga, imposed a penance of three hundred ducats and appropriated twenty-five to the convent of N. Señora de los Angeles, twenty-five to the nuns of San Gerónimo and the remainder to beds and garments for the poor. It told them, in 1568, that all fines were for the expenses of the Inquisition and required them, within thirty days, to furnish authentic evidence of the disposition made of the two hundred and fifty ducats, under pain of rigorous proceedings against them.[1] As for holding the notaries responsible, there was manifest injustice in this, for they were powerless to prevent fraud by the inquisitors. In 1525, some instructions to the tribunal of Sicily mention that the notary had repeatedly and vainly requested that notice be given to him of all penances, in order that he might charge them to the receiver.[2] How reckless sometimes were the inquisitors appears in the case of the murder of Juan Antonio Managat, deputy receiver at Puycerda. In 1565 the three Barcelona inquisitors inflicted on the accused certain heavy fines which were duly collected and placed in the coffer with three keys, after which they coolly helped themselves to a thousand reales apiece, under pretext that it was for fees in trying the case. On this being discovered, in the inspection by de Soto Salazar, the Suprema ordered the money to be returned to the coffer and satisfactory evidence of the restitution to be furnished within thirty days.[3]

The distinction between the confiscations and the fines and penances was rigidly maintained when both were concentrated in the hands of the receiver. A special commission was issued to authorize him to receive the latter [4] and he was straitly instructed to keep the accounts separate. The confiscations were devoted to salaries and, if there was an overplus, to investments of a more or less permanent character, while the fines and penances were levied, as the formula of the sentences habitually expressed it, for the *gastos extraordinarios*—the other and extraordinary expenses of the tribunals. Still, when the confiscations ran short,

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.
[2] Ibidem, Lib. 933.
[3] Ibidem, Visitas de Barcelona, Leg. 15, fol. 20.
[4] Ibidem, Sala 40, Lib. 4, fol. 173, 220, 222, 229.

there was no hesitation in drawing upon the other fund, although a special order of the Suprema was necessary for its authorization. Ayudas de costa were generally drawn from the fines and penances, though frequently the receiver is told to pay them out of any funds in hand.[1] In 1525, Manrique directed the house-rents of the officials to be paid from the fines and penances; in 1540 Tavera granted, from the same fund in Valencia, three thousand sueldos to the nunnery of Santa Julia as the dowry of a reconciled Morisca, placed there to save her soul; in 1543 he calls upon the receiver of Granada to furnish, from the same source, two hundred ducats to Juan Martínez Lassao, secretary of the Suprema, on the occasion of his marriage; in 1557 the inquisitors of Saragossa were allowed, in the same manner, to defray the cost of alterations in the Aljafería.[2] In short, this fund was expected to meet the innumerable miscellaneous expenses of the tribunals and to supply all deficiencies, rendering the inquisitors watchful to keep it abundantly supplied.

There were occasions when penances replaced confiscations, to the manifest advantage of the tribunals. Thus, in 1519, when the estate of Fernando de Villareal was subject to confiscation, Charles V authorized the inquisitors to impose on him such penance as they deemed fit and released to him the surplus. It is not likely that this surplus was allowed to be large for, when in 1535, the tribunal of Valencia was trying the Bachiller Molina and learned that the viceroy had promised Molina's wife that, in case of confiscation, he would ask the emperor to forego it, the inquisitors wrote to the Suprema that they proposed not to confiscate his property but to impose a penance of something less than its value.[3] This indicates that the penances were not subject to the crown and thus it exposes the disingenuousness of the Suprema, in replying to a petition of Valencia, in the Córtes of Monzon in 1537, that the Inquisition should be restrained from penancing the Moriscos. It argued that these pecuniary penances were applied to the royal treasury and that his majesty should not be asked to remit them, or be required to supplicate the pope to revoke what the canons prescribe.[4]

The canons prescribed confiscation, but there was no hesitation,

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 163, 164, 165, 168, etc.
[2] Ibidem, Lib. 75, fol. 25; Sala 40, Lib. 4, fol. 109, 127, 277.
[3] Ibidem, Lib. 9, fol. 32; Lib. 77, fol. 354.
[4] Ibidem, Lib. 78, fol. 193.

as we have just seen, in substituting penance. The largest scale on which this was tried was in the kingdoms of Aragon, where the Moriscos were mostly vassals of the gentry and nobles, who suffered when they were impoverished and their lands were taken. The fueros of Valencia provided that feudal lands confiscated, whether for heresy or other cause, should revert to the lord, and this was repeatedly sworn to by Ferdinand and Charles, but the Inquisition calmly disregarded all laws and insisted on confiscating for its own benefit. Even a brief of Paul III, August 2, 1546, decreeing that for ten years and subsequently, at the pleasure of the Holy See, there should be no confiscations or pecuniary penances inflicted on the Moriscos, received no attention and the practical answer to the remonstrances of the Córtes of 1564 was a specific instruction from the Suprema to the Valencia tribunal to go on confiscating, no matter what the people might say about their privileges.[1] Aragon, meanwhile, had obtained, in 1534, a pragmática by which Charles renounced his right to the Morisco confiscations, which were to revert to the heirs or be distributed as intestate, and to this the assent of the Suprema was secured. This was, however, practically nullified for, in 1547, the Córtes complained that confiscations were replaced by penances greater than the wealth of the culprits, who were obliged to sell all their property and, in addition, to impoverish their kindred, to which the Suprema loftily replied that, if any one was aggrieved, he could appeal to it or to the inquisitors.[2]

A lucrative bargain was finally made with Valencia, which had the largest Morisco population. In 1537 the Córtes proposed that, for a payment of 400 ducats a year, the Inquisition should abstain from penancing the Moriscos, but the Suprema refused, on the ground that it would be a disservice to God. It was shrewd in this for, in 1571, it secured an agreement under which, for an annual payment of 50,000 sueldos (2500 ducats) it abandoned confiscation and limited penance to 10 ducats, the payment of which was rendered secure by levying it on the aljamas of the culprits.[3] Favorable as was this, the inquisitors did not restrain themselves to its observance. In the auto de fe of January 7, 1607, there was a penance of 50 ducats, one of 30

[1] For the details see the author's "Moriscos of Spain," pp. 120–4.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 9; Lib. 922, fol. 15.

[3] Ibidem, Lib. 78, fol. 168.—Danvila y Collado, Expulsion de los Moriscos, pp. 183–88.

and one of 20 and, while there were only eight reconciliations, there were twenty penances of 10 ducats. The Suprema took exception to this, saying that, without reconciliation, the fines were uncalled for, in the absence of some special offence.[1] The agreement, in fact, was one under which the gains of the tribunal were limited only by its industry, for there was no lack of Morisco apostates. The little village of Mislata, near the city, must have been well-nigh bankrupted, for it was liable for the penances of its inhabitants, of whom there were eighty-three penanced in 1591 and seventeen in 1592.[2]

As confiscations diminished throughout Spain, the unrestricted power to impose fines and penances came in opportunely to fill deficiencies. They could be levied in a vast variety of cases—not only for suspicion of heresy and for fautorship, but for bigamy, blasphemy, ill-sounding expressions and all offences against the tribunal and its officials, as well as for those of the officials themselves and the familiars. The temporal jurisdiction especially afforded large opportunities, for the defendant, whether he was a familiar or an outsider, could always be fined for the benefit of the tribunal and this was rarely omitted. It was no secret within the Holy Office that this discretional power was to be exercised, not in accordance with the merits of the case, but with the needs of the Inquisition. As early as 1538, this was intimated in the instructions to Inquisitor Valdeolite of Navarre, when sent on a visitation to investigate witchcraft. He was forbidden to inflict confiscations but was told that he could impose fines and penances, in proportion to the offences and wealth of the culprits, in order to meet expenses and enable the receiver to pay salaries.[3] In time the Suprema grew more outspoken. A carta acordada of October 22, 1575 told inquisitors that they could impose pecuniary penalties while on visitations, as well as when sitting in the tribunal, and must bear in mind the poverty of the Suprema as well as the wealth of the culprits and the character of the offence. This was repeated in 1580, and in 1595 attention was called to the necessity of relieving the wants of the Inquisition in this manner, an exhortation repeated in 1624.[4]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 79.

[2] Ibidem, Leg. 98. [3] Archivo de Simancas, Inquisicion, Lib. 78, fol. 216.

[4] MSS. of Royal Library of Copenhagen, 218[b], p. 234.—MSS. of National Library of Lima, Protocolo 223, Expediente 5270.—Archivo de Simancas, Inquisition, Lib. 941, fol. 1.

This stimulation was apparently superfluous, for the inquisitors exploited their powers in this respect to a degree that sometimes moved even the Suprema to reproof. In a visitation of Gerona and Elne by Doctor Zurita of Barcelona, in 1564, we find him inflicting fines and penances continually, of 4, 6, 10, 20, 30 or 100 ducats, apparently limited only by the means of the victim. His colleague, Dr. Mexia, on a visitation penanced Damian Cortes in 100 ducats because, thirty years before, when some one told him to trust in God, he had exclaimed "Trust in God! By trusting in God last year I lost 50 ducats" and, when Juan Barbero made a comment on this sentence, he was fined 20 ducats and costs. When this last exploit was reported by de Soto Salazar, the Suprema ordered the fines to be refunded, as it also did with those inflicted by Mexia, of 60, 40 and 15 ducats, on the Bayle of Vindoli and two jurados for an offence so trifling that their names were ordered to be stricken from the records. When sitting as a tribunal these inquisitors were even more liberal to themselves, for they fined the Abbot of Ripoll 400 ducats for keeping a nun as a mistress—an offence wholly outside of their jurisdiction.[1] As late as 1687, the tribunal of Logroño furnished a flagrant instance of this abuse of arbitrary power, when it excommunicated and fined in 200 ducats D. Miguel Urban de Espinosa, a Knight of Santiago and familiar, because, when summoned to attend at the publication of the Edict of Faith, he sought to enter the church while wearing a sword. The inquisitor-general promptly ordered his absolution and suspended the fine until further information.[2]

The receipts from penances, although fluctuating, were a substantial addition to income. In the Seville auto de fe of May 13, 1585, a penitent accused of Lutheranism was penanced in 100 ducats, a bigamist in 200, provided it did not exceed half his property; for asserting fornication to be no sin one man was penanced in 200 ducats or less, according to his wealth, another in 200 and two in 1000 maravedís apiece, while, for concealing heretics, there was a penance of 50 ducats. In all, the auto yielded 850 ducats and 2000 maravedís.[3] Even more productive was the auto of June 14, 1579, at Llerena, where the tribunal harvested 626,000 maravedís and 2700 ducats, or about 4375

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 9, 20.
[2] N. Hergueta (Boletin, XLV, 434).
[3] Archivo de Simancas, Inquisicion, Legajo 787.

ducats in all—owing to some of the penitents being well-to-do ecclesiastics, given to Illuminism.[1] Toledo, in 1604, imposed a penance of 3000 ducats on Giraldo Paris, a German of Madrid, guilty of sundry heretical propositions, including the assertion that St. Job was an alchemist.[2] The same tribunal, in 1649 and 1650, penanced four persons engaged in endeavoring to shield a Judaizer, two of them 500 and the other two 300 ducats apiece. In 1654, again, in two autos, November 8th and December 27th, it realized a total of 4000 ducats. After this it had occasional good fortune and, in 1669, it was supremely lucky in a rich penitent, Don Alonso Sanchez, priest and physician to the Cuenca tribunal, whom it convicted of fautorship and penanced in the large sum of 13,000 ducats.[3] In 1654, Cuenca realized 2250 ducats, besides thirteen confiscations, from its auto of June 29th.[4] Córdova was more fortunate, in an auto of May 3, 1655, when a group of wealthy Judaizers and their friends yielded an aggregate of 7000 ducats.[5]

In addition to this source of revenue from penance imposed on penitents there were the fines inflicted in the exercise of the secular jurisdiction of the Inquisition. How liberally this power was exercised, even when the delinquents were officials, is seen in the defence offered by the Suprema, in 1632, when strenuous complaints were made about the familiars of Valencia. It instanced the case of Jaime Blau, who was fined 600 libras, half to the complainant and half to the fisc; Vicente de San German fined 300 libras; Hierónimo Llodra, 500 ducats; Pedro Carbonel, 500 ducats; Tomás Real, 300 ducats; Miguel Rubio, 400 libras, and Hierónimo Pilart, 500 libras.[6] Doubtless through these inflictions the culprits escaped corporal punishments much less endurable, and they serve to explain the persistent multiplication of familiars, coupled with disregard of the character of the appointees. It was the same with outsiders who were prosecuted for offences against officials, as when, in 1565, Don Tristan de Urria of Saragossa was fined 60 ducats for insulting a notary.[7]

In the seventeenth century the Suprema claimed these fines

[1] Bibl. nacional, MSS., S, 121, fol. 54–67.
[2] MSS. of Library of Univ. of Halle, Yc, 20, Tom. I.
[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[4] Bibl. nacional, MSS., D, 118, p. 409.
[5] Matute y Luquin, Autos de fe de Córdova, pp. 177–8.
[6] Archivo de Simancas, Inquisicion, Lib. 20, fol. 135.
[7] Ibidem, Lib. 716.

as its special perquisite. When Jaime Blau, for instance, was mulcted in 300 ducats for the fisc, no sooner was the Suprema apprised of it than it ordered the amount to be remitted at once, and the length of correspondence which ensued indicates that this was a novelty submitted to unwillingly.[1] Even a fine of 100 libras, imposed on Ignacio Navarro, in 1636, was called for immediately and remitted, as was also soon afterwards 100 ducats with which he purchased his pardon; as he was forthwith arrested again for murdering Don Juan Augustin Saluco, he probably yielded another series of fines.[2] In the extreme exigencies of the royal treasury, the king claimed a portion of these receipts and, by a decree of September 30, 1639, he ordered one-fourth of all fines for secular offences to be paid to the official designated to receive the fines of the royal courts.[3]

In the unscrupulous exercise of discretional power, fines and penances were frequently imposed beyond the culprit's ability to pay, and inquisitors had a habit of adding in the sentence the alternative of some corporal punishment, such as the galleys, scourging or vergüenza, with the object of inducing the kindred to contribute, in order to avert from the family the shame of the public infliction. The Instructions of 1561 strictly forbid this cruelty; the sentences are to be without condition or alternative and inability to pay is not to be thus visited.[4] This received scant obedience. In 1568 it was the ordinary practice of the Barcelona tribunal to enforce payment of its arbitrary impositions by the alternative of such punishment.[5] About 1640, however, we are told by an inquisitor that the question was evaded by the prudent custom of sending poor men to the galleys and reserving pecuniary penance for the wealthy.[6]

In fact, after the middle of the seventeenth century, the number of such penances diminished and they are usually for larger amounts. In a record of the autos de fe of Toledo, from 1648 to 1794, there is but one that is less than 100 ducats and that one is for 50. In all there are but sixty-four penances im-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 279, 290, 421, 426.

[2] Ibidem, Leg. 9, n. 1, fol. 70, 72, 82, 135, 142.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 236.

[4] Instrucciones de 1561, § 65 (Arguello, fol. 36).

[5] Archivo de Simancas, Inquisicion de Barcelona, Leg. 15, fol. 20.

[6] Bibl. nacional, MSS., V, 377, p. 4.

posed up to 1742 and none subsequently. The aggregate is 30,600 ducats, besides fourteen of half the property of the culprit.[1] Whether from a growing sense of their indecency or from a lack of material, the custom of imposing pecuniary penances rapidly declined in the eighteenth century. In a collection of sixty-six autos de fe, between 1721 and 1745, comprising in all 962 cases, there is not a single pecuniary penance.[2] Fines, however, continued to be imposed to the last. March 27, 1816, Pasqual Franchini of Madrid, for possessing two indecent pictures, was fined 100 ducats and, as these are defined as applicable to the royal treasury, it would appear that the crown had absorbed this trifling source of revenue. [3]

In this matter the Roman Inquisition offered a creditable contrast to the Spanish. Except in Milan, Cremona and other places under Spanish rule, pecuniary punishments were rarely to be inflicted; the assent of the Congregation of cardinals was required, and they were at once to be distributed in pious uses, of which a strict account was required. Thus in 1595, one of 4000 crowns was given to the poor of Genoa and, in the same year at Naples, one of 400 crowns was parcelled out among the charitable establishments. Even this was felt to derogate from the character of the Holy Office and, in 1632, Urban VIII decreed that papal confirmation must be had in each case and, at the same time, he withdrew the special privileges of the Milanese tribunals.[4] So strong was the disgust felt in Rome for this commercialized zeal for the faith that, when the Fiscal Cabrera was there representing the Inquisition, in the case of Villanueva, and Arce y Reynoso sent to him, for presentation to the pope, a report of an auto celebrated by the tribunal of Santiago, with the expectation of arousing his sympathy for an institution that was doing so much for religion, Cabrera replied, January 6, 1656, that he would not present it without special orders. Alexander VII, he said, disliked pecuniary penalties in matters of faith, and there were some of these in the report; his Holiness had already spoken to him on the subject and it was wiser not to call his attention to it afresh.[5]

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Royal Library of Berlin, Qt. 9548.

[3] Archivo de Simancas, Inquisicion, Lib. 890.

[4] Decret. Sac. Congr. S. Officii, pp. 437–8 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Offizio, Vol. 3.

[5] Archivo de Simancas, Inquisicion, Lib. 54, fol. 166, 176.

CHAPTER III.

DISPENSATIONS.

THE Roman curia had so long accustomed Christendom to the idea that pardon for the consequences of sin was purchasable, that we cannot be surprised if relief from the penalties imposed by the Inquisition was a marketable commodity to be regarded as a source of revenue. We have already seen this exemplified in the compositions for confiscation, and it was carried out with regard to the more personal inflictions prescribed by canon and municipal law—the disabilities of culprits and their descendants alluded to above (p. 287). The Instructions of 1484 and 1488 adopted these and extended the sumptuary regulations by including the carrying of arms and riding on horseback; they enlarged the list of prohibited callings and applied them all to the descendants of those who were burnt in person or effigy. Then Ferdinand and Isabella, by pragmáticas in 1501, made the prohibition of office-holding and the following of numerous trades and professions a matter of municipal law, reserving the right to grant relief by royal licences. Thus these disabilities, which weighed cruelly upon penitents and their descendants, drew their origin from different sources. The sumptuary restrictions, which came to be known as *cosas arbitrarias*, were considered to be the act of the tribunal, which could remove them. Permission to hold office, or to follow the inhibited callings, was a royal prerogative, while the Holy See, as the guardian of the faith and of the canon law, and as the supreme source of inquisitorial jurisdiction, claimed a general control, which was grudgingly conceded.

In addition to these disabilities were the personal punishments, relief from which was claimed by the Inquisition. Those which concern us here were the galleys, exile, imprisonment and the wearing of the sanbenito or "habito"—a kind of yellow tunic with a red St. Andrew's cross—a mark of infamy and a severe infliction, as it largely impeded the efforts of the penitent to gain a livelihood.

The curia was not long in recognizing the abundant market opened for its dispensations by the large numbers of those subjected to disabilities. In the Taxes of the Penitentiary there was inserted a clause offering the fullest possible dispensation for "Marrania." To a cleric the price was 60 *gros tournois*, or 15 ducats; to a layman 40 gros, or 10 ducats, besides a fee to the datary of 20 gros. When the dispensation was partial, allowing a layman to follow his accustomed calling, or a priest to celebrate mass, the charge was 12 gros, or 3 ducats, but, if the profession was that of a physician or advocate, the charge was double.[1]

We have seen the extreme jealousy which existed as to any papal interference with the Inquisition and Ferdinand's repeated efforts to suppress papal letters, but the power to issue these dispensations could not be questioned. Cardinal Mendoza, Archbishop of Toledo, held from Innocent VIII a faculty to grant rehabilitations, and one of these, issued to Pero Díaz of Cifuentes, whose mother had been burnt, was recognized and confirmed, in 1520, by the Suprema and Charles V.[2] At the same time, the Inquisition claimed the right to control relief from the punishments which it inflicted, and it held these favors at a far higher price than the cheap papal dispensations. Anchias, the secretary of the Saragossa tribunal, tells us how Juan Gerónimo was sentenced to wear the sanbenito and carried it for a long time, until his father paid for him to the tribunal a thousand florins for permission to abandon it. Some of the gold proved to be of light weight and eighteen or twenty florins were demanded of him to make good the deficiency, when he handed them to the messenger saying "How is this? Are not the señores well paid for the merchandise they sold me? But take it and welcome."[3] When exactions on this scale were possible, we can readily believe that Dr. Guiral, the embezzling inquisitor of Córdova, could easily secrete a hundred and fifty thousand maravedís from the dispensations sold to the wearers of the sanbenito (Vol. I, p. 190), nor can we wonder that the Holy Office was resolved to maintain a hold on so prolific a source of gain.

The situation was complicated by the pretensions of the sovereigns to intervene and claim their share, and this they sought to establish by procuring from Alexander VI a brief of February

[1] Taxe des Parties casuelles du Boutique du Pape, p. 169 (Lyon, 1564).

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 13.

[3] Libro verde de Aragon (Revista de España, CVI, 274).

18, 1495, which recites that the inquisitors collect various sums from those who had obtained papal rehabilitations and retained them; all such moneys theretofore and thereafter received for commutations and rehabilitations were to be placed at the disposal of the sovereigns, under pain of *ipso facto* excommunication.[1] It is obvious from this that the papal dispensations were not admitted without the exaction of further payments; that the pope was content with this, so long as the taxes of the Penitentiary were paid in Rome, and that Ferdinand was concerned only with the destination of the proceeds and was quite willing to acknowledge the papal authority when it was exercised for his benefit. He lost no time in availing himself of the papal grant on a large scale and, before the year was out, we find him selling relief in mass to all those disabled by the tribunal of Toledo, a transaction which brought in large returns for, in 1497, Alonso de Morales, the royal treasurer, acknowledges the receipt of 6,499,028 maravedís from Toledo commutations and rehabilitations, and this was doubtless only one of numerous similar compositions.[2]

The Inquisition was not disposed to abandon its profitable commerce. The Suprema continued to assert its control, in instructions, June 3, 1497, ordering inquisitors to take no fees for rehabilitations without consulting it; May 25, 1498, it declared that if there were no inquisitors-general there would be no one able to grant rehabilitation or to relieve from sanbenitos, and it forbade the tribunals to commute for imprisonment except by spiritual penances.[3] There was evidently a contest on foot between the Inquisition and Ferdinand, of which the details are lost, for we have a letter from him, February 24, 1498, to a tribunal in which he says "You know that we have granted a privilege through which the children of condemned heretics are rehabilitated as to the *cosas arbitrarias* imposed by you. As it is our will that this privilege be maintained, we charge you not to levy or take anything from them for the enjoyment of it and if, perchance, the inquisitors-general have written or shall write anything contrary to this, consult us before acting on it and we

[1] Boletin XV, 594.—Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 51.

[2] Catálogo de las causas seguidas ante el Tribunal de Toledo, p. 139 (Madrid, 1903).—Melgares Marin, Procedimientos de la Inquisicion, I. 119 (Madrid, 1866).

[3] Archivo de Simancas, Inquisicion, Lib. 933; Lib. 939, fol. 119.

will write to them and to you what most comports with our service."[1]

The sovereigns, however, yielded the point when, by a cédula of January 12, 1499, they formally made over to the inquisitors-general all the moneys accruing from penances, commutations and rehabilitations in the kingdoms of Castile and Aragon, in order to provide for the salaries, but this grant as usual was practically subject to the exigencies of the royal treasury and the promise was irregularly kept.[2] The inquisitors seem to have speedily arrogated to themselves this profitable privilege, for the Instructions of 1500 forbid them to grant dispensations and commutations, the right to which is reserved to the inquisitors-general.[3] It was greatly impaired, however, by the next move in the game, the pragmáticas of 1501, which made disability to hold office or to follow numerous callings a matter of municipal law and reserved to the crown the right to issue licences in derogation of it, thus depriving the Inquisition of control over this important section of the penalties.

While Ferdinand thus secured a share in the business, he fully admitted the necessity of papal rehabilitation as a condition precedent. In 1510, writing to a member of the Suprema about the rehabilitation of the Jurado Alonso de Medina, issued at the request of Queen Juana, he says that it was granted under the belief that Medina held a papal brief; if he did not, it was invalid as there must first be papal rehabilitation. Yet papal action amounted to nothing in these matters without the royal licence. About this time the Licenciado Portillo applied to him stating that, as the memory of his grandfather had been condemned, he was incapacitated from holding office; he had been rehabilitated by the pope and now he asked for a licence in view of certain services rendered, and Ferdinand granted the prayer. The strictness with which these licences were construed is illustrated by a petition, in 1515, from Dr. Jaime de Lis, a physician of Logroño, representing that, by the condemnation of his parents, he had been incapacitated; he had procured a papal brief authorizing him to practice everywhere, and a royal licence to practice in Logroño. Unable to resist importunities, he had exceeded his bounds, for which he craved pardon and also permission to attend the Duke of Najera, who joined in the supplication. This was

[1] Archivo de Simancas, Inquisicion, Lib. 1.

[2] Ibidem.

[3] See Vol. I, p. 580.

granted, with a warning not to transgress again, and the tribunal of Calahorra and the magistrates of all the towns were charged to make him observe the limits.[1]

When the papal dispensation was issued to ecclesiastics, the king did not intervene, but there can be no doubt that the *vidimus*, or confirmation of the Suprema, was required and had to be paid for, for it had, on January 8 and February 12, 1498, summoned all reconciled penitents to present the absolutions and dispensations which they had procured from Rome, a significant indication that otherwise they would not be respected.[2] Such dispensations were issued as readily as those to laymen, though, as we have seen, the price was fifty per cent. higher. Thus, April 8, 1514, Leo X dispensed Cristóbal Rodrigo, priest of Luduena, from the disabilities incurred by the condemnation of his parents and authorized him to retain his benefices, acquire others and perform all his functions. So also, November 3, 1514, he dispensed Bartolomé Eruelo, beneficed in the convent of Santa Cruz of Saragossa, from all the disabilities resulting from the heresy of his paternal grandfather.[3]

Yet there frequently occur cases of rehabilitation in which there is no mention of papal intervention, under circumstances where it could scarce fail to be alluded to had it existed.[4] There would seem to have been no thought of invoking the co-operation of the Holy See in the great composition of Seville, under which twenty thousand ducats were obtained by Ferdinand for the rehabilitations alone and, when it was extended to Córdova and other places, they formed part of the inducements offered.[5] So, when Cardinal Manrique issued by wholesale licences to hold office, to the large districts of Seville, Córdova, Granada and Leon, there is no allusion to papal dispensations. For some reason, probably financial, these licences were issued for short terms and required renewal; in one case, a document, issued in February, 1528, prolonged the time to April 15th and then, on April 6th, it was extended to the end of June.[6]

This disregard of papal participation seems to have provoked

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[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 56, 90, 405.
[2] Ibidem, Lib. 3, fol. 114.
[3] Hergenröther, Leonis X Regesta, n. 7875–6, 12507–8.
[4] Archivo de Simancas, Inquisicion, Lib. 3, fol. 103, 370, 373, 382.
[5] Ibidem, fol. 387, 403.
[6] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 100.

the curia to retaliatory action, and it issued rehabilitations with clauses of censures and penalties for all who might impede them, thus rendering unnecessary the concurrence of the king and the Inquisition. Charles thereupon reissued the pragmáticas of 1501 and empowered the Inquisition to enforce them, while the Suprema explained to the tribunals that there was a disability under the canons and another under the pragmáticas, so that the papal rehabilitation was insufficient without the royal and vice versa, wherefore inquisitors were instructed to look closely into this and prosecute those who did not possess both. It withdrew however from this position and issued cartas acordadas May 15, 1530 and May 16, 1531, complaining of this new form of papal dispensations. If these were allowed to continue, it said, all the disabled would be rehabilitated and the laws of the kingdom would be annulled, wherefore, when such letters were presented, the fiscal was ordered to draw up a supplication to the pope setting forth that the disabilities were enacted by the laws of the land and that it had been found by experience that these children of heretics, if they obtain judicial positions, condemn Christians to death unjustly, or, if they become physicians, surgeons or apothecaries, give their patients poisons in place of remedies. All these supplications were to be sent to the Suprema, which would forward them to the Roman agent of the Inquisition—and meanwhile, we may assume, the papal letters were suspended. In another document of the period, opposition to the papal rehabilitations is enumerated as one of the regular duties of the fiscal. It is somewhat remarkable that this seems to have been confined to Castile for, in 1535, the Suprema learned that the Valencia tribunal accepted and respected papal rehabilitations and hastened to instruct it to follow the Castilian method. The struggle continued and the instructions of 1531 were repeated July 19 and October 26, 1543 and May 14, 1546.[1]

The strenuous days of Ferdinand were past and resistance was vain. The curia continued imperturbably to sell dispensations of the most liberal character which completely annulled Spanish legislation. One bearing the name of Paul III, February 1, 1545, issued to Juan de Haro of Jaen, whose grandparents had been burnt in effigy, gives assurance of his high deserts and concedes that, even if his progenitors had been condemned and burnt, he can

[1] Ibidem, Lib. 942, fol. 12; Lib. 949, fol. 68, 108, 109; Lib. 77, fol. 354.

ascend to the degrees of bachelor, licentiate and doctor; he can assume the office of judge, corregidor, advocate, procurator and notary, legate, nuncio, physician, surgeon, apothecary, farmer of revenue, collector and receiver of taxes and all honors and dignities, including professorial chairs; he can wear garments of any color and material, ornaments of gold and silver and jewels; he can bear arms and ride on horses and mules, inherit from any kindred, acquire property of all kinds, enter the priesthood and obtain any dignity or preferment, and all inquisitors and secular powers are forbidden to interfere with him in the enjoyment of these privileges.[1] This is evidently the customary formula of these dispensations, and it was galling to have the laws of the land and the jurisdiction of the Inquisition thus calmly set at naught, but there was no help for it. Sometimes, however, the recipients of these papal rehabilitations deemed it wise to show humility, in which case they were fairly assured of a benignant reception. In 1548, the Saragossa tribunal penanced for fautorship five hidalgos, vassals of the Count of Ribagorza, in a way disabling them from holding office. They procured letters from Rome, but submitted them to the Suprema and declined to use them, whereupon Valdés told the inquisitors to follow the letters and dispense the penitents from their disabilities.[2]

Roman competition, however, by no means destroyed the home traffic in dispensations. Whatever was imposed by the inquisitors could be removed by the inquisitors-general, as when Valdés, May 27, 1551, granted licence to Leandro de Loriz to accept the position of assessor to the bayle of Valencia after he had been disabled by the tribunal from holding any office of justice.[3] When, however, disabilities were the result of the pragmáticas, it was recognized that their removal was a function of the crown. Thus, in 1549, the Suprema expresses pleasure that those reconciled under an Edict of Grace should procure rehabilitations from the king and, in 1564, it explains that the dispensations granted by the inquisitor-general only relate to the sumptuary *cosas arbitrarias*, so that those obtaining them who exceed in this are to be prosecuted.[4] The functions of the Inquisition thus were restricted to enabling the disabled to wear costly

[1] Bulario de la Orden de Santiago, Lib. 3, fol. 9.
[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 167.
[3] Ibidem, fol. 204.
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 108, 115.

apparel and jewels, to bear arms and ride. These, which were known as dispensations "en lo arbitrario" were in great demand and a brisk business was done in them. In the records of course there is nothing said about their being sold, or the prices paid for them, which were doubtless proportioned to the station or wealth of the penitent or of his kindred, but that they were articles of traffic is shown by their being frequently given as gratifications to the lower officials, issued in blank, to be disposed of at the best price that could be had.[1] So customary, indeed, became the issue of these dispensations that, towards the close of the sixteenth century, Peña closes his remarks on disabilities by saying that, after a time, it is usual to dispense for them.[2]

The rehabilitation for holding office and trading was likewise a source of profit to the crown and its officials. The sale of these became so general that, in 1552, it formed a subject of complaint by the Córtes of Madrid, which represented that the children and grandchildren of condemned heretics were rich and obtained rehabilitations from the king, in contravention of the pragmáticas, to the great detriment of the Republic. To the petition that this should cease the reply was that the supplication would be borne in mind and the pragmáticas be observed.[3] That this promise was kept may well be doubted, especially as, in time, the curia abandoned its claim to issue dispensations of this nature. When, in 1603 and 1604, several applications for such a grace were made to it, the Congregation of the Inquisition refused to interfere.[4]

The curia had never assumed to interfere with the commutation or redemption of the punishments inflicted by the Inquisition. In these it therefore had a free hand, and the resultant revenue must have been important, for it was always ready to show mercy for a reasonable consideration. The speculative value of such commutations were recognized, at least as early as 1498, when they were already regarded as a regular source of income, for Juan de Monasterio was then characterized as inquisitor of Valencia and receiver of penances and commutations.[5] In 1524 we find Manrique commissioning Francisco de Salmeron to collect

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 213, 223, 228.

[2] Pegnæ Comment. 8 in Eymerici Director. P. III.

[3] Córtes de Madrid, año de MDLII, Pet. liii (Valladolid, 1558, fol. xiii).

[4] Decreta Sac. Congr. Stî Officii, pp. 142–3 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Offizio, Vol. 3).

[5] Archivo de Simancas, Inquisicion, Lib. 1.

from the receivers of the tribunals all "penas y penitencias, conmutaciones y habilidades" and a similar grouping in 1540 and 1544 shows that they all continued to be sources contributing to a common fund.[1]

Of these punishments the one most productive and most commonly commuted was the sanbenito or penitential habit, release from which in the early period, as we have seen, was reckoned, in one case at least, at a thousand gold florins. The severity of the infliction is well set forth in the petition, about 1560, of "lo povero Notar Jacobo Damiano" to the Sicilian tribunal. He says that he has tried in every way to earn a living without success, and his only resource is a return to his birth-place, Racalmuto, where his family will aid in his support and he can end the few days that remain to his age and infirmities, but, as his kindred are persons of honor, if he comes with the sanbenito they will drive him away and leave him to die of starvation. He therefore begs to have the habit commuted to a money payment for the redemption of captives and some other penance, and he will raise the amount from his family; otherwise he is in peril of death from want, as he is abandoned by all.[2] What between the degradation and the impediment to winning a livelihood, those subjected to the penalty and their kindred were likely to pay whatever sum they could afford for release. It was commonly coupled with imprisonment—the "carcel y abito" usually went together and commutation covered both.

As a rule, inquisitors were prohibited from granting these commutations—the temptation to retain the proceeds was doubtless too great. In 1513 Ximenes, on learning that some inquisitors were doing so, forbade it for the future and reserved the right to the inquisitor-general.[3] There were some exceptions however, especially in the case of distant tribunals, as in a commission granted to Sicily in 1519, to Navarre in 1520, and a limited one to Majorca in 1523.[4] As a rule all applications were submitted to the Suprema, which gave the necessary instructions and directed the money to be remitted to it, or to be held subject to its order for pious uses.[5] Its full realization of the financial possi-

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 98, 114, 135, 136.
[2] La Mantia, L'Inquisizione in Sicilia, p. 57.
[3] Llorente, Añales, II, 31.
[4] Archivo de Simancas, Inquisicion, Lib. 73, fol. 16, 65, 339.
[5] Ibidem, Sala 40, Lib. 4, fol. 175, 176.

bilities of the matter is seen in instructions, in 1519, to Barcelona —and doubtless to the other tribunals—to report how many penitents were wearing sanbenitos and how much could be obtained from them for commutations.[1] When conviction would bring not only confiscation but the prospect of another contribution from the kindred, it will be realized how great was the temptation to severity.

The "pious uses" for which the payments were ostensibly received were various. Doctor Arganda, Inquisitor of Cuenca, in rendering, May 9, 1585, a statement revealing a deficit in revenue, renewed a request of the month previous, that the Suprema would grant to the tribunal the commutations of Francisco Abist and Juan Joaibet, Moriscos; they were very old, had been sentenced ten years before, and would die Moors; therefore it would be well that the tribunal should have the benefit of the four thousand reales which they offered. The Suprema replied with an inquiry whether this was the utmost that could be obtained from them. Then on August 9th the inquisitor urged the acceptance of the offer, so that the money could be used for a much needed prison for familiars and other purposes, and reminded the Suprema that, in 1583, it had made a similar grant of commutations for a building.[2] Another pious use was giving to Dr. Ortiz, when sent to Sicily as inquisitor, in 1541, certain commutations as part of his salary. They must have been considerable, for the fees accruing on them to Secretary Zurita amounted to fifty-five ducats.[3] Still another pious use is indicated in an order from the Suprema, in 1549, to the tribunal of Granada, to commute the sanbenito of Catalina Ramírez into spiritual works and such pecuniary penance as she could pay for pious uses. The latter are explained, in an accompanying private note of instruction, to hold the money until the apparitor Cuebas marries his daughter, when he is to be aided with it. He evidently had petitioned for a "comutacion de abito" and it was accorded in this form.[4]

These commutations, in fact, became a sort of currency in which favors were asked and granted, replacing, to some extent, the confiscations of an earlier period. Thus, in 1589, the Valencia convent of the new Discalced Carmelites of Santa Teresa peti-

[1] Archivo de Simancas, Inquisicion, Lib. 73, fol. 19.
[2] Ibidem, Leg. 1157, fol. 143, 156.
[3] Ibidem, Sala 40, Lib. 4, fol. 129.
[4] Ibidem, Sala 40, Lib. 4, fol. 182.

tioned for the grant of the commutations of certain sanbenitos and soon afterwards the Dominican convent made a similar request.[1] The most usual pious work, however, for which they were ostensibly employed, was in assisting the redemption of captives. Yet this formula frequently covered other destinations, as in the case of Martin de Burguera of Calatayud, who was relieved of prison and sanbenito for fifteen ducats "para reducion de cautivos" and the ducats were simultaneously granted to Pedro Salvan, apparitor of the Saragossa tribunal.[2] When the proceeds were really to be employed for the redemption of captives, precautions were taken to see that they were so applied. These are expressed, January 18, 1559, by Valdés to Horozco de Arce, Inquisitor of Sicily, when empowering him to grant commutations to four penitents, provided their sentences are not irremissible and they have completed three years of imprisonment, when, besides the money payment, there are to be simple penances of fasting, prayer and pilgrimage. The penitents are to be designated by Nicolas Calderon or his agent, who will bargain as to the amounts of payment, and the money is to be given to him for the ransom of his mother, sister and two nieces, on his furnishing good security that, within a term to be designated by the inquisitor, he will present them to the tribunal or refund the money.[3] The condition in this, that the penalty commuted must not be irremissible, was not always observed. Such sentences, as we shall see, were reserved for cases of special guilt, but they yielded to the powerful solvent of money, a larger price presumably being demanded. Thus March 7, 1560, the Sicilian inquisitor was ordered to select some one who had served not less than nine years under such a sentence and commute it for the ransom of the wife of ——— of Cibdadella.[4]

Even the galleys, which were regarded as a much severer punishment than the "carcel y abito," were commutable, though, as the prisoner was an incumbrance, while the galley-slave was useful and the supply was always deficient, we may infer that his commutation was held at a higher price. Condemnation to the

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 233, 254.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 128. See also fol. 139, 161, 177.

[3] Ibidém, fol. 229. See also fol. 189, 233.

[4] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 238.—Cf. fol. 215, 229.

galleys was also much less frequent than to the sanbenito, and of course was only inflicted on able-bodied men, so that cases of its commutation do not occur in such abundance. Yet they were sufficiently numerous to lead to complaint by the Suprema to Charles V, in 1528, that when it sent messengers to liberate those whose sentences were thus commuted, the commanders of the galleys refused to surrender them, whereupon Charles issued a cédula ordering their liberation under pain of two thousand florins.[1]

Commutations for the galleys had various shapes. In 1543, Don Luis Muñoz, Lord of Ayodan, offered two slaves as substitutes for two of his Morisco vassals, Juan Maymon and Juan Muñoz, condemned to serve, the one for ten and the other for twelve years, of which three had elapsed and, after investigation to see that the substitutes were able-bodied, the bargain was closed. In 1547, Miguel Mercado obtained the remainder of his sentence to the galleys commuted to service on the French border, when presumably there was some money consideration.[2] It is probable that commutations for money became too frequent for the good of the naval service, for in 1556 the Suprema strictly forbade them for the future, doubtless under royal command.[3] This prohibition seems to have lasted for a considerable time, as the Spanish armada was greatly in need of men and we happen not to meet with cases until near the close of the century, when they reappear in the Valencia records. In 1590, Jusepe Gacet, a familiar condemned for the murder of his wife, obtained a commutation of his sentence. In 1596, a New Christian, Gaspar Moix, negotiated for release from the three years which he still had to serve and, after investigation into his means, it was fixed at seven hundred libras and a slave. Moix, however, on his liberation, found that his sanbenito was not included in the bargain and he had to pay a hundred libras more for its removal. In 1597, Onufre Quintana offered two thousand reales and a slave which were accepted. In the same year Miguel Saucer applied for a commutation, when the Suprema instructed the tribunal to ascertain what he would pay for it and the same answer was given,

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[1] Franchini, Breve Rapporto del Tribunale della SS. Inq. di Sicilia, pp. 141–45 (Palermo, 1744).

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 125, 131, 163.

[3] Ibidem, Lib. 939, fol. 119.

in 1600, to a similar petition from Jaime Cornexo.[1] It is apparent from the high value set on these mercies that comparatively few convicts could afford their purchase.

Evidently the Suprema paid little heed to the instructions of Philip II to Manrique de Lara, in 1595, to be very cautious in granting dispensations for galleys, exile, reclusion and sanbenitos; there must be ample cause and no attention should be paid to prayers, and favors, for it was essential that sentences should be completely executed. This was repeated, with some amplification, by Carlos II, in 1695, showing that there was still occasion to restrain the Holy Office from bartering pardons for money.[2]

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 282, 360, 43, 63, 69, 75, 97, 167, 100, 110, 114, 115, 121, 287.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 272.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10)

CHAPTER IV.

BENEFICES.

When the Inquisition was established, it was apparent that if its officials, or a portion of them, could be quartered on the Church there might be less diversion of the confiscations from the royal treasury. At the very commencement, in 1480, Ferdinand and Isabella obtained, from Sixtus IV, an indult authorizing them to present the four earliest inquisitors to benefices, of course without obligation to reside. As yet, however, the Inquisition had not inspired general terror, and the people refused to admit the intruders, whereupon the sovereigns provided them with four chaplaincies in the royal chapel.[1] The attempt was not abandoned and, in the supplementary Instructions of December, 1484, Torquemada announced that it was the intention of the sovereigns to procure a papal indult authorizing them to bestow benefices, not only on the inquisitors but on all the clerics employed in the holy work.[2] Something of the kind was evidently obtained for, when the Holy Office was organized, in 1485, under Torquemada, the brief confirming his appointment dispensed from residence all officials in its service who held or might thereafter obtain preferment; new appointees were released from the customary temporary residence, and all were assured of their full revenues without deduction, all apostolical and conciliar decrees to the contrary notwithstanding.[3] There was nothing in this to shock public opinion, for the canon law permitted canons to be absent for study in any recognized university, and the enjoyment of benefices everywhere by the creatures of the curia was legalized by assuming service to the pope to be equivalent to service in a chapter.[4] Yet the Spanish Church, apparently, was not disposed to submit quietly to this and its resistance may be assumed as the cause of

[1] Informe de Quesada (Bibl. nacional, MSS., Tj, 28)
[2] See Vol. I, p. 572.
[3] Bulario de la Orden de Santiago, Lib. I, fol. 32.
[4] Cap. 12, 13, Extra, Lib. III, Tit. iv.

another brief of Innocent VIII, February 8, 1486, which limited the grant to five years and required the beneficiary to supply a vicar to fill his place. At the same time it specified all officials, down to messengers and gaolers, as entitled to its benefits and provided for opposition by appointing the Bishops of Córdova and Leon and the Abbot of San Emiliano of Burgos as executors with full powers to suppress recalcitrants.[1] When the five years expired, the indult was renewed for another five years and so it continued until the end of the Inquisition—the popes steadily refusing to prolong the term, as it gave them an important advantage, in their frequent collisions with the Spanish Holy Office, to say nothing of the fees consequent upon the issue of briefs so voluminous and so valuable.

The next step was to procure the power of presenting to benefices, and this was secured by another brief from Innocent VIII, in 1488, granting to the sovereigns the patronage of a prebend in each metropolitan, cathedral and collegiate church, excepting, in prudent deference to the Sacred College, those of which the bishops were also cardinals. Of this brief, Alonso de Burgos was made executor, enabling him to fulminate censures and take all necessary steps, until the appointee enjoyed pacific possession of his prebend. Under it Ferdinand and Isabella, on October 30th of the same year, made the first presentations, amounting to ten, six being inquisitors, two fiscals, one an apparitor and one designated merely as an official.[2]

This brief probably was good only for five years for, in 1494, the sovereigns obtained from Alexander VI another, with enlarged powers, of which Martin Ponce, Bishop of Avila, was executor. Under this, on April 11, 1495, they made twenty-four appointments, mostly inquisitors, but comprising seven fiscals, two members of the Suprema and two Roman agents of the Inquisition. Among the inquisitors we recognize the notorious Lucero and his predecessor in Córdova, the embezzling Dr. Guiral.[3] It is probable that these briefs encountered resistance, for, in this latter case, we chance to hear of a prolonged struggle required to install Doctor Manuel Fernández Angulo of the Suprema in the Seville canonry given to him.[4] Haughty canons of noble blood

[1] Archivio Vaticano, Innoc. PP. VIII, Registro 685, fol. 461.

[2] Informe de Quesada, *ubi sup.*

[3] Ibidem.—Archivo de Simancas, Inquisicion, Lib. 1.

[4] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 24, 25.

might well resent the intrusion of low-born officials such as Ferdinand sometimes thrust upon them. Thus, in 1499, on the death of Inquisitor Cevallos of Barcelona, his first appointee to a prebend in the church of Santa Ana, in the same city, he replaced him with Juan Moya, a simple tonsured clerk and gaoler of the tribunal, nor was this the only instance of such abuse of patronage.[1] He also availed himself largely of the privilege of non-residence by appointing canons and other beneficed clerks to positions in the tribunals, and his letters of the period are numerous in which he notifies the chapters that their members have been thus drafted to the service of God, during which they are, under the papal letters, to be reckoned as present and are not to be deprived of any of the fruits of their preferment. So, when he drew the Licentiate Pero González Manso from the professorship of law in Valladolid, he told the college that the chair would be filled by a substitute at half-price during Manso's absence.[2] Everything was subservient to the Inquisition and all other institutions were expected to minister to its needs.

When Julius II, November 16, 1505, renewed the quinquennial indult, he no longer appointed executors but empowered the inquisitor-general to coerce with censures the chapters to account for and pay over to the appointees the revenues of their benefices. It appears that they sometimes compelled the appointees to agree under oath that they would take only a portion of the fruits, for Julius pronounced such agreements to be void and released the incumbents from their oaths. This brief he repeated, September 8, 1508, with some additions, of which more hereafter.[3] The opposition of the chapters, in fact, had in no way diminished and defeat only seemed to intensify their obstinacy. When, in 1501, Diego de Robles, fiscal of the Suprema, was granted a canonry in the church of Zamora, the persistence of the chapter carried the matter to Rome, where Gracian de Valdés, nephew of the bishop, boasted that he would get the pope to reserve the benefice to himself. It gave infinite vexation to Ferdinand, who wrote to the canons, July 24th that, if they did not admit Robles within three days, they must leave the city and present themselves before him within thirty days, under pain of forfeiture of citizenship and temporalities. Similar orders were sent to the provisor; the

[1] Archivo de Simancas, Lib. 1; Lib. 2, fol. 4, 5.

[2] Ibidem, Inquisicion, Lib. 1.

[3] Bulario de la Orden de Santiago, Lib. I, fol. 155, 157.

corregidor was commanded to see to their execution, while urgent letters were addressed to Rome to counteract the labors of Valdés. These vigorous measures brought the chapter to terms and Ferdinand, on September 2nd, accepted their submission, revoking their banishment to take effect after their giving possession to Robles.[1] Simultaneously a similar quarrel was on foot with the chapter of Barcelona, over the grant of a canonry to the Inquisitor of Saragossa, who was already Archdeacon of Almazan, and this was likewise carried to Rome.[2] So resolutely did the chapters resist the invasion of their rights that Enguera, Inquisitor-general of Aragon and Bishop of Lérida, in 1512, had to invoke both royal and papal authority to secure the revenues of benefices held by him in the churches of Tarragona and Lérida and, with regard to the latter, the pope was obliged to appoint executors to enforce his briefs.[3]

If Ferdinand had expected, by this abuse of patronage, to lighten the burden of supporting the Inquisition, he was doomed to disappointment. He probably found that those, who thus obtained positions for life, could not be depended upon to perform gratuitous service in the tribunals. Their full salaries had to be paid and their benefices were only an extra gratification, so that his anxiety to secure these for them must be attributed to his desire to obtain able and vigorous men for the moderate remuneration provided by the pay-roll. When Pedro de Belorado was sent to Sicily, in 1501, as Archbishop of Messina and also as inquisitor, the receiver was ordered to continue to him the salary paid to his predecessor Sgalambro.[4] So it continued. When, in 1540, Blas Ortiz was commissioned as inquisitor of Valencia, the orders were to pay him the regular salary of six thousand sueldos, although, as canon of Toledo, he possessed a handsome income.[5]

By this time these matters were in the hands of the Suprema, and its members and officials were too eager seekers after pluralities not to enforce the papal indults with vigor, giving rise to incessant struggles with recalcitrant churches. Thus, in 1546, when Pedro Ponce de Leon was made a member, he was *maestre escuela* in the church of Alcalá de Henares. There was trouble about his revenues for, on February 27, 1547, Valdés summoned

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[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 28; Lib. 1.
[2] Ibidem, Lib. 1.
[3] Ibidem, Lib. 3, fol. 187; Lib. 940, fol. 200.
[4] Ibidem, Lib. 1.
[5] Ibidem, Sala 40, Lib. 4, fol. 108.

the abbot and chapter to keep on paying him and expressed the hope that they would not compel him to resort to censures. Similar letters, about the same time, were issued in behalf of the private secretary of Valdés, Fortuno de Ibarquen, who was an insatiable pluralist, being Archdeacon of Sigüenza and canon in the churches of both Leon and Oviedo. Simultaneous were letters to the chapter of Segovia about the revenues of its dean and canon Miguel de Arena, who was Inquisitor of Seville, and to that of Sigüenza for its treasurer and canon, Menendo de Valdés, who was Inquisitor of Valladolid. A couple of months later there were letters to the chapter of Badajoz, about its canon Baltodano, who was Inquisitor of Toledo, and in August to the chapter of Majorca, about Joan García, who had been appointed consultor to the tribunal of Saragossa. In October prosecutions were commenced against the recalcitrant chapter of Leon, which had refused to pay the fruits of the canonries of Ibarguen and of Cervantes, the Inquisitor of Córdova.[1]

It would be useless to multiply examples of this incessant strife, in which the chapters persistently, but unavailingly, sought to prevent the absorption of their revenues by the Holy Office. The resistance was hopeless for, even with the most resolute, it was only a question of time when opposition was broken down by excommunication and the summons to appear before the Suprema, while appeal to Rome was fruitless when it was the duty of the Spanish ambassador to watch for such cases and oppose them.[2] Of course the greater number yielded without remonstrance and we hear only of those who dared to offer futile opposition.

It is observable that all the cases which thus come before us involve benefices without cure of souls. The papal indults comprised both those with and without such cure, and it is not to be supposed that the former were not extensively exploited, though we do not hear of them because, in such cases, there was no organized body to feel aggrieved and raise a contest. When came the Counter-reformation, the Council of Trent pronounced strongly against non-residence by beneficiaries holding cure of souls; special episcopal licence was required for absence which, save in exceptional cases, could not exceed two months and no privilege

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 158, 161, 164, 177.

[2] Ibidem, fol. 226, 243, 245, 247, 248, 251, 261.—Coleccion de Documentos, LXVIII, 458.

could be pleaded.[1] Accordingly when, in 1567, Pius V was called upon to renew the quinquennial indult, he expressly excepted parochial churches and benefices with cure of souls. This was somewhat tardily obeyed and it was not until June 8, 1571, that the Suprema announced the limitation.[2]

There was another provision of the Council of Trent which met with less observance. It required all obtaining preferment of any kind to make, within two months, profession of faith in the hands of the Ordinary or chapter. No attention was paid to this and the chapters, waking up to the advantage that it gave them, refused to pay the fruits, giving rise to multitudinous suits. At length, in 1612, a brief was procured from Paul V, declaring that the work of the inquisitors was most necessary to the Church and could not be interrupted to travel to the distant seats of their benefices. He therefore evoked all pending cases, imposing perpetual silence on the chapters and validating all payments made to incumbents, who were allowed in Spain six months, and in the colonies two years, to perform the duty; in future it should suffice to do it in the place of their residence and furnish a public instrument attesting the fact within six months or two years.[3] The Council of Trent was of small importance when brought into collision with the Inquisition.

At length Philip III listened to the complaints of the chapters and, in a decree of December 24, 1599, addressed to the Suprema, he called attention to the injury inflicted on the cathedral services by withdrawing canons from their duties, and he ordered that in future much caution be exercised, especially as regarded the deans, the doctoral and magistral canons and the penitentiaries.[4] If this produced an effect it was but temporary. In 1655 we chance to learn that, in the tribunal of Córdova, of the three inquisitors, Bernardino de Leon de la Rocha was a prebendary of Córdova and collegial of the cathedral of Cuenca; Bartolomé Bujan de Somoza was a canon of Cuenca and Fernando de Villegas was collegial of San Bartolomé. In addition, the fiscal, Juan María de Rodesno was collegial of Cuenca and the

[1] C. Trident., Sess. XXIII, De Reform. cap. 1.

[2] Bulario de la Orden de Santiago, Lib. 3, fol. 102.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 62.

[3] C. Trident., Sess. XXIV, De Reform. cap. 12.—Bulario de la Orden de Santiago, Lib. 4, fol. 176.—Archivo de Simancas, Inquisicion, Lib. 925, fol. 228.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 274.

secretary, Pedro de Armenta was prebendary of Córdova.[1] This single tribunal thus deprived Cuenca of three of its dignitaries and Córdova of two.

The doctoral and magistral canonries alluded to by Philip afforded a special grievance. These were stalls in each chapter to be occupied respectively by a doctor of laws and a master of theology, for the purpose apparently of furnishing to the church what it might need as to law and faith. They had been instituted by Sixtus IV, who decreed that the holders should not absent themselves for more than two months without express licence of the chapter under pain of forfeiture. The Inquisition was restive under this limitation on its acquisitiveness and, at its special request, Julius II, in his second brief of September 8, 1508, revoked the decree of Sixtus and included them among the benefices that could be held by officials without residence.[2] At length, in 1599, the chapter of Córdova, in a contest over the matter, procured a papal brief requiring the residence of the doctoral canon, who was not to be excused under pretext of serving the Inquisition.[3] Apparently this was disregarded, for Philip III, in his instructions of 1608 to Sandoval y Rojas, called special attention to the matter.[4] Even this failed until there was a sharp conflict with the chapter of Toledo, over the case of Doctor Bernardo de Rojas, in which the chapter won and he was forced to resign an appointment as inquisitor. Then again the question came up, in 1640, when Philip IV appointed Doctor Andrés de Rueda Rico as supernumerary member of the Suprema; it resented the intrusion and addressed to the king a very free-spoken consulta, in which it laid particular emphasis on his being doctoral canon of Córdova and therefore obligated to residence. Yet, in spite of this, when the Córdova chapter refused to pay him his fruits, the Suprema decided against it. Then the chapter carried the case to Rome where, as the agent of the Inquisition reported, September 12, 1640, Urban VIII, to evade a direct decision, revived the brief of Sixtus IV forbidding the use of the doctoral and magistral canonries in this manner. Córdova followed up its victory and, in 1641, obtained another brief forbidding Rueda from receiving

[1] Matute y Luquin, Autos de fe de Córdova, pp. 134–5.

[2] Bulario de la Orden de Santiago, Lib. I, fol. 157.

[3] Decr. Sac. Congr. S^ti^ Officii, p. 162 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Offizio, Vol. 3).

[4] MSS. of Library of Univ. of Halle, Yc, 17.

the fruits and appointing the nuncio and the Ordinary of Córdova executors to enforce it and to relieve the chapter from any censures fulminated in consequence. The Suprema was flushed with its recent victory, over the chapter of Valencia, in the matter of Sotomayor's prebend and pension and, in 1642, it addressed to the king an urgent appeal to suppress all such briefs, as Ferdinand had done, and representing the eagerness of the curia to destroy the independence of the Inquisition and the prerogatives of the crown. Philip, however, was now embarrassed with the Catalan and Portuguese revolts and for once was moderate, merely ordering the chapter to desist from the appeal and to surrender the briefs, while the inquisitor-general must require Rueda to abandon the canonry, seeing that he had enough to live on, with his salary in the Suprema and the wealthy archidiaconate of Castro which he also held. Incidentally the Suprema declared that the magistral canonries were out of reach, but the doctoral ones were not, probably presuming on the royal ignorance.[1]

Trouble continued to the end. In 1684, the chapter of Santiago contested vigorously the right of the receiver-general of the Suprema to hold a canonry and, in spite of the prohibition to appeal to Rome, it carried the matter there, arguing that the officials of the Suprema were not included in the papal briefs. In this it had the support of the churches in general, which united in a memorial to the Holy See, but the effort was fruitless.[2] Close watch seems to have been kept on the expiration of the quinquennial periods for, in 1728, the chapter of Valencia refused the daily distributions to non-resident members on the ground that the indult had run out; the tribunal appealed to the Suprema which replied, April 22nd, with a copy of the renewal of the grant by Benedict XIII, carrying it to 1733.[3] Apparently there had nearly been a lapse.

Commissioners were frequently selected from the chapters of their places of residence, and it was a long-debated question whether they were entitled to constant non-residence, seeing that their duties were occasional and mostly local. It was finally settled that they should enjoy the fruits when absent on duty for

[1] MSS. of Bodleian Library, Arch. S, 130.—Bulario de la Orden de Santiago, Lib. V, fol. 59.—Archivo de Simancas, Gracia y Justicia, Inquisicion, Leg. 621, fol. 103.

[2] Archivo de Simancas, Inquisicion, Lib. 44^2, fol. 557.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 14, n. 1, fol. 137.

the Inquisition, but even this was disputed, in 1780, by the collegiate church of San Ildefonso of Llerena, in the case of the prebendary, Pedro Enríquez Verones, a commissioner of the Valladolid tribunal, who was refused his share of the distributions during absence by order of the inquisitors. Inquisitor-general Bertran complained to Carlos III, who peremptorily ordered payment whenever absent on business of the faith. A similar question apparently arose in 1818, for the Suprema sent, July 18th, to the tribunal of Llerena, a statement of the case with a copy of the letter of Carlos.[1]

The Napoleonic wars caused a slight lapse in the quinquennial indults. One expired, February 6, 1813, a few days before the publication of the edict of suppression by the Córtes of Cádiz. When the Inquisition was re-established, it promptly applied for a renewal of the privilege and, on November 19, 1814, the Suprema announced that Pius VII had not only granted it but had ratified the receipt of revenues by non-residents during the interval. This renewal expired, February 6, 1818, when there was delay and the new brief was not issued until March 15th, but it does not appear that any chapter took advantage of the interval.[2] When this expired, there was no longer an acting Inquisition.

The overgrown church establishment of Spain, with its accumulation of wealth, afforded a fair mark for acquisitiveness, and several efforts were made to obtain from it a permanent foundation for the Inquisition. We have seen how waste and prodigality, to say nothing of peculation, notwithstanding the active business of confiscation, rendered it difficult, in 1497 and 1498, to pay the salaries of officials. A remedy for this was sought in the spoliation of the Church, and Ferdinand and Isabella turned to Alexander VI, representing the constant increase of heresy, the additional efforts required for its extirpation and the insufficiency of confiscation to meet expenses. If the holy work were not to end, aid was needed and those engaged in it were performing a service to God equivalent to that of canons in the recitation of the daily offices. If a canonry with its prebend, in each metropolitan, cathedral and collegiate church, were devoted to the support of the officials, so long as the Inquisition should last, it would be a

[1] Archivo de Simancas, Registro de Genealogias, n. 916, fol. 69.
[2] Ibidem, Lib. 559.

great safeguard to the faith and aid in the destruction of heresy. Alexander granted the request and, by a brief of November 25, 1501, he incorporated in the Inquisition a canonry and prebend in every church, authorizing the inquisitor-general to take possession of the first vacancies and appointing the Bishops of Burgos, Córdova and Tortosa as executors with power to suppress all resistance without appeal.[1]

It is remarkable that we hear nothing more of this portentous grant. No evidence has reached us of any attempt to enforce it or of any resistance. Probably even Ferdinand recognized an opposition too dangerous to be provoked and contented himself with using it as a threat against unruly chapters, which objected to his using canonries to pay his inquisitors. In the project of reform drawn up in 1518, it was proposed that, in place of living on the confiscations and penances, the inquisitors should have one or two canonries for their support. After this scheme fell through, Charles adhered to the idea and, on October 29th, he instructed his ambassador at Rome to procure from Leo X a brief similar to that of Alexander VI; without some such support, he said, it would be impossible to procure the services of men of proper character and learning.[2] Leo was not as complaisant as Alexander, although Charles repeated the request in a personal letter to him, September 3, 1520.[3] Then, on August 14, 1521, Cardinal Adrian wrote to Charles, reminding him that, long before, the pope had conceded a prebend in every church where there was a tribunal, in order to remove the infamy, ascribed by some persons to inquisitors, of desiring the condemnation of the accused in order to assure their support. That concession had not been enforced, principally because the revocation was awaited of the bull against the Inquisition. Now the Bishop of Alguer, the Roman agent of the Inquisition, has announced the revocation of the bull and, in order to remove the infamy and perpetuate the Inquisition, he urges Charles to write to Don Juan Manuel in Rome to procure the grant of the prebends in accordance with a list prepared by the Bishop of Alguer.[4] Charles was probably too much engrossed in the attempt to suppress Luther to devote much attention to the matter and Adrian, when he succeeded to

[1] Bulario de la Orden de Santiago, Lib. I, fol. 60.

[2] Archivo de Simancas, Inquisicion, Lib. 9, fol. 14, 15.

[3] Llorente, Añales, II, 222.

[4] Archivo de Simancas, Inquisicion, Lib. 73, fol. 240; Lib. 940, fol. 94.

the papacy, did not use his power to make the grant, although he was involved in a quarrel with the stubborn chapter of Almería, which refused to admit his transfer, to Inquisitor Churruca of Valencia, of a precentorship which he held in that church—a quarrel which lasted until 1524 and required the united efforts of the Suprema, the tribunal of Murcia and of the emperor to bring to a termination.[1]

We hear nothing more of the effort at this time, but Charles bore it so strongly in mind that, in his will, executed in Brussels, June 6, 1554, he dwelt upon the advantages of the measure and ordered Philip, in case of his own death without obtaining it, to labor with the Holy Father to procure what would be of such advantage to the Inquisition and service to God.[2] The occasion came in a few years with the panic caused by the discovery of Protestantism among a few people of quality—a panic skilfully stimulated and exploited. Philip urged his ambassador Vargas to obtain from Paul IV a grant of one per cent. of ecclesiastical revenues, to relieve immediate necessities, and the suppression of a canonry and prebend in each cathedral and collegiate church. The Suprema aided, in a report to the pope, September 9, 1558, on the alarming progress of Lutheranism. After exaggerating the danger and the labors of the Inquisition, which could only have been carried on through the gift of ten thousand ducats by the king and contributions from Valdés, for it was penniless, the report went on to state that, when the Inquisition was established, there was a tribunal in almost every bishopric but, as the confiscations fell off, they were diminished to the few that remained, so that there was one which had fifteen sees in its district and it had not funds enough to pay the slender salaries of its officials. Although this had been repeatedly represented to the popes, no remedy had been granted, but now, in these perilous times of heresy, it seemed necessary that the tribunals should be multiplied, as at the beginning, and rendered permanent. All this could very readily be accomplished if the pope would apply some ecclesiastical revenues, which were of little service to God and could be better employed in sustaining the Holy Office, now so enfeebled through lack of funds. Although its work was pushed with all possible diligence, its future was uncertain

[1] Archivo de Simancas, *loc. cit.*

[2] Sandoval, Vida del Emp. Carlos V, Vol. 2, p. 780 (Barcelona, 1625).

if it could not be sustained and the remedy for this lay with his Holiness.[1]

This lying plea aided the pressure brought to bear by the king and, on December 10th, Vargas was able to report that he and Cardinal Pacheco had had an audience of the pope, who manifested great goodwill and offered to grant a concession of a hundred thousand ducats to be levied on the clergy, in place of one per cent. on their revenues. After considering the question of the prebends, including the doctoral and magistral ones, he was content to apply to the Inquisition the first vacancy in each cathedral and collegiate church in Spain. This, Vargas adds, should receive special consideration, as it might be refused by another pope and, when this was gained, if the expenses of the Inquisition increased, there would be little trouble in getting it duplicated.[2] The spread of heresy in France and the dread of its infecting Spain had brought the curia to a complying mood.

The Suprema needed no urging to secure so great a prize without loss of time. There could have been little opportunity for discussing details between Rome and Madrid, for the brief was signed January 7, 1559. It recited the reasons set forth in the report of September 9th and argued that, as the churches could not subsist without faith, it was better for them to sacrifice a portion of their substance than to risk the whole. Wherefore, *motu proprio*, with certain knowledge and in the plenitude of apostolic power, the pope suppressed one canonry and prebend in all cathedral and collegiate churches in Spain and the Canaries, the first falling vacant, no matter who might have the collation of it, and applied its revenues in perpetuity to the Inquisition. As each fell vacant, the inquisitor-general should appropriate it and collect the fruits, the consent of the diocesan or of any one else being in no way requisite, notwithstanding all conciliar decrees and papal constitutions to the contrary, or the claims of holders of expectatives or reversions, or of a long list of possible claimants, which shows how these benefices had been made matters of trade in every possible way.[3]

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 231 (see Appendix to Vol. III).

See also letters from the Princess Juana to Cardinal Pacheco and the pope, in Döllinger, Beiträge zur politischen, Kirchlichen u. Cultur-Geschichte, I, 247–8.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 232.

[3] Bulario de la Orden de Santiago, Lib. III, fol. 68.—Bibl. nacional, MSS., R, 90, fol. 249.

It can only have been the haste in which this long and elaborate document was prepared that explains the omission of executors empowered to break down the opposition to be expected from the whole Spanish hierarchy. Valdés, however, boldly assumed that he had the power. On April 29th, he sent the papal letter to all prelates and chapters, with a missive exhorting bishops, under pain of interdict of entrance to their churches, and requiring all deans, chapters, etc., under penalty of excommunication and two thousand gold ducats, to hold as suppressed, extinct and perpetually united to the Inquisition the first vacant canonry and prebend. In the name of the Inquisition he accepted them and declared them incorporated in it, and ordered the revocation of all nominations and collations that might have been made since the date of the letters or might be made thereafter. The chapters were commanded to pay over all emoluments as completely as though the canonry were served by an incumbent at all services, and inquisitors were empowered to prosecute all who resisted and to inflict censures and penalties, as well as to appoint procurators to take possession and collect the revenues—and all this he audaciously said that he did "by virtue of the said apostolic faculty conceded to us."[1]

Pius IV died, December 9, 1565, and Valdés was shelved in 1566. The brief had conferred the power on his successors as well as on himself and there was no necessity for its confirmation, but one was procured from Pius V, July 15, 1566. The object evidently was to cure the defect as to executors, who were now appointed with full and arbitrary powers, those named being the Bishops of Sigüenza and Palencia and the auditor-general of the papal camera. Some details were added, an unusual feature being a prohibition to assail the letters as surreptitious and obreptitious, showing that this argument had been freely used in the endeavor to escape from their operation. A further confirmation was obtained from Gregory XIII, July 8, 1574, but none seems to have been subsequently thought requisite.[2]

No time had been lost in gathering the fruits of the papal grant. April 16, 1559, a provision was despatched to take possession of a prebend, which had fallen vacant in the church of Palencia; April 27th another for one in Leon and soon afterwards for others in Calahorra and Saragossa. Frequently they were found

[1] Bulario de la Orden de Santiago, Lib. III, fol. 68.

[2] Ibidem, fol. 99.—Archivo de Alcalá, Hacienda, Leg. 1049.

to be burdened with pensions that had to be recognized, but the process went on and, in comparatively a few years, it would seem that vacancies had occurred in most of the chapters.[1] Possession, however, was not had without sturdy resistance, during which, at one time or another, nearly all the chapters were under excommunication. Legal proceedings were frequently resorted to in the desperate hope of averting the absorption, but it was futile. The Suprema was the court of appeal, the cases practically were prejudged before they were commenced and there was no escape.

In the end, of course, it made little difference, but a more shameless mockery of justice can scarce be conceived than that which made the tribunal, which was to profit by the suppression, the judge in its own case. The process may be followed in the voluminous proceedings attending the seizure of a prebend in the collegiate church of Belmonte—a town of some importance in the diocese of Cuenca. In 1559 it fell vacant by the death of Gregorio Osorio and was filled by the appointment of Francisco García del Espinar, at the instance of the Duke of Escalona, who seems to have had the collation. Valdés ordered its seizure and the matter took the form of a suit between the fiscal of the tribunal of Cuenca on the one side and, on the other, the duke, Espinar and the prior and chapter of Belmonte, with the Cuenca tribunal as judge, by virtue of a commission from Valdés. The judicial farce ended, October 8, 1560, by the inquisitors gravely reciting that they had heard the case and duly considered it with the assistance of persons of conscience and learning, and had found judgement in favor of the fiscal, suppressing the prebend and ordering all the income to be turned over to the receiver of the tribunal, including what had accrued since the death of Osorio. It is a striking illustration of the perversion of the sense of justice, induced by the inquisitorial process, that they were unconscious of the grotesqueness of such a performance, which was rounded out with a long and detailed enumeration of the penalties of disobedience—first a fine of two thousand ducats and then all the steps of excommunication, anathema and cursing with bell, book and candle and interdict on the town of Belmonte. This formidable sentence was served, October 15th, on each member of the chapter, and a notarial act was taken of the service. Resistance was felt to be useless. On the 16th the chapter met

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 234; Lib. 940, fol. 96–99.

and adopted a formal act of obedience, stating that it was through fear of the penalties threatened; the suppression of the prebend was ordered to be entered on the capitular records, with the addition that, as the sentence gave no instructions as to the services or masses dependent upon it, or as to the payment of the accrued revenues received by Espinar, the necessary action would be taken subsequently.[1]

While thus summarily enforcing the papal grant, the Inquisition prudently respected papal infractions of it. Advantage was taken of the papal claim to all benefices falling vacant while their possessors were in Rome—doubtless a costly proceeding, but better than forfeiture. Thus Gaspar Escudero promptly went to Rome and resigned his canonry of Calahorra in the hands of the pope, and his brother Rafael obtained bulls for it—probably subject to a pension. Similarly Diego de Ortega went through the same form and Francisco de Vellasañe secured the bulls. The inquisitors claimed them as vacancies, but there was risk in contesting the papal prerogative; Valdés decided, July 6 and 8, 1559, in both cases, that the vacancies had occurred in Rome and that the bulls were good. We meet, in 1560, with several similar cases, in Córdova, Alcalá de Henares and Tudela, where, after proceedings more or less vigorous, the papal action was respected.[2] Another device to save something from the wreck was to obtain papal grants of pensions. Thus January 29, 1560, Andrés Martin presented bulls entitling him to a pension of thirty ducats on a canonry of Calahorra vacated by the death of his brother and it was ordered to be paid. It was the same with a pension of fifty ducats, on a suppressed canonry of Cuenca, for which bulls were obtained by Juan Rodríguez and Pedro Vara.[3]

Respect at first was also shown to canonries under royal patronage. In Logroño the inquisitors seized one in the church of S. María la Redonda, but it proved to be a patrimonial one and was released.[4] In time, however, this respect for the crown was surmounted, as we have seen in the century-long contention over the canonries of Antequera, Malaga and the Canaries.[5]

It was necessary to systematize the new business thus thrown

[1] Bulario de la Orden de Santiago, Lib. IV, fol. 144.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 235, 240, 242, 249, 254.

[3] Ibidem, fol. 237, 261.

[4] Ibidem, fol. 249.

[5] Bibl. nacional, MSS., X, 157, fol. 244.

upon the tribunals and, in August 1560, agents were appointed in the inquisitorial districts to keep watch over vacancies occurring and to take the necessary action. They also made the collections and rendered accounts; but, as the income was largely payable in kind, the disposal of which was a matter of judgement, they were to make no sales without consulting the Suprema nor payments without its orders.[1] This arrangement was soon found unsatisfactory. The variable character of the revenues, chiefly based on tithes and dependent on harvests and markets, afforded abundant opportunity for malversation; it seemed best to come to some understanding with the chapters and, after much investigation into details, the policy was adopted of farming out the prebends to them. In 1565 and 1566 we find numerous arrangements made of this kind. This too proved short-lived and, in 1567, it was determined to farm them out to the best bidders. Finally, in 1570, regulations were adopted for putting them up at auction, thus insuring full competition and preventing collusion and, in 1586, the returns were required to be placed in the coffers with three keys—a system which seems to have continued to the end.[2]

There were many intricate questions affording prolific causes of quarrel to keep alive the hostility between the chapters and the Inquisition, engendered by the seizure; there were frequent appeals to Rome, which appear rarely to have benefited the appellant, and the Inquisition eventually was left in assured possession of its acquisitions. Yet the friction was constant, as was inevitable when the relations were so close between parties who disliked and distrusted each other. Thus, in 1665, we find the Suprema rebuking the Barcelona tribunal for requiring a chapter to exhibit its books to show what were the allotments made to the resident canons; the information, it said, could be obtained in a less offensive way. Again, about the same time, when the tribunal ordered the farmer of the revenues of the prebend of Guisana to investigate whether the chapter was defrauding it, the Suprema wrote that, as no increase of revenue could be thus obtained, it would be more prudent to keep quiet, especially if the farmer was a beneficed member of the church; it would be better to order the commissioner at Agramont to examine the books of the chapter, because the fifty libras paid by

[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 243–6.

[2] Ibidem, fol. 100–102.—MSS. of Royal Library of Copenhagen, 213 fol., pp. 138–9.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 189.

the farmer, when compared with the two hundred distributed to the canons, was too small. To this the tribunal replied that it had long been exposed to frauds and suppression of the value of fruits by some of the chapters; as for that of Guisana, it would be useless to examine the books, as the contador would be the first of the conspirators.[1]

Petty quarrels such as these are significant of much that was going on everywhere and of the chronic condition of enmity between the tribunals and the chapters. The former doubtless received considerably less than their dues and the latter, regarding themselves as despoiled, felt justified in withholding from the spoiler whatever they could, *per fas et nefas*. Yet, however much the revenues may have suffered in this way, the prebends constituted, as we shall see hereafter, three-eighths of the resources of the tribunals, reaching, in 1731, to nearly six hundred thousand reales a year and enabling them to prolong their existence during the later period, when the confiscations and fines and rehabilitations had ceased to furnish available means of support. But for the brilliant stroke by which Valdés secured them, in 1559, it may be doubted whether the Inquisition would not have proved so heavy a burden that Carlos III would have allowed it to perish of inanition.

[1] Libro XIII de Cartas, fol. 82, 164, 166 (MSS. of Am. Philos. Society).

CHAPTER V.

FINANCES.

INDICATIONS are not lacking that, when the Inquisition was established, it was not regarded as a permanent institution but as one to last only until it had purified the land of Jewish apostates. Had its prolonged existence been expected, doubtless provision would have been made, during the early period of large confiscations, to lay aside a fund sufficient for its support after the tide of spoliation should have ebbed. Ferdinand occasionally manifested a desire to establish a foundation for its maintenance, but his own necessities and the greedy pressure for grants rendered nugatory whatever intentions of the kind he may have entertained from time to time. In the proposition made to Charles V, in 1519, there is allusion to such a plan, proposed by Ferdinand, of securing censos which should place the institution on a firm financial basis and which had been partially carried out in some places.[1] There is slender trace, however, of any results of such policy. When there were large confiscations in Sicily, he ordered, June 27, 1513, that none of the censos so obtained should be sold, but that they should be kept for the support of the tribunal. Apparently this was not done by the receiver, Diego de Obregon who, on quitting Sicily in 1514, left behind him the considerable sum of twelve hundred ounces, which Ferdinand ordered his successor, Garcí Cid, to invest in censos,[2] but the subsequent condition of the tribunal shows that peculation and extravagance rendered impossible any accumulation. We have seen that, in 1517, Seville and Córdova had reserved funds in public securities, but they were absorbed by the Suprema.[3] Possibly these were derived from the great composition described

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 49.—"lo que ya esta comprado e consynado para ella en algunas partes, comprandolo de la manera e segund que el rey católico lo tenya mandado e començado á comprar."

[2] Ibidem, Inquisicion, Lib. 3, fol. 239, 314.

[3] Ibidem, Lib 5, fol. 15.

above; a cédula bearing the name of Queen Juana, February 24, 1516, states that it was devoted to the purchase of censos for the Inquisition, but we have had occasion to see how it was frittered away so that only a moderate portion can have reached its destination.[1] The Toledo tribunal, in 1515, received from Ferdinand the absolute ownership of the building occupied by it and some other properties.[2] Doubtless there were other donations of greater or less amount, but these are the only appropriations for the permanent support of the tribunals of Castile that I have met with.

As for those of Aragon, a letter of Cardinal Adrian, January 30, 1520, allowing Saragossa to draw upon the fines and penances for its expenses, until it could get some confiscations, shows that it had no other source of support.[3] Barcelona was somewhat better off, for the local government, in consideration of the Concordia of 1520, granted it twelve thousand libras and, though the Inquisition subsequently saw fit to deny this, a letter of the Suprema in 1521, directing the diputados to invest in censos the sum, which they had already deposited, shows that on their side, at least, the bargain was honestly carried out.[4] What between this and the results of the somewhat irregular industry of the inquisitors, the tribunal must have been fairly well supplied for, in 1550, we chance to hear of an ayuda de costa of twenty-four ducats granted to its notary Bartolomé García for his labor in copying the books of censos which it held in Perpignan and the accounts of the receiver.[5] As for Valencia, at this period, I have met with no data.

These indications are fragmentary but they suffice to justify the conclusion that the proceeds of the great confiscations in the early period were dissipated without laying up any permanent provision for the future. As the Suprema, throughout the first half of the sixteenth century, was constantly drawing upon the tribunals, it proves that, as a rule, they were making more than their expenses and that when one chanced to run short its deficiency was supplied from some more fortunate one. The grant, in 1559, of a hundred thousand ducats, levied upon the Spanish ecclesiastics, was probably, for the most part, invested by the

[1] Archivo de Simaneas, Inquisicion, Lib. 3, fol. 403, 428, 430; Lib. 5, fol. 9; Lib. 9, fol. 26.

[2] Ibidem, Lib. 3, fol. 412.

[3] Ibidem, Lib. 73, fol. 144.

[4] Ibidem, fol. 186.

[5] Ibidem, Lib. 40, fol. 201.

Suprema for its own benefit, though ten thousand ducats were placed in the hands of its alguazil mayor Ibarra, to be drawn upon for special purposes.[1] Then came the suppression of the prebends, which was expected to relieve all necessities, but it seems to have led to improvidence for, in 1573, the Suprema complained that moneys received from redemption of censos had not been reinvested but had been spent, and it called for reports as to amounts received and expended. Apparently the explanations were not satisfactory for, in 1579, peremptory orders were issued that, when a censo was paid off, the money must be reinvested in another, no matter how imperative might be other calls.[2] Thus, in 1586, the tribunals were called upon for reports of their revenues, as it was understood that these had increased, together with statements as to the product of the prebends and censos.[3] It is not likely that these were fully and frankly rendered. Under the rules, as we shall see, monthly statements were required, which should have made demands for special reports superfluous, but the tribunals were apt to observe towards the Suprema the same reticence which it showed to the king. We happen to have the report of Valencia, made in 1587, in response to this order, and find that it is quite imperfect. No mention is made of the confiscations and penances, and various items are omitted, while the 2500 ducats levied on the Moriscos shrink to 1500 libras, and the total amounts to about 5000 libras for the year.[4]

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[1] Ibidem, Sala 40, Lib. 4, fol. 238, 248, 270; Libro 940, fol. 43.

[2] Archivo de Alcalá, Hacienda, No. 473.—Archivo de Simancas, Lib. 939, fol. 128.

[3] Ibidem, Lib. 942, fol. 48.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 403.

The summary of income is:

Censos de la Ciudad de Valencia, valen . . .	6481l.	3s.	—d.
Censos en el Reyno de Valencia, valen . . .	625	6	6
Canonicato de Valencia, valen	503	14	
Derecbo Portugues	——	—	—
La canongia de Tortosa	147	3	
La canongia de Teruel	——	—	
La canongia de Xativa	——	—	
La canongia de Segorbe	——	—	
Los Moriscos de Valencia	1500	—	
Las casas valen	1500		

At the end there are sundry items entered as received from the canonry of Teruel, amounting in all to 51ll. 3s. 5d. Also two payments from that of Játiva aggregating 149ll. 17s. 10d.

Yet Valencia must have been abundantly supplied for, when in 1601, the Suprema gave it permission to have a canopy, for occasions of extraordinary sentences, made at a cost not exceeding 500 ducats, when it was finished the bill amounted to over 900. The Suprema grumbled at this extravagance, but finally ordered it to be paid.[1] The tribunal of Logroño must also have been in funds, for we chance to learn that, in 1587, it lent to the Countess of Osorno the sum of 155,535 reales 17 mrs. for which it received the annual interest of 4552 reales 5 mrs., or about three per cent.[2]

At this period the Inquisition ought to have been financially comfortable, with its prebends and ordinary sources of income, besides having nearly all its higher officials quartered on the churches, but the fall in the purchasing power of money had necessitated a rise in salaries and it was not backward in making complaint. In 1595, a memorial of the Suprema to Philip II refers to frequent previous appeals representing the diminution of its property and income, together with the multiplication of officials, and declares that, if some remedy is not found, the king will be obliged to make up the deficiency.[3] Soon after this the tribunals of the kingdoms of Aragon suffered considerably from the expulsion of the Moriscos in 1609-10, to which they had so largely contributed. The blow fell with special severity on Valencia, where the Moorish population was largest, and the tribunal lost its 2500 ducats a year and unlimited power of inflicting ten-ducat fines. In 1615 we find the Suprema ordering the salaries prorated in conformity with the collections—though, at the same time, the alcaide Gil Noguerol was jubilated with a salary of 40,000 maravedís and Nicolas Claver, the steward of the prison, was told to look for something from which a grant could be made to him.[4]

Ample use was made of the distress in Aragon to stimulate royal liberality. January 30, 1617 the Suprema represented it to Philip III, but his extravagance had kept him penniless and the appeal was unanswered. It returned to the charge, October 22, 1618, perhaps thinking that the fall of the Duke of Lerma

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 289, 332.
[2] Archivo de Simancas, Inquisicion, Libro 559.
[3] Ibidem Lib. 939, fol. 274.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 2, 5, 36, 40, 68.

might lead to a more favorable hearing. The condition of the tribunal of Majorca was represented as deplorable; it could no longer be helped, as formerly, by Valencia, for that tribunal had a yearly deficit of 400 ducats. Barcelona was in like evil plight, and the tribunals of Castile could no longer afford it the aid they used to give. As for Saragossa, its distress had already been represented to the king, who was prayed to order the Vice-chancellor of Aragon to make provision for its relief.[1] Then, in another consulta of 1619, the Suprema asserted that, taking the Inquisition as a whole, its expenses exceeded its income and that the deficiency must be supplied by the king; as a convincing argument it added that, when vacancies occurred, it proposed to suppress three inquisitorships, sixteen secretaryships and its own three supernumerary members—an intention that failed of realization.[2] We may reasonably hesitate to accept these clamorous complaints of poverty, when the Suprema so carefully kept the sovereign in the dark as to its real resources, nor is it easy to reconcile with them the assertion of Fray Bleda, in 1618, that the Spanish Inquisition was so richly endowed that it had a hundred places in receipt of incomes larger than those of many Italian bishoprics.[3]

No doubt, during the ensuing period of war, misgovernment and elaborate financial blundering, the Inquisition, in some degree, shared the distress which was universal throughout Spain, but it had resources more available and more jealously husbanded than the other departments of the State; it was exposed to less pressure and it managed to meet the incessant demands of Philip IV with no very severe sacrifice of its invested capital. Of course the customary complaints continued. In a consulta of March 28, 1681 the Suprema bewailed the poverty of the organization, the lack of means among the tribunals to pay the salaries and maintenance of prisoners, which it had repeatedly represented, with statements of the contador-general showing the income of each tribunal with its deficit.[4] This may have been true as regards some of them, owing to special causes. Thus a consulta of November 6, 1677, asserts that the Concordia of 1646 had reduced Saragossa to such penury that the last statement of its very moderate

[1] Archivo de Simancas, Inquisicion, Lib. 19, fol. 100.
[2] Bibl. nacional, MSS., X, 157, fol. 244.
[3] Bleda, Cronica de los Moros de España, p. 914 (Valencia, 1618).
[4] Archivo de Simancas, Inquisicion, Lib. 26, fol. 35.

salaries showed an amount of 111,246 silver sueldos due to the officials, forcing the Suprema this year to assist it with 1750 pieces of eight, a grant that it cannot repeat owing to its own very narrow means.[1] In other cases, distress may be attributed to incurable laxity of management, as in Toledo, where a statement of 1647 shows a payment by the receiver of 105,984 mrs. to the Inquisitor Santos de San Pedro, accompanied with the remark that lack of means prevents his paying the balance still due. But it also shows that the receiver held 801,724 mrs. of obligations so worthless that the auditor did not consider advisable any attempt to collect them, and that there were arrearages due on censos and other sources of revenue amounting to 1,353,452 mrs.[2]

This justifies what is asserted in the plain-spoken memorial of 1623 to the Suprema—that through negligence there have been such losses that, if they had been avoided, the tribunals would be abundantly provided. This is attributed to the beggarly salaries of the financial officials; not having enough to support them, they engage in other occupations and, being sure of their salaries, they pay no attention to their duties. Another effect is that it is necessary to appoint natives who, through kinship or fear of offending their neighbors, do not execute orders, or who grant such delays that the chances of collecting are lost. Moreover, as they get no fees for looking up evidence and documents, suits miscarry.[3] Incompetent, slovenly and often corrupt administration such as this affords ample explanation of whatever distress may have existed. Nor was malversation confined to the local tribunals. In November, 1642, Madrid was startled when, by order of the inquisitor-general, the presiding member of the Suprema, Pedro Pachecho, was suddenly arrested for malversation in office and was hurried off to Leon, without allowing him to communicate with the king or with Olivares, and every one said that it was a judgement of God on him for his extortions[4]—the same Pacheco to whom Philip had just granted some 30,000 ducats accruing from the sale of offices (p. 215). There is significance in the cautious remark of Pellicer, August 15, 1643, comparing the death of Don Lope de Morales, of the Council of

[1] Archivo gen. de la C. de Aragon, Leg. 528.
[2] Archivo hist. nacional, Inquisicion de Toledo, Contabilidad, Leg. 241, n. 33.
[3] Archivo de Simancas, Inquisicion, Lib. 926, fol. 19.
[4] Cartas de Jesuitas (Mem. hist. Español, XIX, 360).

Castile, who died very poor, and of Inquisitor Alcedo, of the Suprema, who died very rich, leaving 40,000 ducats in gold and silver.[1]

The financial elasticity of the tribunals was remarkable, especially when stimulated by the pressure of poverty, for they held the means of recuperation in their own hands. Valencia undoubtedly suffered for awhile from the Morisco expulsion, yet in 1630 we chance to learn that it had 45,500 ducats invested in municipal bonds at five per cent., yielding an income of 2275 ducats. In 1633 the Suprema is scolding it for its extravagance in illuminations and bull-fights and, in the same year, it is seeking investments for its spare funds. This prosperity continued for, in 1660, a statement of its income shows 4600 libras from interest on bonds and 530 from the rents of some houses, in addition to the four canonries and the fines and confiscations.[2] After the suppression of the Catalan rebellion, in 1652, the restored Barcelona tribunal had to reconstruct itself from the foundations, but it speedily became opulent for, in 1662–4, it spent more than 4200 libras in damask hangings, repairs and extraordinary ayudas de costa and, in 1666, it was investing 1000 libras in a censo.[3]

As in duty bound, a portion of the savings of the Inquisition was invested in government securities. Between 1661 and 1667 there were placed in this manner, from the proceeds of confiscations, sums amounting to 691,272 mrs. and, in 1668, this was increased by 202,771, the whole aggregate at this date being 7,877,999. With customary favoritism, its holdings were exempted from the deductions, amounting to partial repudiation, in which the necessities of Spanish finance sought relief.[4]

Taking it as a whole I think we may assume that, during the vicissitudes of the seventeenth century, the Inquisition had abundant means for its support and that, despite its incessant complaints of poverty, it suffered less from the exigencies of the times than any other department of the government. Internal mismanagement or external causes may have brought temporary

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[1] Avisos históricos (Semanario erúdito, XXXIII, 60).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol 609; n. 6, fol. 331; Leg. 8, n. 2, fol. 462, 477, 578, 579, 616, 618; Leg. 9, n. 1, fol. 292; n. 3, fol. 382; Leg. 11, n. 1, fol. 94–5; Leg. 371; Leg. 377; Leg. 621, fol. 108.

[3] Archivo de Simancas, Inquisicion, Lib. 67, fol. 26.—Libro XIII de Cartas, fol. 181, 136, 146, 244 (MSS. of Am. Philos. Society).

[4] Archivo dc Simancas, Inquisicion, Leg. 1465, fol. 30.

distress on individual tribunals, but persecution was still a lucrative business and such troubles were speedily overcome. As for the Suprema, we have seen that it was always in funds, not only for its necessities but for its luxuries and for the liberalities showered upon its members and subordinates, while the examination of a large series of receipts for salaries and perquisites shows that payments were made with a punctuality rare in the Spanish administration of the period. Certain it is that the Count of Frigiliana, in his addition to the *Consulta Magna* of 1696, assumes that the Inquisition was richly endowed with the prebends, the real estate acquired through confiscation and the censos and other investments which it had accumulated.[1]

The opening of the eighteenth century was ominous of troubles to come. The War of Succession threw everything into disorder. Not only were the inquisitorial finances affected, but the exigencies of the Bourbon government caused it to levy exactions which Philip IV in his deepest distress had not ventured upon. About 1704 a tax of five per cent. was laid on the salaries of all officials, and this soon afterwards was increased to ten. Then, in 1707, the Inquisition had to bear its part in a general donation, the collection of which was entrusted to the bishops, as though the Suprema was distrusted and, in 1709, this was followed by an "honesto subsidio."[2] To obtain some return for this, the Suprema ordered lists to be made up of all benefices not requiring residence throughout Spain, under royal patronage, and asked the king to incorporate them in the Inquisition, but this somewhat audacious request was refused.[3]

Complaints of poverty continued and, if we may trust a tabular statement of the receipts and expenditures of each tribunal, drawn up in 1731, they were fully justified, for the finances must have undergone a most notable deterioration under Philip V. Indeed, it is a mystery how the institution continued to exist under such conditions, with a yearly deficit of over half a million reales and nearly a million and a half of overdue wages to its employees.[4] The expenses of the Suprema are represented as

[1] Bibl. nacional, MSS., Q, 4.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 166, 199, 209, 219, 222, 228

[3] Ibidem, fol. 173.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9). For details see Appendix.

about double its receipts. Only two tribunals, those of Santiago and Seville, show a small excess of income, while Valencia prudently squares its accounts to a maravedí. The rest all show a greater or less deficit. The Suprema no longer draws at will on the tribunals, but some of them have to make to it definite subventions; thus Santiago is obliged to contribute 18,000 reales, Córdova 10,000, Seville 20,000, Murcia 45,000 and Majorca 10,000, the rest nothing, but on what principle these payments were based does not appear. Each tribunal, although subordinate to the Suprema in financial matters, has its own budget, its own independent resources, and is left to manage its deficit as best it can. The result, as might be expected, is various. Córdova, Murcia and Majorca would be solvent but for the subventions to the Suprema. The little Majorca tribunal, formerly so necessitous, has now the largest salary list of all, amounting to 104,694 reales, but it likewise enjoys the largest revenue from investments, 96,829 drawn naturally from its lucky confiscations in 1678 and 1691, from which it doubtless secured an endowment. Toledo, with but a moderate deficit of 27,000, owes over 250,000 reales to its officials. Saragossa continues unfortunate; it was ejected from the Aljafería, probably as an incident of the War of Succession, but Philip V, in 1708, granted it 5200 ducats a year out of the confiscations to rent buildings. This was withdrawn in 1725 and, in 1727, the Suprema appealed to the king with a deplorable account of its condition, dependent on its prebends and with an income less than half of its pay-roll.[1] Its position had not improved in 1731. It had undertaken to put up new buildings, on which 20,000 ducats had been spent and more than 20,000 additional were required for their completion. It was very expensively managed, with a salary list of nearly 93,000 reales and total expenses of 118,000, on an income of about 80,000, while Barcelona paid in salaries only 50,000 and its whole expenditure was less than 60,000 on an income of 48,000. Santiago was fortunate in its prebends, which brought in nearly 88,000 a year; outside of this it had only 5000 from investments, but it was able to pay its subvention and had a surplus of nearly 4000. In only four tribunals—Santiago, Seville, Murcia and Valencia—were the salaries fully paid up.

The whole statement illustrates the curious lack of system

[1] Archivo de Simancas, Inquisicion, Lib. 27, fol. 87.

under which the Inquisition had continued since its foundation. Under Ferdinand, he handled its finances as his own, using them according to his necessities, with improvident disregard of the future, and without formulating an arrangement by which its affairs could be placed on a stable basis, although its gains were aleatory and subject inevitably to diminution as it accomplished the object of its creation. Then, under Charles V, the Suprema assumed control, supplying its own wants from any surplus presumably existing in any tribunal, and transferring sums from one to another as exigencies presented themselves in the fluctuating stream of confiscations. The absorption of the prebends afforded for the first time a more stable revenue, although these too were variable. Each tribunal acquired those which fell within its district, thus obtaining an unequal basis of support, and becoming in a certain sense financially independent, although subject to the scrutiny and control of the Suprema. Thus one might be wealthy and another poverty-stricken. There was no solidarity, no common treasury into which the receipts of each were poured and from which their necessities were supplied. The Suprema had a general auditor's office, to which the accounts of all the receivers or treasurers were rendered, enabling it to exercise supervision and a more or less fitful and efficient direction, but it was more intent on providing for its own wants than on enforcing responsibility upon the local financial officials. It wasted its energies on the pettiest details, while distance and difficult communication forced it practically to leave important questions to the discretion of the tribunals. The anomalous financial organization, which thus developed, combined the vices of centralization and local self-government, with divided responsibility and inefficient supervision. A tribunal which chanced to have large confiscations or numerous and lucrative prebends, with honest and capable administration, prospered, while others not so fortunate were reduced to penury.

Towards the middle of the century the condition seems to have slightly improved. A writer, evidently well-informed, who complains bitterly that the usefulness of the Inquisition was crippled by inadequate means, states its revenues at 948,000 reales derived from invested property and 637,000 from a hundred prebends and some pensions, while its salaries and expenses amount to 1,900,000, leaving a deficit of 400,000. He proposes that the property derived from confiscations, representing a capital of

36,000,000, should be abandoned to the king and that the Church be levied upon to raise the total income to 2,700,000 which he assumes to be absolutely essential. It is scarce necessary to enter into the details of this proposed levy, except to mention that he says that there were a hundred and thirteen collegiate churches, in which no prebend had been suppressed and these, averaging them at 2500 reales, would yield 282,500 a year; also that there were forty-nine inquisitors enjoying prebends and benefices, averaging 11,000 a year which should be incorporated, yielding 539,000.[1]

Another writer of the same period seeks relief by suppressing unnecessary officials and absorbing some more prebends, after which the king should assume the whole responsibility, appointing the salaried officials, collecting the revenues and paying the expenses, when, if he had to make good a deficiency, he could not devote public money to a cause more useful and just. This writer also makes a most earnest appeal for increased salaries for the inferior officials, who, he says, were objects of popular derision in consequence of the meanness of their appearance. When one died, the expenses of his sickness and burial had to be defrayed by the tribunal in the shape of an ayuda de costa and, while living, they were overwhelmed with debts which they had no means of paying, as shown by the number of claims filed by creditors. In the provinces they often had to supplement their wages by beggary, and their integrity suffered, for the starving are easy subjects for temptations.[2]

I have not met with statistics as to the subsequent condition of each tribunal, but there are indications that some, at least, were comfortably endowed. Thus Valencia which, in 1731, showed a carefully balanced statement of receipts and expenditures, is found, in 1773 and 1774, purchasing real estate as an investment for surplus funds.[3] In 1792, the Suprema, in response

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[1] Bibl. nacional, MSS., Mm, 130.

The writer states that there were in Spain 1193 cathedral canonries, averaging 11,000 reales per annum, aggregating 11,930,000
also 3500 in collegiate churches, worth 2500 8,750,000

20,680,000

As these were largely derived from tithes it shows how heavy a burden was laid on agriculture by this single feature of the church establishment.

[2] Archivo de Alcalá, Estado, Leg. 2843.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 15, n. 10, fol. 42, 68.

to a demand for increase of salaries, ordered from all the tribunals a statement of income and expenses for the seven years, 1784–90. The return of Valencia shows, for 1790, an income of 12,207 libras and an expenditure of 7777, or a surplus of 4430, though its pay-roll comprised twenty-five officials, receiving in all 5616. Its coffer contained at the time an accumulation of 32,707 libras, although, for the five previous years, it had spent an average of 5000 libras a year in permanent improvements and investments. Perhaps this can scarce be taken as an example of all the tribunals, but it would indicate that some, at least, were not oppressed with poverty, while the absurdly small item of 39 libras 4 sueldos expended on maintenance of prisoners, in 1790, indicates how little real work was performed by its overgrown staff.[1]

This flourishing condition was not destined to continue. The necessities of the Government, in its foolish wars with France, England and Portugal, caused it to call upon the Inquisition to convert its investments into public funds. The Valencia tribunal reported to the Suprema, February 23, 1802, that, in obedience to its order of January 22nd, there had been realized from the sale of farms the sum of 62,584 libras, which had been duly paid over to the "Caja de consolidacion de vales," and of course all such patriotic contributions disappeared in the years of trouble which ensued. Equally unfortunate was an investment made in 1795, likewise by order of the Suprema, of 6640 libras in an obligation of the Real Compañia Maritima, on which, as it reported in 1805, it had never received any interest. In the same year it presented a dolorous account of the misery of its officials who, from their inadequate salaries, had been forced to make a voluntary donation of four per cent. to the Government and, under pressure from the captain-general, to contribute 175 reales to the support of the silk-weavers thrown out of employment, which, it suggested, should be paid for them by the tribunal as, for two years and a half, it had had no fiscal and thus had saved his salary.[2] The tribunal of Logroño must have husbanded its resources, for it was able, July 23, 1808, to lend to the authorities 30,000 reales towards a fund demanded by the French General Verdier for abstaining from sacking the town. Under the Restoration a return of the loan was vainly claimed.[3]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 16, n. 9, fol. 7.

[2] Ibidem, Leg. 4, n. 3, fol. 252, 310, 321.

[3] N. Hergueta (Boletin, XLV, 436).

Worse was to come in the revolutionary times which followed. Napoleon, on his arrival at Madrid, December 4, 1808, issued a decree abolishing the Inquisition and confiscating its property to the crown and this, of course, was enforced wherever the French armies penetrated. On the other hand, the Córtes of Cádiz had learned, from the example of the Inquisition, that useless benefices were a financial resource, and one of their earliest acts was a decree of December 1, 1810, forbidding the nomination of incumbents to all prebends, *raciones* and benefices, vacant or falling vacant, except magistral, doctoral, lectoral and penitentiary prebends, or benefices having cure of souls, under which the suppressed canonries were made to contribute to the War of Independence.[1] The Holy Office was virtually extinct when it was suppressed by the Córtes in 1813, and we shall see hereafter how painful was the resuscitation of its finances under the Restoration.

The financial organization of the Inquisition at first was simple and even crude. The receiver of confiscations, or treasurer, was a royal official. Ferdinand always speaks of him as *mi receptor* and it was the king who issued commissions to all the officials on the financial side of the tribunals—the receiver, the auditor and the judge of confiscations—although, after the incorporation of the prebends, the inquisitor-general added powers to administer the revenues from ecclesiastical sources, as this was his exclusive province under the papal briefs.[2] When Ferdinand died, January 23, 1516, it is not surprising that difficulties were thrown in the way of the receivers, on the ground that their commissions expired with him. To meet this, letters were issued to them, in the name of Queen Juana, February 28th and March 4th, instructing them that they were still in office, with full authority to make collections and to pay salaries and expenses.[3] By the time of the resignation of Charles V, the system had become so firmly established that no questions seem to have arisen, although probably with each new monarch commissions were renewed.

The office was rightly considered to be one of much importance, especially in the early period of large confiscations. In 1486, the receiver figures, in the Saragossa pay-roll, for a salary of 3000

[1] Código del Reinado intruso de José Napoleon Bonaparte, p. 43 (Madrid, 1845).—Coleccion de los Decretos y Ordenes de las Córtes, I, 33 (Madrid, 1820).

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[3] Archivo de Simancas, Inquisicion, Lib. 3, fol. 358.

sueldos to 4000 for the inquisitors, while, in those of Medina del Campo and Jaen, he has 80,000 mrs. to 60,000 for the inquitsiors. In 1515, the receiver and the inquisitor in Sicily both receive 300 ducats.[1] The receiver necessarily required assistants and agents, as the properties under his charge were scattered throughout his district. At first these were paid by the fisc, but Ximenes, in his reform of 1516, required receivers to pay for them out of their salary of 60,000 mrs.—an economy of doubtful wisdom.[2] In time the comparative importance of the receiver diminished and, in the middle of the eighteenth century, we find him—or treasurer as he was then called—rated at 400 ducats, while the inquisitors and fiscal have 800.[3] At times there were distinct receivers for the confiscations and for the fines, penances and rehabilitations, but usually one sufficed, though the accounts were kept separate. The receiver was required, by the Instructions of 1498, to give satisfactory bonds to the amount of 300,000 mrs.[4] A regulation of 1579 prescribed that these bonds were to be renewed every three years and that, when one of the bondsmen died, he was to be replaced at once, under pain of major excommunication, *latæ sententiæ*, but the frequency with which this rule was enunciated indicates how difficult was its enforcement.[5]

While the power of the receiver in making collections was almost boundless, in disbursements he was prudently limited. An instruction of Deza, in 1504, requires the auditors not to pass in the accounts any item for which the receiver could not exhibit an order from the king, the inquisitor-general, the Suprema, or the judge of confiscations in matters adjudicated by him.[6] In Aragon, the accounts were audited by the *maestre racional* or auditor-general of the kingdom and, in Castile, by the auditor of the Suprema, after which they were submitted to Ferdinand, who examined them minutely and decided as to the items disallowed by the auditors.[7] All this, as we have seen, passed into the hands of the Suprema, which exercised the most careful watch-

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 77, 92, 94.—Archivo de Simancas, Inquisicion, Lib. 3, fol. 343.

[2] Instrucciones del Receptor, § 11 (Arguello, fol. 18).

[3] Archivo de Alcalá, Estado, Leg. 2843. [4] Arguello, fol. 18.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 18; Leg. 10, n. 2, fol. 223.—Archivo de Simancas, Inquisicion, Lib. 942, fol. 47.—MSS. of Royal Library of Copenhagen, 218b, p. 247.

[6] Instrucciones del Receptor, § 10 (Arguello, fol. 18).

[7] Archivo de Simancas, Inquisicion, Lib. 1.

fulness over all *gastos extraordinarios*, or expenditures other than the regular payment of salaries and the like. Thus, in 1645, Martin Pretel, the treasurer of Toledo, paid out, on orders of the inquisitors, 190½ reales for repairs to a house occupied by one of them and 116 reales for repairs to the prison. The auditor refused to pass these trivial outlays, and it was not until 1654 that the Suprema allowed them, with a caution that in future the cartas acordadas must be observed.[1]

The utmost precision and minuteness were exacted, with elaborate vouchers containing the order authorizing payment and the receipt of the payee. In the accounts for 1524, of Cristóval de Medina, receiver of Valencia, he recites an order issued by the inquisitors to Pere Sorell, who was repairing the palace of the Inquisition, granting him an old chain which hung under some of the windows and he includes Sorell's receipt for it.[2] Similarly in the Valencia accounts for 1759 we find the inquisitors issuing orders and receipts taken in the case of the charwoman Josefa Serra, who was paid 3 libras for sweeping out the rooms from January 1st to St. John's day and 5 libras for carrying the seat of honor twice to the church of Santa Ana and once to San Salvador. So with Juan García, paid 1 libra 10s. for taking up and putting down the mats and 1 libra 4s. for two cords for the well.[3]

There was perhaps some excuse for dilatoriness in rendering accounts so elaborately minute, accompanied with the requisite orders and vouchers, but a more efficient reason was that the receiver was apt to be in arrears, using the funds for his own profit, in defiance of stringent regulations, and his account rendered was sure to be followed with a demand to pay a balance due. Ferdinand, as we have seen, and after him the Suprema, labored vainly to secure promptitude and regularity. In 1560 it devised an elaborate plan of appointing an auditor for every two tribunals, with a salary of 40,000 mrs., for which he was to spend alternate years in examining their several accounts. Collusion between him and the receivers was guarded against by severe penalties for paying his salary except on orders from the Suprema and threats of prosecuting him for neglect of duty. When a balance was struck, the receiver was to deposit it within nine days in the coffer of the tribunal and furnish the Suprema with

[1] Archivo hist. nacional, Inquisicion de Toledo, Contabilidad, Leg. 241, n. 32.
[2] Ibidem, Inquisicion de Valencia, Leg. 371.
[3] Ibidem, Leg. 309, Cuentas, fol. 1–5.

evidence of the fact within nine days more; if he failed in this, the inquisitors were to imprison him under pain of forfeiting their salaries from that time forth. As each account was completed, the auditor was to forward a copy to the Suprema, and he was further to supervise the accounts of the collectors of the suppressed prebends and to see that all receipts were duly deposited in the coffer.[1] The scheme has interest from the insight which it gives into the disorder and dilapidation characteristic of inquisitorial finance, rather than from any improvement which it caused, for it seems to have proved impracticable. It is true that, in 1570, there were some additional instructions as to details, which look as if, after ten years, there was an effort to make it work, but it was soon afterwards abandoned and, in 1572, there was a return to the old system by ordering from each tribunal an annual statement.[2] This was followed by requiring a monthly report as to the management of property and the returns collected, but this seems to have received as little obedience as previous instructions.[3]

The memorial of 1623 to the Suprema urges strongly the enforcement of the instructions of 1560—that an auditor should, every year, audit the accounts of the treasurer, in the presence of an inquisitor, under penalty of forfeiture of a year's salary by both. The statements thus rendered should then be examined by the fiscal of the Suprema, with the aid of an expert accountant for, through the lack of this, in the previous accounts there have been great errors, and if they were reviewed by a shrewd examiner it would be discovered how large have been the losses.[4] The writer evidently had little faith in the receivers-general and auditors-general on whom the Suprema depended, but his suggestions were not acted upon, and the Suprema contented itself with calling upon the dilatory treasurers for annual reports and occasionally getting their statements. The secret of the delay is indicated in instructions to the Valencia tribunal, in 1633, that, when Melchor de Mendoza, the treasurer, has finished the accounts which he has commenced, pressure must be brought to bear to make him pay the balance against him.[5]

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 244.

[2] Ibidem, Lib. 939, fol. 133.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg 5, n. 2, fol. 334.

[4] Archivo de Simancas, Inquisicion, Lib. 926, fol. 21.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 8, n. 2, fol. 327.

The Depositarios de los Pretendientes, who had charge of the deposits of those seeking proofs of limpieza, emulated the treasurers. A letter of March 28, 1665, to the Barcelona tribunal calls attention to a carta acordada of January 16, 1620, ordering the accounts of the depositario to be included in the annual statements required for the auditor-general. The latter, however, reports that he has received none for many years, wherefore it is ordered that an itemized statement in detail, including everything since the last account rendered, shall be made out, showing what is due to all parties concerned. It may reasonably be doubted whether the command was obeyed. In 1713, orders were sent to Valencia that, if the depositario did not pay the balance in four months, pressure was to be brought to bear upon him, and the secretaries were to be forced to pay him what they owed him. The pressure was unavailing, for a prolonged correspondence ensued on the subject, throughout 1714. Towards the close of the century, however, we find the depositario of Valencia rendering statements with some degree of regularity every two years.[1]

If the accounts of the tribunals were thus carelessly kept, those of the Suprema would appear to be equally disordered. At least such conclusion is justified when, in 1685, we find it asking the tribunal of Valencia for a statement of the remittances which it had made to the treasurer-general. In 1695 the request is repeated for the years 1693 and 1694 and again in 1714, 1715 and 1726—all of which would argue most slovenly bookkeeping.[2]

Towards the close of its career, apparently, the Inquisition had succeeded in establishing a more methodical system. In 1803, Barcelona is rendering monthly statements of receipts and expenditures with commendable regularity and we may attribute to the political perturbations the fact that the accounts of Valencia for the years 1807, 1809 and 1810 were not audited by the Suprema until 1816.[3]

Libro XIII de Cartas (MSS. of Am. Philos. Society).—Archivo hist. nacional. Inquisicion de Valencia, Leg. 13, n. 2, fol. 52, 159, 161, 162, 165, 169, 185; Leg. 15, n. 10, fol. 11, 14, 62, 94, 109.

[2] Ibidem, Leg. 12, n. 1, fol. 29, 78, 167; n. 2, fol. 118; Leg. 13, n. 2, fol. 158, 226; Leg. 14, n. 1, fol. 128.

[3] MSS. of Am. Philos. Society.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 17, n. 4, fol. 104.

Confidence in the integrity of the average receiver was evidently neither felt nor deserved, and, at an early period, the device was adopted of the *arca de tres llaves*—a coffer placed in the secreto with three locks of which the keys were held by the receiver, by an inquisitor and by the scrivener of sequestrations, so that it could be opened only in presence of all three. In this repository the receiver was required to place all moneys coming into his hands and so it remained until the last, as a fine example of archaic simplicity. To this there were occasional variations, such as requiring two arcas, one for confiscations and one for fines and penances, or, when the tribunals were living on their incomes, one for capital and the other for revenue. As a rule, however, one sufficed and it was customarily divided into two compartments, for confiscations and fines and penances respectively.

The rules prescribed, in 1514, by Inquisitor-general Mercader, indicate the precautions regarded as necessary to reduce to a minimum the temptations of the receiver. He was to receive no money save in presence of the scrivener of sequestrations or of the secreto. All collections were to be placed in the coffer within three days of their receipt, in the presence of an inquisitor and of a scrivener. When subordinates brought funds from other places, they were to be delivered to him within two days in presence of a scrivener and he was required to deposit them within twenty-four hours. Fraud and deceit, Mercader says, must cease in the collection and sales of confiscations and in depositing and taking out moneys from the coffer. All expenses, ordinary and extraordinary, were to be paid with money taken from the coffer. The scrivener must, with his own hands, keep duplicate books, with dated entries, of all deposits and withdrawals, one copy to be kept in his possession and the other in the coffer. No moneys must be taken out for loans or other purpose, save the expenses of the tribunals, without the express licence of the king and inquisitor-general. Every two months the receiver and scrivener, in presence of an inquisitor, must verify the accounts and the money on hand, and must send a written statement of the latter to the inquisitor-general. Any omission or deviation from this by receiver, inquisitor or scrivener was punishable with excommunication and a fine of five hundred ducats. All the officials concerned were to be furnished with copies of these instructions and one was to be placed in the coffer.[1]

[1] Archivo de Simancas, Inquisicion, Lib. 933.

It was one thing to frame precise regulations and another to secure their observance. These instructions were sent to Sicily in 1515, but evasions were speedily invented for already, in 1516, a letter of the Suprema asserts that experience had shown that the custodians of the three keys, by lending them to each other, committed frauds on the moneys in the coffer. To prevent this it devised wholly inefficient regulations as to the parties to whom the keys should be confided, in the absence of the regular custodians, so that, as it naïvely remarked, no frauds may be committed in the future.[1]

It argues a singularly hopeful spirit in the Suprema if it expected that such precautions would preclude embezzlement, when the standard of official morality was so low that malversation was prevalent everywhere and was rarely if ever punished by dismissal from office. How tenderly such indiscretions were treated is manifested in a case occurring in Barcelona, in 1514. Francisco de San Climent owed 186 libras to the confiscated estate of Bernardo and Dionis Venet; his father paid 150 on account, but this was not credited, being evidently embezzled, and, on June 13th, Ferdinand ordered the receiver, Mateo de Morrano, not to press the suit against San Climent on account of the damage that it would inflict on the honor of the officials—the matter was to be hushed up in order to spare the reputation of the tribunal.[2] When theft was thus condoned we need not wonder at the condition of the *receptoria* of Saragossa, characterized by fraud, disorder and neglect, as described by the auditor Anton Navarro in a letter which Ferdinand gave, in 1515, to the Archdeacon of Almazan when sending him thither as inspector.[3]

Allusion has been made above to the remedy sought by Ximenes in 1517, by sending an auditor-general to inspect all the tribunals and ascertain the balances due. It was probably in consequence of this that Juan Martínez de Guilestegui, the former receiver of Toledo, was found indebted in the sum of 51,500 mrs., but there was no thought of punishing him and, with customary tenderness, Charles V forgave him half of the debt and promised that on payment of this he should be free of all further claim.[4] Apparently it was a matter of course that receivers should be in debt to the fisc, although, if the rules as to the three-keyed coffer were

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 314–15; Lib. 933.
[2] Ibidem, Lib. 3, fol. 304.
[3] Ibidem, Lib. 3, fol. 318.
[4] Ibidem, Lib. 9, fol. 1.

observed, there was no opportunity for them to be in arrears. The rules in fact were disregarded with impunity. Inquisitor-general Manrique, writing to Sicily in 1525, says that they had not been observed for several years and orders them to be enforced under the prescribed penalties, but as he did not inflict those penalties for past disobedience, his threats were a mere *brutum fulmen*.[1]

The consequence of this condonation of malpractice appears whenever there is opportunity of investigation. One of Ferdinand's most trusted receivers was Amador de Aliaga of Valencia. On his death, about 1529, when concealment was no longer possible, he was found to be a defaulter and, as one of the inquisitors was his heir, the Suprema ordered him to make good the deficit out of the estate. Then Pedro Sorell, a notary of the secreto, was in the enjoyment of certain confiscated houses, granted to him by Ferdinand, subject to a censo of 2975 sueldos; this had clandestinely been paid off out of the funds of the tribunal; Sorell refused restitution, and the Suprema merely told the inquisitors to persuade him to refund the amount without a suit. This same Sorell had covertly, through a third party, purchased a censo of 8000 sueldos, particularly well secured, sold by the fisc in order to pay salaries. The Suprema rebuked the tribunal for parting with so choice an investment, but there was no talk of dismissing or punishing the guilty notary.[2] When the officials enriched themselves with impunity it is not difficult to understand the incessant complaints of the poverty of the tribunals.

That a receiver was expected to use the money in his hands and to be in arrears is indicated by a letter of the Suprema, in 1542, on learning the death of Ramon de Esparza, receiver of Majorca. He had not sent in his accounts and the inquisitor was empowered to compel his heirs to render a statement and to pay whatever balance might be found due.[3] The device of the coffer had fallen evidently into complete neglect and the Suprema endeavored to resuscitate it by a carta acordada of December 9, 1545, which prescribed that all collections were to be deposited within three days of receipt, if made in the city, or within four days if made in the country, and salaries and other expenses were to be paid only from the money in the coffer, under pain of excommunication *latæ sententiæ* and of ten ducats for each infrac-

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Ibidem, Lib. 76, fol. 235.

[3] Ibidem, Lib. 240, fol. 122.

tion. This was the commencement of an endless series of legislation reiterating or modifying the regulations in a manner to indicate how impossible it was to enforce observance. The delay allowed for deposit was increased from three days to ten; receivers were required to take an oath to obey; reports of all deposits and withdrawals were ordered to be rendered every four months. These constant repetitions are the measure of their inefficiency, and the hardened indifference of the receivers is evidenced by a complaint of Reynoso, Inquisitor of Toledo, in 1556, that since the accounts of the receiver had been balanced he had received large sums which he refused to deposit in the coffer, saying that his accounts had been settled. Then, in 1560, the order of 1545 was reissued with instructions that, in case of infraction, the receiver was to be prosecuted and punished, evidence of which was to be furnished to the Suprema.[1] It was all in vain and the receivers continued to hold their collections at their convenience.

In 1569, with the object of reducing to some kind of order the finances of the tribunals, a *junta de hacienda*, or finance committee, was constituted in each, consisting of the inquisitors, the judge of confiscations, the receiver and the notary of sequestrations, which was to meet on the last day of each month and consider all questions of property and income, deciding them by a majority vote. This, with occasional modifications, remained a standing feature of the tribunals, although the repeated exhortations and commands that the sessions be held regularly show how difficult it was to secure business-like action and management.[2] The attempt was made to utilize this organization in compelling the receivers to deposit their collections in the coffers. In 1576 and again in 1579, orders were issued that, at the monthly meetings, the receiver should declare, under oath and under excommunication, the amount of money in his hands, what he had collected and what placed in the coffer. This was ineffectual and then it was tried to compel the notary of sequestrations to make a declaration that the receiver had deposited all that he admitted to have received. Then, in 1584, a concession was made allowing the receiver to make his deposits monthly, which of course only increased the risk of defalcations. This was followed, in 1586, by

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 31, 130; Sala 40, Lib. 4, fol. 223.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 209.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 2, fol. 181; Leg. 9, n. 2, fol. 223, 249; Leg. 399. —Bibl. nacional, MSS., Pp, 28.

orders that he must be compelled to collect and deposit promptly the revenues of the prebends and that, at the monthly meetings, the schedule of income was to be examined in order to see what had been collected and deposited.[1] It would be wearisome to pursue further these details, which continued indefinitely, with perpetual and ineffectual iteration, to compel the receivers to hand over their collections without delay. It hardly needs the assertion of the memorial of 1623 that the coffer was used in but very few places as a depository for the funds of the tribunals. The writer adds that the receivers thus incur excommunication and commit perjury monthly; the finances suffer great losses and the receivers are ruined by squandering the money, but the only remedy that he can suggest is that the penalties be increased and strict orders be issued that, under no pretext, should funds be left outside of the coffers. These expedients had been abundantly tried but, in the absence of rigid discipline and of punishment of offenders, they had been and continued to be fruitless. Another and most serious omission pointed out was that in many tribunals there was no *Libro Becerro* or register of property, with descriptions and titles, the lack of which led to great losses and much difficulty in making collections.[2] The cause of the poverty complained of is not far to seek.

Under the flagrant disregard of the prescribed safeguards, it is not surprising that defalcations were by no means infrequent. The general negligence and the tenderness manifested to official malfeasance facilitated and encouraged embezzlement. It could be concealed by skilfully falsified statements but, when a receiver died, his estate was not uncommonly found to be indebted to the fisc. Thus, in the account of Lazaro del Mar of Valencia, in 1647, there is an item of 372 ll. 14s. 2d. still due by the heirs of the late receiver Minuarte, although 2400 ll. had already been collected of them during the previous five or six years.[3] So when, in 1664, Joan Matheu, receiver of Barcelona, was murdered and his accounts were finally reduced to order, in 1666, they were found to be short in the large sum of 47,359 ll. 1s. The widow petitioned

[1] Archivo de Simancas, Inquisicion, Lib. 979, fol. 32; Lib. 939, fol. 130, 131, 132; Lib. 942, fol. 21.—Archivo de Alcalá, Hacienda, n. 473.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 100.

[2] Archivo de Salamanca, Inquisicion, Lib. 926, fol. 21, 26.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 198; Leg. 371.

to be released, or at least to have an abatement, which was refused, but she was given two years in which to settle.[1]

A somewhat typical ante-mortem case was that of Carlos Albornoz, receiver of Valencia, who, it may be remembered, endeavored, in 1713, to secure the reversion of his office for his son aged twelve, and a few years later succeeded in so doing. There was trouble in getting him to render his accounts for 1723 and three or four subsequent years, and making him pay over the tolerably large confiscations of Alarcon and Macanaz. In 1727 he was allowed to resign in favor of his son and, in 1728, active measures were taken to compel him to furnish his accounts and make payments, which resulted in obtaining 6000 reales and a statement. On this, in December, 1728, the auditor-general found a balance against him of 62481l. 10s. 1d. besides sums paid by the towns of Villanueva de Castellon and Denia which were not entered in his books. Then commenced the attempt to effect a settlement, which continued, until 1734, with more or less success, his son being meanwhile continued in office, while in the whole voluminous correspondence there is no intimation of any thought of punishing him for his inveterate disobedience and dishonesty.[2] The confiscations, in fact, seemed to carry with them an infection. The Licentiate Vicente Vidal was administrator of the Valencia portion of the estate of Macanaz and, on settlement of his accounts, he was found to be in debt some 1800l. The administration was transferred to Manuel Molner, to whom he gave a deed for a property renting for 100 l.; in 1729 he paid his debt and then, in 1732, he had the effrontery to ask the Suprema to refund to him the rents received from his property while in Molner's hands.[3]

While thus much of the chronic complaint of indigence may reasonably be attributed to mismanagement and peculation, it would be unjust to the Inquisition to ascribe to it a specially bad eminence in this respect. It was probably neither better nor worse than the other departments of the Government. Neglect of duty and misappropriation of funds, common enough to this

[1] Libro XIII de Cartas, fol. 135, 181, 193 (MSS. of Am. Philos. Society).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 13, n. 2, fol. 132, 145–6; Leg. 14, n. 1, fol. 6 *sqq.*, 56, 63–7, 110, 116, 119, 123, 138, 141, 144, 147, 150, 154; Leg. 14, n. 2, fol. 1, 4, 6, 7, 11, 13, 17, 18, 26; Leg. 14, n. 2, fol. 62, 72, 73, 79, 81, 88, 118.

[3] Ibidem, Leg. 14, n. 2, fol. 61.

day in public affairs, were in past times rather the rule than the exception and flourished in Spain, perhaps, to a greater extent than elsewhere. Multiplication of offices and inadequate salaries are direct incentives to irregular gains, and the practical immunity of offenders, caused by the unwise effort to preserve the external reputation of the Holy Office, was an encouragement which could not fail to induce slovenly service, disobedience of rules and frequent embezzlement.

BOOK VI.

PRACTICE.

CHAPTER I.

THE EDICT OF GRACE.

ALLUSION has occurred above to the Edicts of Grace which, in the earlier period, played an important part in the machinery of the Inquisition. It was a custom inherited from the thirteenth century of which the conditions, as adopted in Spain, are expressed in the Instructions of 1484. When, at any place, a tribunal was opened, at the close of the initial sermon the inquisitors were to publish a Term of Grace, lasting for thirty or forty days, during which those conscious of heresy could come forward, making complete confession of all errors remembered, including those of others. They were to be assured that all who did so, with contrition and desire to abjure, would be charitably received, would be given salutary penance and would not be condemned to death, to perpetual prison or to confiscation, but the inquisitors were empowered to reconcile them and, at their discretion, to require them to give as alms a certain portion of their property in aid of the holy war with the Moors. Spontaneous confession after the Term of Grace, provided the parties had not been testified against, secured reconciliation with confiscation; where adverse testimony had been received, heavier penalties, even to perpetual prison, could be inflicted.[1] In the supplementary Instructions of December 6, 1484, Torquemada added that the sovereigns granted to those thus reconciled the right to collect debts and confirmed all alienations made prior to the reconciliation, but that no subsequent alienations or encumbrances on real estate would be valid without special royal licence.[2] This still left questions unsettled

[1] Instrucciones de 1484, §§ 3, 7, 8 (Arguello, fol. 3, 4).

[2] See Vol. I, p. 573.

and, in Torquemada's further Instructions of January 5, 1485, it was provided that, if the reconciled held public office, they were to be temporarily disabled, until their steadfastness in the faith was proved; those who had been prevented by sickness, or other just impediment, from availing themselves of the Term of Grace were to be admitted but, if there was proof against them, they were subject to confiscation and their cases would be submitted for the royal decision. Those who did not confess fully as to themselves and others were to be regarded as fictitious converts and, if evidence was received against them, were to be prosecuted with the utmost rigor. Fugitives coming forward within the term were to be admitted.[1]

A case occurring in 1483 shows that this was a mitigation of the pitiless strictness with which the limits of the Term of Grace had been observed. When, in December of that year, Juan Chinchilla was on trial at Ciudad Real, one of the articles of accusation was that he had not come forward during the term. In reply he stated that the Comendador del Carral had sent him away during that time; that he had gone to the Inquisition to confess, but Padre Caetano had retired after hearing mass and he had been told to return at another time; then he went to the receiver and begged him for God's sake to get him admitted; the receiver had promised to do so and came to summon him; he thought that he was being taken to the inquisitors, but found himself thrown in prison. His explanation availed him nothing, nor did his free confession of his errors, and he was duly burnt.[2] In the awful confusion and haste of those opening years, such cases must have been frequent. There were few formalities observed, for there had not been time to develop an elaborate course of procedure, and each inquisitor, to a large extent, followed his own devices.

I have nowhere met with the full text of an Edict of Grace, but the substantial formula is given in the sentence pronounced, January 30, 1484, in Ciudad Real, against the fugitives Sancho de Ciudad and his wife. This recites that, as there was public report that in Ciudad Real many nominal Christians followed the Law of Moses, the inquisitors had verified it by testimony; that, desiring to treat them with clemency, they had issued their Edict that all thus guilty should come forward and abjure within thirty days, when they would be treated with all possible mercy; that

[1] See Vol. I, p. 576.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 140, n. 162.

they had extended this for thirty days more and had received all who desired to present themselves, after which they had issued their summons and edict against all who had fled and had been testified against as suspect and defamed for heresy.[1]

We have seen what was this mercy, in penitential processions and heavy amercements, and we shall see how illusory, in many cases, was the promised immunity, owing to the *diminucion* or imperfection of the confession. It was required to be full about themselves and others; the assumption necessarily was that they were genuine converts at heart and as such must be eager, not only to discharge their consciences as to all past errors, but to aid in the punishment of all heretics and apostates, including those nearest and dearest to them. Anything short of this showed that their confession was fictitious and thus it only added to their guilt. Ample evidence against them was obtainable, not only from informers who were numerous and active, but from the confessions of others, whether coming in under the edict or on trial. The tribunals were watchful in utilizing all this material, and reconciliation under the edict was apt to be supplemented by arrest and condemnation.

The confessions under the Edicts of Grace are pitiful reading. The poor creatures naturally admit as little as possible, in the hope of diminishing the pecuniary penance. They strive to extenuate their errors and throw the blame on those who misled them; they grovel before the inquisitors, profess the deepest contrition and promise strenuous perseverance in the faith. They rarely go out of their way to compromise others, but they frankly state who it was that perverted them and have no hesitation in implicating parents and kindred and benefactors. Unlike the priest in the confessional, the inquisitors abstained from interrogating them or seeking information about themselves or others. It was not their policy to stimulate confession and the penitent was allowed to state as much or as little as he chose. The results are evidently the unassisted work of the penitents, inconsistent, rambling, frequently almost unintelligible, whether written by themselves or taken down verbatim by the notaries, for it was essential that they should be of record, to be brought up against them, in the probable case of backsliding or of testimony to omitted facts. The confession of María Gonsales de la Panpana,

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 139, fol. 145 (see Appendix).

Ciudad Real, October 9, 1483, may be taken as a specimen. In it she throws all the blame upon her husband and recites the thrashings received at his hands to force her to follow Jewish observances. She was duly admitted to reconciliation but, in about three months, she was arrested and tried and was burnt in the great auto de fe of February 23, 1484.[1] The unsubstantial character of the mercy promised in the Edict of Grace is illustrated in the typical case of Andres González, parish priest of Talavera. Soon after the tribunal of Toledo had been organized and before there had been any proclamation in the archidiaconate of Talavera, he sought to protect himself by appearing before the tribunal, making confession and obtaining reconciliation. Doubtless prisoners on trial testified against him, for he was soon afterwards arrested. November 5, 1484 he made a fuller confession, covering all the points of Judaism and disbelief in the sacraments which he had been administering. In spite of his professions of repentance, the fiscal claimed that this was extorted by fear, and presented the evidence of ten witnesses, whose testimony as a whole was but a confirmation of his confession. He gained nothing by his self-denunciation; he was degraded from the priesthood and burnt in the auto de fe of August 17, 1486.[2]

If thus the Edict of Grace was of little benefit to the New Christians, it was of the utmost service to the Inquisition. The multitudes who came forward contributed large sums in their "alms;" they gave the tribunals wide knowledge of suspects and a means of subsequently convicting them on the score of their imperfect confessions—for their confessions could not fail to be technically imperfect. Moreover, the necessity of denouncing all accomplices furnished an invaluable mass of testimony for further prosecutions. Thus, by this simple and apparently merciful expedient, the inquisitor was provided with funds and had his work laid out for him, enabling him to gather in his harvest with small labor of investigation and with full certainty of results. The fisc also had a further advantage in the opportunity afforded by the imperfect confessions of the reconciled. Besides the general compositions for confiscation described above, there were special ones exempting the Conversos from this particular peril. Thus a royal cédula of April 6, 1491, grants to those of Valencia, for five thousand ducats, release of confiscation for all imperfect

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 154, n. 375 (see Appendix).
[2] Ibidem, Leg. 153, n. 331.

confessions and for heresies committed up to that date, except in cases of relapse.[1] Their fears were speculated upon in every way conceivable.

This probably explains some obscure allusions to a Time of Mercy, as distinguished from the Time of Grace, of which the clearest account we have refers to Majorca. A contemporary relates that "Some years after the Time of Grace, perhaps two, when many heretics had confessed some errors but not all, and had suppressed the names of many accomplices, a rigorous inquisition was made against them. Then, at the persuasion of a certain great Rabbi, nearly all the apostates, seeing the afflictions visited upon them, came to the palace of the inquisitors with loud cries and tears (I wish they were sincere) begging for pardon. Then new confessions were made and, by command of the inquisitor-general, with the consent of King Ferdinand, they were admitted to mercy with a moderate pecuniary fine to redeem their lawfully confiscated property. And that time was called the Time of Mercy. And this occurred in our city of the kingdom of Majorca, viz., the Time of Grace in 1488 and the Time of Mercy in 1490, when I was ten years old. Yet the grace and mercy were of little avail for, from then until the current year 1524, the inquisition against them has never ceased; many were delivered to the secular court and very many exposed to shame and imprisoned for life and their property confiscated, yet never would they amend."[2]

However successful was the device of the Edict of Grace, from the point of view of inquisitor and king, it evidently won over but few to the faith and, after a comparatively brief experience, the Conversos recognized that those who availed themselves of it were in a distinctly worse position than before, as their confessions were on record against them in case of relapse, and they were exposed to the added danger that any imperfections in those confessions were legally construed as impenitence, which was mortal. We shall see, when considering the subject of confession that this question of imperfection was treated so rigidly as to render its avoidance practically impossible, and of this the Inquisition took full advantage, for we find the Suprema instructing the tribunals to scrutinize carefully all confessions made by those under trial and compare them with those presented in the Time

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 98.

[2] Albert. Albertini Repetitio nova, fol. cxlii, n. 4 (Valentiæ, 1534).

of Grace, to see whether anything had been concealed and whether the so-called penitents counselled with each other to shield their friends and kindred.[1] This latter clause points to another serious bar to the success of Edicts of Grace, in the obligation to denounce accomplices, which involved the exposure to prosecution of all the friends and kindred of the penitent. This was especially felt when the enforced conversion of the Moriscos subjected them to the Inquisition, for one of their evil qualities, we are told, was that, while they could be forced to confess freely about themselves, they could not be induced to betray their neighbors, wherefore they were burnt for impenitence.[2]

The Moriscos offered the largest field for the exploitation of Terms of Grace during nearly a century. There was an earnest desire, for reasons of state, to secure their conversion, and special concessions were made to them with little result. The details of these will be more conveniently considered hereafter, and it will suffice here to mention that Philip II, towards the close of his reign, proposed to issue an edict of a comprehensive character which should determine the question of expulsion. Convinced of the futility of such measures involving the denunciation of accomplices, he applied to Clement VIII for permission to omit it, but the pontiff was more rigid than the king and, in his brief authorizing the edict, he insisted on the denunciation of apostates.[3] Philip's death, in 1598, postponed the issue of the edict until August 22, 1599. Every effort was made to render it successful and the twelve months conceded in it were extended to eighteen, expiring February 28, 1601. The result was awaited with anxiety and, on August 22, 1601, the inquisitors reported that during the whole term only thirteen persons had taken advantage of it, and these had made such imperfect confessions and had so shielded their accomplices that they deserved condemnation rather than absolution.[4]

For two centuries after the expulsion of the Moriscos we hear nothing more of Edicts of Grace. There were no longer in Spain bodies of heretics or suspects to whom such expedients were applicable, and the desired unity of faith was secured so far as

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Guadalajara y Xavierr, Expulsion de los Moriscos, fol. 159 (Pamplona, 1613).

[3] Clement's brief is printed in the Appendix to the author's "Moriscos of Spain."

[4] See Appendix to the author's "Moriscos of Spain."

practicable but, with the Napoleonic wars, there came new sources of infection. Spain was traversed from end to end by armies composed of heretics like the English or largely of free-thinkers like the French. Jews had taken advantage of the troublous times to pollute the sacred soil and liberal ideas, abhorred alike by Church and State, had ample opportunity of dissemination. With the re-establishment of the Inquisition, in 1814, it seemed opportune to meet the flood of heresy and libertinism by the old methods. On January 2, February 10 and April 5, 1815, therefore, the inquisitor-general issued Edicts of Grace, promising that all who, during the current year, should come forward and denounce themselves for heresy or other crimes justiciable by the Inquisition, should be absolved without punishment and without obligation to denounce accomplices. This was followed, April 12th, with orders to collect all information possible, but not to prosecute until after the expiration of the term, when all who should not have spontaneously presented themselves were to be put on trial. This comprehensive plan can scarce be pronounced a success. The records show that a few *espontaneados* availed themselves of the promised grace, but the number was lamentably insignificant. This did not encourage prolongation of the term and, on January 12, 1816, another edict announced its expiration and the revival of the old obligation to denounce all offences known to the penitent.[1] There does not seem to have followed any outburst of prosecutions. The tribunals, doubtless, had been too much occupied in repairing their shattered fortunes to waste much thought on accumulating information as to heretics.

[1] Llorente, Hist. crít. Cap XLIV, Art. 1, n. 20.—Archivo de Simancas, Inquisicion, Lib. 559.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 100; Cartas del Consejo, Leg. 17, n. 4, fol. 55.

CHAPTER II.

THE INQUISITORIAL PROCESS.

In considering the judicial functions of the Inquisition, we shall meet with much that is abhorrent to our conceptions of justice. We shall see that the accused was assumed to be guilty and that the object of the tribunal was to induce or coerce him to confess his guilt; that, for this purpose, he was substantially deprived of facilities for defence and that the result, for the most part, depended on his powers of endurance which the judges, at discretion, could test to the utmost. It would not be easy to construct a system more repugnant to rational methods for the ascertainment of truth.

At the same time, the vices of the inquisitorial process, at the period under consideration, were not wholly confined to the Inquisition. It is true that it was responsible for their origin, in the thirteenth century, when the jurisprudence of Europe was undergoing reconstruction, and the methods which it framed for the conviction of heresy offered such advantages to the prosecution that they were adopted in the secular courts of nearly all the lands where the Holy Office found a foothold, and became an essential part of criminal codes. The judge, in place of an impartial dispenser of justice, grew to be virtually a prosecutor, with unlimited power of wringing confession from the accused; the latter was practically compelled to prove his innocence, and the trained and subtle intellects of the bench were engaged in conflict with the cunning or stupidity of the miserable wretches brought before them. On the one side was the pride, resolved not to be baffled, on the other the desperate effort at self-preservation and, in the unequal struggle, innocence was much more apt to suffer than guilt to escape. So completely did this identification of judge and prosecutor dominate the criminal jurisprudence of Latin Europe, that in France, until the law of December 8, 1897, after the jury system had been in use for a century, the judge, armed with the *sumaria* or *dossier* of incriminating evidence, opened the trial by interrogating the accused and assuming

his guilt—an interrogation which was liable speedily to degenerate into a duel between them, in which the judge endeavored to break down the line of defence which the accused was obliged unskilfully to reveal.[1]

In this the kingdoms of Aragon were strikingly exceptional, for the inquisitorial process, as we have seen, was prohibited. In Aragon itself the interests of the accused were carefully guarded. There were elaborate provisions against arbitrary arrest, although admission to bail was limited. Accusers had to give security and were liable to double costs and damages in case of failure to prove charges. Witnesses were diligently cross-examined and, in cases involving serious punishment, five disinterested jurists were associated with the judge in passing sentence, against which there was right of appeal. There was no public prosecutor, before the revision of procedure by the Córtes of Monzon in 1510, and then it took many years to bring the office into general use. The abuse existed of prosecutions *in absentia* though, if the accused subsequently appeared, he had the right to appeal, and still worse was the custom of keeping the prisoner chained until his trial was concluded.[2] In Valencia, and probably elsewhere, there was a peculiarly valuable privilege that no one, whether defendant or witness, was compelled to answer questions that would criminate him.[3] In Biscay, the fueros, as revised in 1526 and in force until the Revolution, were very emphatic in providing the accused with all information necessary to his defence.[4]

In Castile the processes by accusation and by inquisition were both employed. An accuser, however, was obliged to give security and was subject to fines if it appeared that he acted through malice. If there was no accuser, the judge, or alcalde, made inquisition and proceeded summarily to try the case. When, under the impulse of Isabella and the guidance of Alfonso Díaz de Montalvo, the Córtes of Toledo, in 1480, revised the criminal jurisprudence of the land, their action served as a basis for all subsequent legislation. It breathes the spirit of justice—the rigorous punishment of guilt and avoidance of punishment of innocence. The courts

[1] Jean Cruppi, La Cour d'Assises, pp. 132–7 (Paris, 1898).

[2] Fueros de Aragon, fol. 96–7, 150, 154–61, 163–4, 187, 195, 200–1, 204, 213–14, 236 (Zaragoza, 1624).—Observantiæ Regni Aragonum, fol. 32 (Saragossæ, 1624).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.

[4] Fueros de Viscaya, confirmados por el Rey Carlos III, Tit. xi, ley 7 (Bilbao, 1761, p. 95).

were enjoined to quick despatch, the accused was to have all necessary opportunities for defence; if poor, counsel was supplied at the public expense; he could recuse any judge for cause and appeal from any decision, and he was always entitled to give bail. Prosecution *in absentia*, however, was allowed; after three summonses of nine days each, the accused could be prosecuted *in rebeldia*, as contumacious and be condemned.[1]

While thus in Castile legislation was dictated by a sincere desire for justice, in practice the accused was subjected to unnecessary disadvantages and hardships. We chance to have the proceedings in the case of Francisco Fernández de Montemayor, of Seville, tried in Ciudad Real in 1499, on a charge of petty thefts on fellow-lodgers in an inn, in which the general course of procedure bears sufficient resemblance to that of the Inquisition to show that the latter borrowed its forms from the secular courts with modifications to facilitate conviction. When Montemayor was arrested in his inn, September 10th, his effects were sequestrated, locked in his chest and left in charge of the innkeeper. When money was needed for his prison expenses, the judges, on his application, sent the prison scrivener to take out a prescribed sum in the presence of witnesses. The witnesses on both sides were examined on a series of written interrogatories, a most imperfect method, and were not cross-examined. Their names were not concealed, but the accused was kept in gaol and was not present. His own examination was made by the judges in an *audiencia de cárcel*. He was allowed to retain an advocate, who presented a written defence. The charges were frivolous and, on October 28th, the judges pronounced that the fiscal had not proved his case, which acquitted the prisoner. His treatment in gaol had been harsh; he was an hidalgo and, a few days after arrest, he asked to be treated as a man of good lineage and not to be herded with criminals, whereupon he was placed in a cell, with a heavy chain, under close guard. On acquittal he begged to be released from his fetters, which was done on his swearing not to leave the prison—for he was not discharged. Unluckily, the testimony contained some heretical speeches, though the

[1] Córtes de Toledo, 1436; de Madrigal, 1438 (Córtes de los Antiguos Reinos, III, 304–5, 336).—Ordenanzas Reales, VIII, i, 1, 3, 6, 10; v, 1; xi, 9.—Novís. Recop. Lib. XII, Tit. xxxiii, leyes 1–3.—Córtes de Toledo, 1480, n. 13, 38, 39, 41, 42, 44, 45, 60 (Córtes de los Reynos, etc., T. IV).—See also Montalvo's notes to the Partidas, Seville, 1491, P. III, Tit. iv, l. 22; vi, 6, 13; viii, 7.

witnesses believed them to have been uttered in jest, as he was always striving to be jocular. The secular court could take no cognizance of them but the Inquisition claimed him and he was delivered to it in chains, November 9th. His trial had occupied six weeks; the Inquisition kept him for two years and, on November 10, 1501, it penanced him and made him abjure *de vehementi*. Doubtless the poor wretch was ruined.[1]

If we find reason to believe that the tribunals of the Inquisition were largely actuated by passion or greed, they were in this no worse than the secular courts. The constantly reiterated complaints of the Córtes, during the sixteenth century, assume that the whole judicial system of Castile, from the highest to the lowest, was not so much an instrumentality of justice as a venal organization to extort the largest possible sums from pleaders and to oppress the poor for the benefit of the rich.[2] We might, perhaps, regard this as rhetorical exaggeration if we had not the opportunity of seeing how a court of the highest rank—the royal Audiencia of Seville—in 1598, disregarded all law and justice when it sought to gratify its spite on the magistracy of that city. We have seen (Vol. I, p. 362) the absurd quarrel raised with the judges by the inquisitors on the occasion of the obsequies of Philip II. The judges, unable to avenge themselves on the tribunal, discharged their wrath upon the civic authorities, who had sought to mediate and keep the peace. They arrested on the spot several of the highest officials, including two members of the great house of Ponce de Leon and, in spite of the indecency of sitting as judges in their own case, they prosecuted their prisoners. They took the testimony of thirty-seven witnesses on written interrogatories, containing leading questions, and accepted hearsay evidence of the veriest gossip. The accused were allowed to see the accusation framed by the fiscal, but not the evidence, and no opportunity of making defence was permitted. Thereupon their advocates recused the judges, but the recusation was not only rejected on the day of its presentation, but the accused and their advocates were all heavily fined for offering it and, the next day, sentence was pronounced condemning the prisoners to various terms of suspension from office, exile, fines and costs. Both they and the fiscal appealed, and a second hearing was held,

[1] Archivo hist. nacional, Inquisicion de Sevilla, Leg. 146, n. 243.

[2] Colmeiro, Córtes de los Reinos de Leon y de Castilla, II, 146, 159–60, 170, 177–9, 191, 198, 216, 234–7, 264, 270.

in which the defendants at last were allowed to see the evidence. Both parties meanwhile had been applying to the Council of Castile, which ordered that the sentence should not be confirmed without being first submitted to it, but the judges anticipated this and, the day before the order was received, hastily assembled with closed doors and, in the absence of the accused and their counsel, affirmed the decision and ordered its immediate execution, with the exception of Ponce de Leon Almansa, who was of kin to one of them. The sentences were carried out with cruel vindictiveness. There was pestilence in the district to which the exiles were sent and they were brought back sick to Seville, where the Alcalde mayor, Juan Ponce de Leon, died and the others were treated with the utmost harshness.[1] When the royal courts permitted themselves such arbitrary perversions of justice, we need not be surprised that the Inquisition was reckless, shielded as it was from responsibility by impenetrable secrecy. Between them, the Spanish people were sorely vexed.

To this the spiritual courts offered a contrast in their customary benignity towards clerical offenders, amounting almost to immunity. The course of procedure was that, when a denunciation was made to the provisor or vicar-general, he took testimony or sent an official to make inquisition; the accused was summoned and was admitted to bail; the trial took the shape of an action between him and the fiscal, who presented an accusation to which the defence made reply. Witnesses for the defence were examined, publication of evidence was made and, when both parties had concluded, the judge named a day for pronouncing sentence. From two cases of the sixteenth century, of which the papers are before me, it would appear that there was little delay, that formalities were loosely observed and that the proverbial leniency shown to the cloth rendered the whole a matter of comparative indifference. One of these illustrates the expiring episcopal jurisdiction over heresy and its supplantation by the Inquisition. In 1551, Diego de Carcano, a priest of Ciudad Real, was tried for heretical acts and speeches, which he freely admitted, saying that they had been in jest and that he ought not to have trifled with the things of God. The trial was concluded within three weeks and Diego was confined for a few days in a parish church with spiritual exercises, besides paying costs, amounting to about

[1] Ariño, Sucesos de Sevilla, Appendice (Sevilla, 1873).

thirty-two reales. Two years later, Inquisitor Valtodano, on a visitation, chanced to hear of the affair; he treated the episcopal trial as invalid and vindicated together the faith and the inquisitorial jurisdiction by a second prosecution of the unlucky priest.[1]

The laxity of the Church towards its erring members was still further illustrated by the reforms adopted in the provincial synod of Toledo, held in 1565 to receive the Council of Trent. The fiscal was ordered not to denounce any one to the judge; no inquisition was to be made, unless there was a legitimate general report against a culprit, and then the judge was required to investigate carefully whether it arose from malevolence or from reputable persons. If the fiscal desired to accuse any one he was subjected to the laws concerning accusers and, if he failed to prove the charges, he was liable for the costs and to punishment at the discretion of the judge. All pecuniary penalties were to be expended in pious uses, and not for the advantage of the bishop or his vicar-general, and an official was to be deputed to receive them and render a strict account.[2]

The most marked distinction between the procedure of the Inquisition and that of the other jurisdictions was the inviolable secrecy in which all its operations were shrouded. There were, indeed, other evil peculiarities, but this it was which inflicted the greatest wrong on its victims and exposed the inquisitor to the strongest temptation to abuse his power. It was an inheritance from the thirteenth century, when the Inquisition early discovered the greater freedom of action and the increased popular dread resulting from the mystery which emancipated it from public opinion and veiled all its actions, until their outcome was revealed in the solemnities of the auto de fe. The Roman Inquisition retained it, but in a somewhat modified degree. All its officials were sworn to silence as to everything that occurred in the Congregation but, in 1629, this was explained as restricted only to matters that might prejudice cases.[3] Very different was the awful silence so enforced in Spain that it formed an important factor in the power of the Holy Office.

It is not a little remarkable that, when the institution was

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 233, n. 100; Leg. 110, n. 17, fol. 1–11.

[2] Concil. Toletan. ann. 1565, cap. xii, xiii, xiv (Aguirre, V, 396)

[3] Collectio Decretorum Sac. Congr. S^{ti} Officii, pp. 217, 219, 323 (MS. *penes me*).

introduced in Castile, so little was known of its practical working that its procedure was public, like that of the secular and spiritual courts. Thus, in 1483, the record of a trial in Ciudad Real speaks of the inquisitors sitting in public audience; the notaries specify as present at the hearing certain persons by name "and many others who were there present;" the inquisitors were listening to all who came before them, while the fiscal and notary were making reports.[1] It was deemed necessary that there should be spectators to bear witness to the proceedings; sometimes these were connected with the tribunal, sometimes they were citizens called in for the purpose, whose names were regularly entered upon the record.[2] Even the prison, subsequently guarded so jealously, was not as yet known as the *cárceles secretas*, but as a *cárcel publica*.[3] In 1488, the Instructions order the records to be kept "in a public place, where the inquisitors customarily perform the duties of the Inquisition."[4] The earliest indication of a change in this respect occurs in the Instructions of 1498, where the oath prescribed for inquisitors and other officials contains a pledge of secrecy.[5] This did not, as yet however, extend to a complete exclusion of publicity, for some Toledo trials of 1501 describe the fiscal as presenting his *clamosa*, or demand for prosecution, where the inquisitors were sitting as customary in their public audience, but, during the trial itself, they sat in the "audiencia de cárcel."[6] From the expressions used we may assume that as yet the inquisition building and the prison were separate; that public audiences were held in the former, and that the latter contained a room to which the accused could be brought from his cell when on trial. The *secreto*, which subsequently embraced the prison and everything beyond the ante-chambers, as yet only designated a chest or a room in which the records and registers were kept in safety.[7]

Yet even during this early period there had commenced, in certain portions of procedure, a practice of secrecy which markedly

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[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 139, n. 145.

[2] Ibidem, Leg. 137, n. 98; Leg. 138, n. 123; Leg. 150, n. 299; Leg. 165, n. 551; Leg. 176, n. 679.

[3] Ibidem, Leg. 153, n. 331.

[4] Instrucciones de 1488, § 7 (Arguello, fol. 10).

[5] Instrucciones de Avila, (Arguello, fol. 21).

[6] Archivo hist. nacional, Inquisicion de Toledo, Leg. 158, n. 431, 435.

[7] Instrucciones de Avila, 1498, § 10 (Arguello, fol. 13).

differentiated the Inquisition from the ecclesiastical and secular courts. The suppression of the names and identity of witnesses and the strict seclusion of prisoners from the outside world are matters which will be more fully discussed hereafter, but already they had become distinctive features of the inquisitorial process, inflicting great hardship on the accused, which was keenly felt. The tendency of all such abuses to development, the facility with which the reasons alleged in justification could be extended over all the acts of the Inquisition, and the attraction of the arbitrary and irresponsible power thus gained, readily explain the rapid evolutionary process which enveloped, with an impenetrable veil of secrecy, everything connected with the tribunals, from the preliminary inquest and the arrest of the accused, to his discharge or appearance in an auto de fe.

The obligation of the oath of secrecy was rigidly construed when, in 1523, the vicar-general of Saragossa seems to have babbled about what he had heard when called in to vote at a consulta de fe, and the Suprema ordered the inquisitors to summon him and warn him not to reveal the secrets of the Holy Office.[1] In 1544, Mari Serrana, on trial at Toledo, was charged with impeding the Inquisition, because she had endeavored to ascertain whether a certain person had testified in another case and what he had said—the mere attempt to learn what went on within those mysterious walls was treated as a crime.[2] In 1547, when the tribunal of Granada was moved into new quarters, it found its secrecy imperilled by the fact that it was overlooked by some windows in the house of Francisco de Santa Cruz, and, on its complaint to Prince Philip, he ordered the corregidor to have those windows closed up—apparently without compensation to the owner.[3] So impenetrable was the shroud enveloping all that took place within the tribunal that, when Philip II deemed it imperative to consult a distinguished surgeon who had been arrested, Inquisitor-general Quiroga left two applications unanswered and to a third replied that, if the person was there, he could not be taken out, nor could it even be told whether he was or was not a prisoner, whereupon the king desisted from his request. On this the comment of an inquisitor is that to all inquiries the answer

[1] Archivo de Simancas, Inquisicion, Lib. 73, fol. 362.
[2] Proceso contra Mari Serrana, fol. xix (MS. *penes me*).
[3] Archivo de Simancas, Inquisicion, Lib. 926, fol. 299.

must be that nothing is known.[1] So when, in 1643, the Suprema argued against the claim of the Justicia of Aragon to grant his *manifestacion* or habeas corpus in secular cases, the chief reason alleged was that, if a tribunal could be required to differentiate cases of faith from others and to admit that it had a certain person in its prison, and the cause, its secrecy would be violated.[2] This was emphasized, in 1678, by a declaration of the Suprema that an inquisitor admitting that any individual was in the secret prison would incur excommunication removable only by the pope.[3] It is easy to understand why the prison was habitually designated as the *cárceles secretas* and why, when a person was arrested, he disappeared as utterly as though the earth had swallowed him.

At every step in the progress of a case minute precautions were taken to insure absolute secrecy. It was not only all officials who were thus sworn, but accuser and accused and their witnesses were subjected to the same obligation. As early as 1531, a witness when dismissed was ordered to observe silence as to all that he had said or heard, under pain of excommunication and a thousand ducats, and of the other penalties of those who violate the secrecy of the Holy Office.[4] As late as 1817, in a trifling case which was suspended, the informer was fined for not having preserved secrecy.[5] It was the same with the accused. At the very first audience, the oath administered to tell the truth contained a clause pledging him to silence, not only as to his own case but as to all that he might see or hear. When he was dismissed, whether to punishment or to freedom, he was required to sign a pledge under oath to the same effect, to which was added a threat of punishment, occasionally taking the shape of one or two hundred lashes.[6] In the later years of the Inquisition this was frequently reinforced by including in the sentence a clause prohibiting the culprit from talking in any manner about his case.[7] The tribunal thus was relieved from responsibility and could commit injustice without fear of unpleasant revelations, and

[1] MSS. of Royal Library of Copenhagen, 218b, p. 335.

[2] Archivo gen. de la C. de Aragon, Leg. 528.

[3] Archivo de Simancas, Inquisicion, Lib. 69, fol. 3.

[4] Bibliotheca publica de Toledo, Sala 5, Estante 11, Tabla 3.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 392.

[6] Ibidem, Inquisicion de Toledo, Leg. 498; Inquisicion de Valencia, Leg. 372. —Pablo García, Orden de Processar, fol. 37.

[7] Archivo de Simancas, Inquisicion, Lib. 890.

the Holy Office could boast, as it customarily did, of the exquisite equity of its judgements, without danger of contradiction. To what extent this was justified may be guessed from a remark of Peña, that no inspection was allowed of the acts of the tribunals because they were often in conflict with the common law and the universal opinion of the doctors.[1]

Nothing connected with the proceedings of the Inquisition was allowed to remain outside of its walls. Every letter, or mandate, or instruction, or warrant, sent out was invariably required to be returned with the answer or endorsement of its execution. Even the Edicts of Faith and Anathemas given out for publication in the churches were returned with statements of the day on which they were publicly read.[2] This applied to the counsel entrusted with the defence of the accused. Not only was he sworn to secrecy and to communicate with no one concerning the cases, but the scanty papers entrusted to him were to be kept under lock and key and be scrupulously returned to the tribunal, so that there should be no trace or memory of them. The formal defence which he prepared had to be written by his own hand and no rough draft of it be preserved; no printer was allowed to print such a document nor, indeed, any other paper relating to the Inquisition, without special licence from the inquisitor-general or Suprema, under pain of excommunication and a hundred ducats.[3] This jealous reserve explains the form in which the records of the Inquisition reach us—those of each process rudely but firmly sewed together and never bound, for they could not be given out to a binder nor could one be admitted into the sacred precincts of the secreto. These injunctions of secrecy were not allowed to be a dead letter. In the Edicts of Faith special clauses called for the denunciation of all cases of violation, or of papers concerning its acts being in the possession of any one.[4]

Its procedure was guarded with the same anxious care from public knowledge. In 1573, Leonardo Donato, the Venetian envoy, who regarded the Inquisition as necessary to Spain,

[1] Pegnæ Comment. xcvii in Eymerici Director. P. III.

[2] Modo de Proceder, fol. 55 (Bibl. nacional, MSS., D, 122). Of course there were public edicts, printed for posting on church doors. These contained penalties for defacing or removal.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 5.—In civil cases, however, the tribunals could grant licences to print.

[4] Bibl. nacional, MSS., D, 118, p. 148.

describes its action as so secret that nothing was known of its victims and their cases until their sentences were published in the autos de fe, but the fear entertained of it was so universal that little was said concerning it through dread of arousing suspicion. He had been able to learn nothing of its methods, but was told that they were good and that the sentences were always just.[1] No one, in fact, was allowed to know what was its form of procedure. The Instructions, it is true, were necessarily printed. There was an edition of the *Antiguas* in Seville, in 1536, reprinted in Madrid in 1576. The *Nuevas* of 1561 were printed in 1612 and the whole were re-edited by Arguello, an official of the Suprema, in 1627 and 1630, but these were strictly reserved for use in the tribunals and their details were constantly subject to modification by the *cartas acordadas* of the Suprema, which never saw the light. Experienced inquisitors drew up manuals of practice, many of which are still preserved in the MSS. of the archives and libraries, but this knowledge of the *estilo* or methods of procedure was strictly confined to officials sworn to secrecy. It was apparently soon after the preparation of the Instructions of 1561 that a Doctor Blasco de Alagona had the audacity to ask for a copy of them, when the fiscal, to whom the petition was referred, declared that the granting of such a request would be unexampled, and he had no difficulty in proving that parties before the tribunal had no business to inquire into its methods; the Instructions were solely for its guidance and were to be known to others only by their results in the administration of justice. If they came to public knowledge, evil-intentioned men could debate whether the *estilo* of the Inquisition was good or bad.[2]

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[1] Relazioni Venete, Serie I, T. VI, p. 371.

[2] MSS. of Royal Library of Copenhagen, 214 fol. (see Appendix).

This explains why, in contrast with the voluminous Italian works on inquisitorial practice, the Spanish literature on the subject is so barren. Pablo García, secretary of the Suprema, compiled an "Orden de Processar en el Santo Oficio," but it was only intended for use in the tribunals. In 1592 there is an order on the Receiver-general of the Suprema to pay, "por la impression de los libros de procesar en el santo oficio" (Archivo de Simancas, Lib. 940, fol. 18) showing it to be a strictly official manual. It was reprinted in 1628 "en la Imprenta Real."

In 1494 there appeared in Valencia the "Repertorium perutile de pravitate hæreticorum," which commonly goes by the name of Miguel Alberto. It is based on the Old Inquisition, but contains some references to Spanish practice. Reprinted, Venice, 1588.

Something of the kind is also to be found in the two works of Arnaldo Alber-

The extreme importance of the "seal" was fully recognized in assuring freedom of irresponsible action and in creating the popular impression of mysterious impeccability. Philip II, in his instructions to Manrique de Lara, in 1595, dwelt on this and pointed out that "without it the Holy Office could not preserve the untrammelled exercise of its functions" wherefore any official violating it must be punished with the utmost rigor.[1] Apparently cases of infraction occurred, drawing from the Suprema a carta acordada pointing out that all the power and authority and reputation of those serving in the Holy Office rested upon secrecy. The more secret its affairs were kept, the more they were venerated by those from whom they were concealed. The neglect of this had aroused in the Suprema the greatest resentment, as it was a matter of so great moment to the estimation and respect in which the affairs and the members of the Inquisition had always been held. Therefore it had been resolved that the oath of secrecy, taken on admission to office, should be so construed that its infraction should constitute perjury and infidelity. Single witnesses should suffice for conviction; on a first offence the culprit should be suspended irremissibly for a year and pay fifty ducats, and on a repetition be perpetually dismissed. Even if not convicted he should realize that, in the forum of conscience, he could

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tino, Inquisitor of Sicily—the "Repetitio nova," Valencia, 1534, and the "De Agnoscendis Assertionibus Catholicis," printed after his death, Palermo, 1553, and Rome, 1572.

More useful is the work of Bishop Simancas "De Catholicis Institutionibus," Valladolid 1552, Venice 1573, Rome 1575 and Ferrara 1692. It has many references to Spanish practice. Still more practical is his "Theorice et Praxis Hæreseos, sive Enchiridion Judicum violatæ Religionis," first printed in 1568 and again in Venice, 1573.

Juan de Rojas, Inquisitor of Valencia, printed (Valencia, 1572) and dedicated to Inquisitor-general Espinosa his "De hæreticis una cum quinquaginta analyticis assertionibus et privilegiis Inquisitorum," containing discussions on inquisitorial practice.

Appended to Luis de Páramo's "De Origine et Progressu Officii Sanctæ Inquisitionis" (Madrid, 1598) are some dissertations on various points of practice.

There is much to be gathered from Francisco Peña's edition of the *"Directorium"* of Eymerich, with elaborate commentaries (Rome, 1578, and repeatedly elsewhere). A compend of these, by Fra Luigi Bariola appeared in Milan, 1610, under the title of "Flores Commentariorum R. D. Francisci Pegnæ."

Giovanni Alberghini's "Manuale Qualificatorum S. Inquisitionis" (Saragossa, 1671, also Cologne, 1740 and Venice, 1754) is also of value for the practice of the Spanish Inquisition.

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 273.

not draw his salary. This secrecy covered not only matters of faith and depending thereon, but all votes, orders, determinations, letters of the Suprema, informations of limpieza and all other matters, no information concerning which was to be given to the parties concerned or to any outside person, while even the public utterances of the tribunals were not to be spoken of. Moreover, the above penalties and major excommunication were incurred by all who, knowing of infractions of secrecy, did not report them to the Suprema. Finally, this carta was ordered to be filed with the Instructions, to be read annually to the assembled officials.[1]

The instructions to commissioners warned them that the existence and preservation of the Inquisition depended chiefly on the absolute secrecy to be observed as to all its affairs.[2] This continued to the end. A decree of the Suprema, December 7, 1814, speaks of the seal which is the soul of the Inquisition.[3] In fact, there was no hesitation in assimilating it to the seal of confession and in employing the casuistry which justified a confessor in denying under oath what he had learned in the confessional. Similarly the official was told that no oath was binding when the affairs of the Inquisition were concerned—he could depose as to what he knew as an individual, but not what he knew as an official entrusted with its secrets.[4] We can understand the significance of the popular saying *con el rey y la inquisicion, chiton!*—keep silence as to the king and the Inquisition.

Even within the tribunals the same mystery was observed in investigating cases of infraction. When an intimation was received that secrecy had been violated, the junior inquisitor examined into it and wrote out the "information" with his own hand, and without allowing any one to know of it. This was then deposited in a separate chest, of which the senior inquisitor held the key; the Suprema was advised of the matter and its instructions were awaited.[5]

Not the least important result of this secrecy was the fact that it enabled the Inquisition to combine legislative and judicial

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[1] Archivo de Simancas, Inquisicion, Lib. 943, fol. 62.—MSS. of Royal Library of Copenhagen, 218b, p 346 (see Appendix).

[2] Instruccion que han de guardar los Comisarios, Toledo, *s. d.*

[3] Archivo de Simancas, Inquisicion, Lib. 890.

[4] MSS. of Royal Library of Copenhagen, 218b, p. 261.

[5] Ibidem, p. 260.

functions in a manner known to no other tribunal. It framed its own code and administered it in darkness. It is true, as we shall have occasion to see, that many of the regulations and limitations of the Instructions were inspired by a sense of justice, but this mattered little when the secrecy, so jealously preserved, practically left everything to the discretion of the tribunal, until the Suprema absorbed and centralized everything into itself. Shielded from responsibility—save to the more or less perfunctory occasional visitation of an inspector—there was scarce any injustice that could not be safely perpetrated, or any enmity that a perjured witness could not gratify. The secrets of those dark prison-houses will never be known, even by the records, for these were framed by those whose acts they recount and they may be true or falsified. What was the real administration of so-called justice can only be guessed by occasional revelations such as we chance to have in the trials of Archbishop Carranza, of the Nuns of San Placido, of Gerónimo de Villanueva, of Fray Froilan Díaz and, when the principles of justice were set at naught by the chiefs of the Inquisition in the cases of those so prominent, it is not likely that the obscure were treated with greater consideration by the tribunals. At its best, the inquisitorial process left much to the temper and disposition of the judge; as modified by the Inquisition, the fate of the accused was virtually at the discretion of the tribunal, and that discretion was relieved of the wholesome restraint of publicity. At a time when, as we have seen, the secular courts, although open to the public, were little better than instruments of oppression and extortion, it is not to be imagined that the inquisitorial tribunals, shrouded in impenetrable secrecy, and largely dependent for support on fines and confiscations, were scrupulous in the administration of the cruel laws against heresy.

In the original medieval Inquisition the procedure was a pure *inquisitio*, the inquisitor frankly acting as both prosecutor and judge, collecting testimony, examining witnesses, seeking to make the accused confess or convict himself, and passing sentence. As the institution, in the fifteenth century, declined and became disorganized, its duties were to some extent resumed by the bishops, in whose courts the pressure of multifarious business had long rendered necessary a prosecuting officer, known as the promotor fiscal, duly trained in the civil and canon law. Cases

of heresy inevitably followed the routine of the court and consequently assumed the form of actions between the fiscal and the accused, as plaintiff and defendant, with the bishop or his Official as judge.[1]

This, at least in appearance, removed one of the most repulsive features of the pure inquisitorial process, as the judge was no longer a party to the case and could affect a semblance of impartiality, even though he were, in reality, the instigator of the prosecution. When the Holy Office was established in Castile, it assumed to be merely the continuance of the Old Inquisition; in its collections of privileges it included papal thirteenth century bulls, along with the modern ones, and the ferocious laws of Frederic II with the cédulas of the Catholic kings.[2] Yet it knew so little of the older formulas and procedure that it adopted those of the secular and spiritual tribunals of the period, and thus its practice assumed the external form of *accusatio* rather than of *inquisitio*, with a fiscal, or public prosecutor, as an accuser. While, on the surface, this was a step towards fairness and justice, care was taken that the interests of the faith should not suffer. It gave to the inquisitors the assistance of a trained lawyer, whose business it was to prove his charges, who lost no opportunity of exaggerating the offences imputed to the accused, who assumed that they had been proved, who resisted all the efforts of the defence to disprove them, and who was free from all the penalties and responsibilities of an accuser. The form of sentence, adopted at the beginning and steadfastly adhered to, asserts that the judges have been listening to a case pending between the fiscal and the defendant, and they find that the fiscal either has proved his charges completely or partially, or that he has failed to do so.[3] This was an assumption perfectly false and intended to deceive the people when read in an auto de fe.

It was the inquisitors who gathered testimony. The Instructions of 1484 expressly order the examination of witnesses to be made personally by an inquisitor and not to be committed to a notary, unless the witness is too sick to appear and it should be

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[1] See cases in Baluz. et Mansi Miscell. II, 289.—Fredericq, Corpus Documentt Inquisitionis Neerlandicæ, I, 330–1, 362–3, 365, 398.—Dressel, Vier Documente aus römischen Archiven, pp. 1–48 (Berlin, 1872).

[2] Archivo de Simancas, Inquisicion, Lib. 926, 927, 933.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 154, n. 356.—Pablo García, Orden de Processar, fol. 31.

indecent for the inquisitor to go to him, when he could empower the ecclesiastical judge to perform the duty with a notary.[1] Business was too pressing, however, for the inquisitors always to examine witnesses and they frequently deputized persons to act for them, but those deputies were never the fiscal, and the apologetic tone of the commission shows that it was irregular and demanded an excuse.[2] As time went on, the tendency to shirk the labor increased; the notaries were allowed to examine, by the Instructions of 1498, provided it was in presence of the inquisitor; then this condition was neglected, in spite of vehement remonstrance by the Suprema, and finally, in the later period, when there was little serious work to be done, special commissions, as we have seen, were common, apparently with no greater excuse than the indolence of the inquisitors.[3]

Still, the fiction was preserved that the witnesses were presented by the fiscals, although the Suprema, in 1534, informed them that it was no part of their duty to collect evidence, although if they obtained any, they were to communicate it to the inquisitors.[4] Their duties, in fact, in addition to seeking the condemnation of the accused, were those of a superior clerk of the court —to draw up accusations, to conduct correspondence, to advise the inquisitors, to marshall the evidence, to keep the records in order or to see that the secretaries did so, to attend to the execution of sentences, and to exercise a general supervision over the officials, besides attending the meetings of the *junta de hacienda* and looking after the financial interests of the tribunal.[5] The fiscal, moreover, served a useful purpose as a bogey to frighten the accused, who were constantly threatened with what would happen if they did not confess before he was admitted to present a formal accusation, in which he customarily demanded torture and relaxation for them—but, after all, his chief use was to preserve the fiction that the prosecution was an action between parties. As Simancas says, even when the culprit confesses, the fiscal must present an accusation, in order that a judgement may

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[1] Instrucciones de 1484, § 16 (Arguello, fol. 6).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 139, n 145; Leg. 140, n. 162; Leg. 148, n. 207; Leg. 154, n. 356-375.

[3] Arguello, fol. 13, 16.—Archivo de Simancas, Inquisicion, Lib. 933.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 85

[5] MSS. of Royal Library of Copenhagen, 218b, pp. 392-7.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

be based on accuser, accused and judge.[1] In short, he was simply one of the officers of the court who, as a trained lawyer, gave to the inquisitors, who were apt to be theologians, the benefit of his legal knowledge. His only real position as a party to an action was a distinct disadvantage to the accused for, in case of acquittal or of a sentence which he deemed too light, he had the right, not infrequently exercised, of appealing to the Suprema, and consequently his assent to the decision was necessary. As his dignity gradually increased, he was classed among the judges by the Córtes of Aragon in 1646;[2] we have seen how he finally came to be known as "inquisitor-fiscal" and how his place was generally filled by one of the inquisitors, who, however, abstained from the final vote on the case. The fiscal, indeed, from an early period was admitted to the consulta de fe, where he could state facts and advance arguments—a most indecent privilege—though he was required to depart before the vote was taken. In 1660 this was discontinued, not in consequence of its shocking incongruity, but because there was a troublesome question of precedence between him and the episcopal Ordinary, whose duty it was to be present.[3]

There was nothing in the function of the fiscal to prevent the inquisitor from initiating proceedings on the strength of any rumors that might reach him, or of compromising evidence gathered from the confessions of others. He had not to wait for the fiscal's action, but could order an inquest to be made and testimony to be taken and, when this was done, it was given to the fiscal to be put into shape for the formal prosecution. No matter how upright might be the inquisitor, the mere fact that he had ordered an arrest and trial necessarily committed him to belief in the guilt of the accused; he was unconsciously prejudiced from the start and to acquit cost a greater effort than to convict. Thus although externally the form of procedure was *accusatio*, in reality it was *inquisitio*, and the injection of the fiscal as accuser only diminished the chances of the defence, by giving the inquisitors a skilled legal assistant in the conduct of a prosecution, in which they were all prosecutors.

Yet, whatever we may think of the morality of the inquisitorial

[1] Simancæ de Cath. Instt., Tit. LIII, n. 5.

[2] Fueros y Actos de Corte de Zaragoza, 1645–6 (Zaragoza, 1647, pp. 10–11).

[3] Simancæ, *op. cit.*, Tit. LIII, n. 10.—MS. of Royal Library of Copenhagen, 218b, p. 397.

process, there can be no doubt as to its efficacy. In studying the long and minute records of the trials, where every detail is set forth in writing, it is instructive to see how often the accused, who commences by boldly asserting his orthodoxy, comes in successive audiences to make some admission of which advantage is skilfully taken and gradually the denial breaks down, or perhaps yields to the terrors of the accusation and the publication of evidence, ending in complete confession and eager implication of kindred and friends. The situation of the accused, in fact, was helpless. Standing up alone before the stern admonitions of the trained and pitiless judge; brooding in his cell, cut off from all external communication, during weeks or months of interval between his audiences; apparently forgotten, but living in the constant uncertainty of being at any moment summoned to appear; torturing his mind as to the impression which his utterances might have made, or the deductions drawn from his admissions or denials; balancing between the chances of escape, by persistent assertions of innocence, and those of condemnation as an *impenitente negativo*, and urged by his so-called advocate to confess and throw himself on the mercy of the tribunal—it required an exceptionally resolute temperament to endure the prolonged strain, with the knowledge that the opponent in the deadly game always had in reserve the terrible resource of the torture-chamber. The whole course of the procedure was based on the assumption that the accused was guilty; that it was the province of the tribunal to induce or compel him to confess his guilt and, in the great majority of instances the assumption was correct. To those who regarded aberrations from the faith as the greatest of crimes before God and man, and their punishment as the most acceptable service that man could render to God, this presumption of guilt served to justify the cruelty of the procedure and the denial of all facilities for defence which, to those trained in the principles of English justice, seem the imprescriptible right of the accused, whether innocent or not.

There can, indeed, be no doubt that, amid much greed and callous indifference to justice, there were men engaged in the service who deemed themselves to be doing the work of God and that their methods were merciful. The Inquisition was not as other tribunals which only punished the body; it asserted its high and holy mission to be the saving of souls. As the inquisitors of Valencia said, in 1536, to Miguel Mesquita, on his trial for Luther-

anism, they required of him nothing but the truth and, if he had fallen into error, they sought to disabuse him and to cure his conscience so that his soul might not be lost.[1]

The Instructions of 1561, which remained to the last the basis of procedure, are emphatic in cautioning inquisitors not to be led astray, either by the witnesses or by the confessions of the accused, but to determine all cases according to truth and justice; they must preserve strict impartiality for, if they lean to one side or to the other, they can readily be deceived.[2] If we may believe the veteran inquisitor Páramo, the Holy Office was so conducted on this lofty plane as to be an unmixed blessing to the land. Its holiness, he says, is so conspicuous that there is no opening for hatred, favor, subornation, love, intercession, or other human motive. Every act is performed with such conscientiousness and regard for equity and justice; the inquisitors so investigate everything, undisturbed by the multitude, that they inspire all men with dread of the crimes which are brought before them and, in the all-pervading silence, they act with incredible conscientiousness. The evidence of witnesses is scrutinized in the light of their character and quality and those who are found to bear false-witness are most severely punished. The accused, while detained in the prisons, are treated kindly and liberally, according to their condition; the poor and the sick are abundantly furnished with food and medicines, at the expense of the fisc, and are favored in every way. Not only are the utterances of witnesses investigated with distrust but, as Time is the revealer of truth, cases are not hurriedly finished but are prudently prolonged, as is requisite when there is such peril of the life, fame and property, not only of the accused but of his kindred. If his innocence appears probable, every effort is made to prove it and, if it is proved, to avert from him any loss of reputation, for which reason he is carried on horseback, adorned with laurels and palms like a victor in a triumph—a spectacle inspiring to the souls of the timid, depressed by the severity with which the guilty are punished. Those who are restored from such peril to their former condition never cease to thank God for placing on earth a tribunal of which the chief care is to uphold the honor of the innocent. When inquisitors punish heretics it is not with

[1] MSS. of Royal Library of Copenhagen, 218[b], p. 317.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 31.

[2] Instrucciones de 1561, § 16 (Arguello, fol. 29).

the desire to destroy them, but that they shall be converted and live. In judging and chastising, the Holy Office labors to amend him whom it punishes, or to benefit others by his punishment, so that they may live in security when the wicked are removed.[1]

To what extent this idealization of inquisitorial methods was justified, we have had some opportunity to see, and we shall have more.

[1] Páramo, p. 269.

CHAPTER III.

ARREST AND SEQUESTRATION.

ALTHOUGH the power to arrest arbitrarily was inherent in the inquisitorial functions, and all secular officials were bound to lend assistance if necessary, still, in practice, it required justification by sufficient evidence in hand. This was obtained in various ways. The inquisitor might learn that public rumor designated a person as guilty of heretical acts and might cause secret inquest to be made in verification. In the prevalent forms of heresy, such as that of Jewish and Moorish apostates, the most frequent source of incrimination was the confessions of accomplices on trial or under Edicts of Grace. In other matters, the initiative came largely from denunciations, which were stimulated and favored in every way, especially by the secrecy which relieved the informer from responsibility.

No duty was more strenuously inculcated on the people than that of denouncing any utterance or act partaking of *calidad de oficio*—that is, which came within the cognizance of the Holy Office. Divine law required this under penalty of mortal sin, and ecclesiastical law under that of excommunication.[1] From this no ties of blood furnished release. It is true that, under the imperial jurisprudence, accusations of near relatives were forbidden; a mother could not accuse a son except of offences against herself and even a man brought up in another's house could not accuse his benefactor.[2] But Simancas, while highly approving of this, says that there are two cases in which a son must accuse his father—one, when under examination by the Inquisition, the other, when the father is a persistent heretic and, as the obligation of the son to the father is of the highest, this includes all other cases.[3] The Instructions of 1484 offer mitigation of punishment to minor children who spontaneously denounce their parents, and

[1] Ledesma, Despertador Republicano, p. 96 (Mexico, 1700).—Alberghini, Manuale Qualificatorum, cap. 34 (Cæsaraugustæ, 1671).

[2] Constt. 13, 14, 17, 18, 20, 21, Cod. IX, 1.

[3] Simancæ de Cath. Instt., Tit. XXIX. n. 35–45.

Alfonso de Castro relates that he denied absolution to a young man, perfectly orthodox in faith, who in confession, in response to interrogatories, admitted that his father was a Judaizer, but refused to denounce him in view of the consequences to himself of poverty and infamy.[1]

The annual publication of the Edict of Faith, with its accompanying anathemas, proclaimed this imperative obligation in the most solemn manner and, at the same time, furnished a list of the offences to be denounced, thus rendering every one a spy upon his neighbor. The denunciation might be either verbal or written and, if written, either anonymous or signed; it could be made to a tribunal or to any commissioner, and it was expected to contain the names of witnesses to be summoned in its support. These denunciations came in more frequently after the publication of the Edict of Faith, and also about Easter, when the faithful confessed in preparation for the indispensable paschal communion, and the confessors enquired whether they had denounced whatever they had heard, seen or understood that was, or appeared to be, contrary to the faith or to the rights of the Inquisition, and absolution was withheld from those refusing to do so. This denunciation and the evidence of the witnesses summoned in its support, or the testimony acquired by inquest, or by the confessions of those on trial, constituted the *sumaria*—the *instruction préparatoire* of French practice.

The tribunal, however, was held not to act summarily in so grave a matter as an arrest casting infamy on an entire lineage. After the first tumultuous period, when no one was safe from arbitrary imprisonment, the portions of the evidence which conveyed the nature of the charge, without the name of the accused, underwent the process of *calificacion*, or censorship, to determine whether they presented *calidad de oficio*. We have seen, in the cases of Carranza, of Villanueva and of Froilan Díaz, how important was the function of the *calificadores*, or censors, and how much sometimes depended on the manner in which the evidence was submitted to them. In the rehabilitation of the Nuns of San Placido, they were careful to declare that, if they had had to act upon the testimony laid before their predecessors, they would have reached the same conclusion. Against such garbling there could be no guarantee, in the profound secrecy enveloping every act of the tribunals.

[1] Alf. de Castro de Just. Punit. Hæres., Lib. II, cap. xxvi

The calificadores were learned theologians, whose duties we have already referred to (p. 263). Some were regular appointees, but any one could be called upon, nor could he refuse to serve without pay. When there was not unanimity, the inquisitors decided or submitted the case to others. There seems to have been no settled or absolute rule. In 1634, in the case of Jacques Garrigues, a wandering French beggar, professing sanctity and curative powers and claiming to be a messenger of God, not without indications of insanity, the two inquisitors joined with four calificadores in considering the evidence before arrest, but this seems to be exceptional.[1] The resource of calling in successive calificadores in obscure cases frequently led only to a hopeless divergence of opinion, bewildering rather than assisting the inquisitors. When, in 1640, the Bernardine Fray Tomas de Nieba defended some subtle conclusions in scholastic theology, there were eleven calificadores called into service, of whom some found nothing to censure, others that the doctrine was a condemned one, others again that it merely approached to error. In the same year, in the similar case of the Franciscan Fray Juan Lazaro, one calificador pronounced his doctrine to be obscure and perilous, if not formally, at least virtually, heretical; another that to defend it was a most grave error, while two others could find in it nothing objectionable. Yet Lazaro was put on trial and, after the case had traversed its various stages for months, it was suspended, though Lazaro was ordered in future to teach the opposite opinion.[2]

At length a carta acordada of October 8, 1708 sought to regulate the system. In all cases requiring calificacion, a correct extract was to be made from the evidence as to the acts and speeches charged, with all circumstances contributory to a clear understanding. This was to be sent to one of the calificadores, who was to keep it at least three days, and return it with his opinion, not only as to the requisite censure but also as to the defence that could be made. It was thus to pass from one to another, after which the tribunal was to call them together to frame a common opinion. Books and papers were to be treated in the same way and there was no obligation of secrecy between the parties called in.[3]

[1] Archivo hist. nacional, Inquisicion de Valencia, Seccion varios, Leg. 394, n. 25, fol. 13.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 26.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 207.

All classes of charges were not subjected to calificacion, for there were numerous and important groups of offenders who were deprived of this safeguard, slender as it was at the best. Judaizers and Moriscos, renegades, bigamists, those administering sacraments without being in priestly orders and solicitors of women in the confessional were not entitled to it.[1] Thus taken as a whole, up to the middle of the eighteenth century, the major portion of the business of the tribunals was exempt from calificacion and practically it was limited to the refinements of venturesome theologians, to the degree of heresy involved in more or less picturesque blasphemy, the culpability of careless or reckless talkers, and the implied pact with the demon in the conjurations of wise-women and treasure-seekers. Like much else in the Inquisition, designed for the protection of innocence, its working effect was reduced to a minimum.

At what period calificacion was introduced it would be difficult to say with precision. Llorente assures us that in 1550 it was not as yet in use.[2] This is incorrect for, in 1520, we find the Suprema ordering that calificadores shall not be appointed without its consent and on the simple petition of aspirants.[3] By that time the custom was evidently established and, in 1556, the Suprema explained it, not as a protection of innocence but as a means of placating the Ordinaries and showing them that inquisitors were not seeking to extend their jurisdiction beyond heresy.[4] The Instructions of 1561 merely provide that, when there is sufficient testimony in a case pertaining to the Inquisition, if it requires calificacion, theologians of approved learning and character shall be consulted, thus inferring that this is unnecessary when ceremonies known to be Jewish or Moorish are concerned, or manifest heresy or fautorship.[5] The Suprema felt it necessary, in a carta acordada of July 11, 1569, to warn calificadores to confine themselves to defining the nature of propositions submitted and not to say whether or not there was *calidad de oficio*—a limitation which they outgrew. Another carta of November 22, 1577, shows that it had become by this time a recognized pre-

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[2] Llorente, Hist. crít. Cap. XVIII, Art. 1, n. 11.

[3] MSS. of Royal Library of Copenhagen, 213 fol., p, 136.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 88.

[5] Instrucciones de 1561, § 1 (Arguello, fol. 27).—Pablo García, however, says (Orden de Processar, fol. 1) that Moorish ceremonies are sometimes *calificadas*.

liminary to arrest, by ordering that, if an arrest should be necessary without it, there should at least be calificacion before the formal accusation is presented, which occurred in a later stage of the proceedings.[1]

In the gradual absorption of all initiative by the Suprema, so that eventually no arrest could be made without its order, the importance of calificacion declined. Calificadores continued to be appointed, but they seem to have been rather ornamental than useful members of the official family, if we may judge from the variation in the number attached to the different tribunals. The table in the appendix shows that, in 1746, Madrid and Llerena had none, while Valencia rejoiced in forty. They still had a function, however, in the censorship of the press, and tribunals that were insufficiently supplied could always summon theologians to their aid when necessity demanded their services.

As the sumaria was careful to recite that there was sufficient proof, that all formalities had been observed, and that further investigation was unnecessary, the calificacion completed the preliminaries. The next step was the presentation by the fiscal of his *clamosa* or demand for the arrest of the accused. In the fully developed formula of this, he presented and swore to the sumaria, and embodied the calificacion as showing that the culprit merited the severest punishment, to which end he asked for arrest and imprisonment, with sequestration or embargo of property, promising in due time to present a formal accusation and asking that meanwhile the registers of the other tribunals be examined with the view of securing further evidence. Forms of this were provided suited to the various classes of offences and to the cases of the absent or dead.[2]

It manifests a praiseworthy desire to avoid precipitate action that a consulta de fe, or consultation of the inquisitors with the consultores and Ordinary, was still technically required before issuing the warrant of arrest. The existence of something of the kind is indicated, as early as 1509, by an order of the Suprema that when there is not unanimity it must be consulted before arrest is made.[3] Yet, in 1521, a special order requiring such a consulta de fe in the case of Moriscos would infer that the rule was other-

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 88.
[2] MSS. of Royal Library of Copenhagen, 218[b], pp. 404–17.
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 105.

wise obsolete.[1] That it was so is shown by subsequent cases and, even as regards Moriscos, in a number of prosecutions at Daimiel, between 1540 and 1550, the warrants are issued immediately on presentation of the clamosas.[2] The Instructions of 1561 revived the practice, but did not enjoin it as essential, leaving it virtually to the discretion of the inquisitors.[3] After this we find it frequently observed and, in the case of Elvira del Campo, accused of Jewish practices, in 1567, there is a consulta prior to the clamosa and a second one afterwards before the warrant of arrest is issued.[4] When solicitation in the confessional was subjected to the Inquisition, the desire to shroud the offence in obscurity led to a regulation, in 1564, that only the vicar-general should be called into consultation and, in 1600, even he was excluded; the inquisitors were to consult only with each other and then await the orders of the Suprema.[5] As the rule became established that the Suprema was to be consulted before arrest, these formal preliminaries became of less importance and, in the eighteenth century, we are told that the consulta was no longer held, the reason alleged being that the inquisitors then were jurists.[6]

Apart from these formalities, there was an evident desire on the part of the chiefs of the Inquisition to prevent injustice arising from hasty and inconsiderate action. In the reformatory Instructions of 1498, inquisitors are ordered to be careful and to arrest no one on insufficient evidence—an order the frequent repetition of which proves how little it was regarded.[7] It was thoroughly understood that the mere fact of imprisonment inflicted indelible infamy and all the authorities urge the utmost caution in the exercise of this tremendous power.[8] In theory, at least, stronger proof was therefore required by inquisitors than by the judges of other courts; it ought to be as strong as that which justified torture—what was known as *semiplena*—but this

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 89.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 372.—MSS. *penes me.*

[3] Instrucciones de 1561, § 3 (Arguello, fol. 27).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.

[5] Archivo de Simancas, Inquisicion, Lib. 942, fol. 25, 52.

[6] Praxis procedendi, cap. iv, n. 1 (Archivo hist. nacional, Inquisicion de Valencia).

[7] Instrucciones de 1498, § 3 (Arguello, fol. 12).—Archivo de Simancas, Inquisicion, Lib. 939, fol. 88.

[8] Elucidationes Sancti Officii, § 1 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Simancæ Enchiridion, Tit. xxv, n. 3; Ejusd. de Cath. Instt., Tit. xvi, n. 1, 2.

merely consisted in the evidence of a single unexceptionable witness; when there was apprehension of flight, less was required and Sousa, a Portuguese authority, tells us that in heresy flight is always to be apprehended.[1] It is true that, in 1630, the Suprema ordered that arrest on the testimony of a single witness should not be made without its permission, but this exercised little restraint. Such an arrest was made, in 1638, of Domingo de Mezquita, with a sort of apologetic explanation that he was a Portuguese and had already been tried on the same charge of Judaism.[2]

One or two cases will show how little real benefit in practice the accused derived from all this elaborate parade of preliminary precautions. In Toledo, June 5, 1501, the fiscal informed the tribunal that Isabel, daughter of Alvaro Ortolano, was defamed for heresy and asked for her arrest. The inquisitors replied that they would order it if sufficient evidence was presented, whereupon he offered the testimony of a prisoner that she had heard Isabel say that she observed the Jewish fasts and on this a warrant of arrest was promptly issued. Considering that the accused was a child ten years of age her summary arrest on evidence so flimsy shows how little impression the Instructions of 1498 had produced.[3] The Toledan inquisitors did not grow more cautious with time. September 16, 1541, two workmen on the cathedral appeared before them and accused Juan García, a fellow-workman, of having revelations from God in his dreams. A warrant was at once made out; the portero was ordered to have him present that afternoon and, if he demurred, to take him to the prison. He accordingly had his first audience the same day.[4]

In these arbitrary proceedings the function of the fiscal was purely fictitious and he and the inquisitor, if they had any sense of humor, must have smiled as they acted their parts in the tragi-comedy. In 1532, before Fernando Loazes, the distinguished inquisitor of Barcelona, the fiscal appears and states verbally that it has come to his knowledge that, when the impenitent and

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[1] Praxis procedendi, cap. 6, n. 9 (*ubi sup.*).—MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Sousæ Aphorism. Inquisit. Lib. II, cap. 26, n. 11, 12, 15.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 388; Leg. 299, fol. 80.—Archivo de Simancas, Inquisicion, Leg. 552, fol. 26.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 183, n. 779.

[4] Ibidem, Leg. 114, n. 14.

relapsed heretic Joana, wife of Gil Tacis, was to be arrested, her husband had sought to conceal her, wherefore he should be arrested as a fautor of heresy and impeder of the Inquisition and, in due time, the proper "information" would be presented. The only evidence was that of Joana, taken by Loazes himself, but he gravely demanded to be informed and he ordered the summoning of all the witnesses whom the fiscal desired to produce. Then the fiscal, to enlighten him, presents the evidence from the record; Loazes orders it to be inserted in the acts of the case, pronounces it sufficient and issues the warrant of arrest.[1]

In the secrecy of the tribunals there was thus nothing to prevent the exercise of discretional power to oppress the innocent as well as to punish the guilty. That it was so abused appears from the remonstrance of the Córtes of the kingdoms of Aragon, about 1530, complaining that the inquisitors arrested people for the slightest causes and on mere report, and then sometimes dismissed their prisoners without penance or with very slight sentences, thus inflicting infamy on the parties, their kindred and descendants, which was not effaced by the release. Arrests, they urged, ought to be made only for grave offences and on sufficient proof. To this the inquisitor-general disdainfully replied that the laws had been observed; if the complainants thought otherwise, let them produce instances.[2] This spirit did not promise amendment and, although the Instructions of 1561 prescribed caution and restraint, matters must have grown worse through subordinates aping their masters, for the Concordia of 1568 provides that familiars must not be allowed to make arrests without orders from the inquisitors.[3]

Even after the Suprema had required to be consulted prior to ordering arrest, small respect was paid to formalities. In criticizing, August 25, 1695, the report of cases pending in Valencia, the Suprema expresses astonishment that an arrest should have been made previous to the calificacion of the charges. In this case the accused was thrown into prison October 22, 1694, and the calificacion followed, February 9, 1695, but the Suprema contented itself with this rebuke and merely ordered the prosecution to be pushed and not be allowed to become immortal.[4] The

[1] Proceso contra Gil Tacis (MSS. of Am. Philosophical Society).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 37, 38.

[3] Actos de Corte del Reyno de Aragon, fol. 96 (Zaragoza, 1664).

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 12, n. 2, fol. 126.

Suprema need not have been surprised at this trifling informality in view of the atrocity of a group of cases comprised in a Valladolid report of July, 1699. Francisco Hernández Castañeda had been imprisoned August 30, 1697; his case is reported in the same state as before, there being no testimony against him. Baltazar González Cardozo, aged 14, was arrested August 15, 1698, and there is no evidence against him. Ana Gutiérrez, aged 9, was arrested August 14, 1697, and there is nothing against her as yet. Leona de Paz was arrested September 15, 1698, and there is no proof against her.[1] Thus these poor creatures had lain in gaol for one or two years without a scintilla of evidence to justify their arrest, and the fact that the tribunal coolly makes this report indicates that there was in it nothing unusual or regarded as scandalous.

Among the reforms which Carlos III attempted to introduce towards the close of the eighteenth century was that of requiring manifest proofs of heresy as a necessary preliminary to arrest, but Llorente informs us that his decrees were not obeyed.[2] Still, in time there was an improvement in this as in so many other directions, perhaps partially influenced by the poverty of the Holy Office and its desire to avoid the maintenance of poor prisoners. Thus, in the case, at Cuenca, of Juan Francisco de la Landera, a *jubilado* notary of confiscations, prosecuted in 1816 on suspicion of being the author of a memorial to the king and of other offences,he was allowed to be at large during nearly the whole course of the trial and it was not until after the presentation of the accusation and his reply that it was voted to imprison him and embargo his property.[3]

The reason commonly alleged, in deprecation of reckless arrest, was the infamy cast on the accused and his kindred, but this was by no means the only infliction peculiar to the Inquisition. There was special hardship in the segregation at once imposed on the prisoner. From the moment of his arrest, the utmost care was taken to prevent his exchanging a word with any one. When it took place at a distance, the commissioner was instructed to observe this with the utmost rigor, both in confining the prisoner on the spot and in sending him to the tribunal. If two or

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 52.
[2] Llorente, Hist. crít., Cap. XLII, Art. 1, n. 13.
[3] Archivo de Simancas, Inquisicion, Lib. 890, fol. 28.

more were arrested simultaneously, they were strictly kept apart, both in prison and on the road. Thus, in 1678, when several Judaizers were to be seized at Pastrana, the instructions from Toledo were that they were at once to be shut up, *incomunicado*, in houses of officials, and to be sent to Toledo one by one, observing rigid precautions that they should speak with no one. Each was to be under charge of a familiar and, if there were not enough in Pastrana, those of the neighboring towns were to be called upon.[1] The misery caused to the prisoner and his family by the arrest was intensified by this sudden inhibition of all exchange of affection and all instruction and advice as to what they were to do in their affliction.

Another feature, falling with especial severity on the poorer classes, arose from the rule of the Inquisition to cast all expenses on its prisoners. The officer who made the arrest was instructed to bring with him a specified sum to be deposited with the alcaide of the prison for the maintenance of the prisoner; also a bed for him to sleep on and clothes for him to wear. If, as usually was the case, the required amount was not found in cash among the effects of the culprit, enough of his household goods was sold at auction to meet the demand. The working of this is seen in the case of Benito Peñas, a poor ploughmaker of Cobeña, near Alcalá de Henares—a half-crazed devotee, who created scandal by denying that Christ had died on the cross. The order for his arrest by the Toledo tribunal, January 25, 1641, required the familiar to bring with him 30 ducats for expenses and a bed. The only coins found in Benito's possession amounted to 19 cuartos vellon, equivalent to about $2\frac{1}{2}$ reales; so on Sunday, February 10th, all his little possessions of tools, furniture and clothing, except the garments on him and two old shirts, were sold at auction. Even the rosary in his hands was included, but the total proceeds, after deducting charges, amounted to only 20 ducats. Of this about a half was absorbed by the expenses of guards and conveyance to Toledo, and only $105\frac{1}{2}$ reales were delivered with him at the carceles secretas, out of which the tribunal refused to pay anything to the familiar for his time and labor. Benito's mental unsoundness developed rapidly in his incarceration and, in August, he was discharged as irresponsible. The authorities of Cobeña were obliged to take him home at their

[1] Instrucciones de 1561, § 10 (Arguello, fol 28).—Instruccion y Pratica del Comisario, n. 34.—Proceso contra Angela Nuñez Marques, fol. 82 (MS. *penes me*).

own expense, and doubtless to support him afterwards, as he had been deprived of all means of earning his livelihood, while, with customary inquisitorial logic, in spite of his insanity, he was condemned to wear a parti-colored garment of gray and green, in penance for his heresy.[1] In the case of a religious, if his *peculium* was insufficient to furnish the desired amount, the superior of his convent was required to complete it.[2]

Another feature of extreme severity which, however, was common to secular and episcopal as well as to inquisitorial practice, was the sequestration which accompanied arrest in all cases involving confiscation. The losses and hardships incident to this were fully recognized in secular proceedings and, in 1646, the Córtes of Aragon endeavored to mitigate them and also to prevent the frauds which were admitted to be frequent.[3] On the other hand, to have the property of the accused in the power of his family was to risk its dissipation before the conclusion of the trial; it had to be preserved at all hazards and the only way to do this was to make sure of it by seizure at the moment of arrest. The importance attributed to this by the Holy Office is seen in the details which form so prominent a portion of the Instructions. It is true that the canon law strictly prohibited the seizure of property, before a sentence of condemnation had been duly rendered, but this had been framed at a time when the temporal lords enjoyed the confiscations, and was disregarded when they enured to the benefit of those who decreed them.[4]

[1] Proceso contra Benito Peñas (MSS. of Library of Univ. of Halle, Yc, 20, T. VI.)—Pablo García, Orden de Processar, fol. 6.

The Roman Inquisition was much more regardful of the interests of the accused. The inquisitor was instructed in no case to pledge or sell utensils, movables or tools of trade or real estate, but to restrict himself to the income or rents of the latter. The expenses of transport were thrown upon the local bishop or the papal camera, but these were usually small in view of the numerous petty tribunals, for there was one in every place of any size. Care was taken to keep down expenses and, in many places, the Inquisition consisted of a couple of rooms in the convent to which the inquisitor belonged, for he was either a Franciscan or a Dominican. The transport of those condemned to the galleys was defrayed by the towns; the maintenance of poor prisoners by the bishops, or, if they were Regulars, by the Orders to which they belonged.—Decr. Sac. Congr. Sti Officii, pp. 47, 48, 178, 192, 256 *sqq.* (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del. S. Offizio, Vol. 3).

[2] Proceso contra Fray Estevan Ramoneda (MSS. of Am. Philosophical Society).

[3] Fueros y Actos de Corte en Zaragoza, 1645–6, pp. 4–5 (Zaragoza, 1647).

[4] Cap. 19, Tit. ii, in Sexto Lib. v.

The alguazil executing a warrant of arrest was accompanied by the *notario de secrestos*, or notary of sequestrations, who at once seized all visible property and compiled a minute inventory. It was then placed in the hands of a *sequestrador* or *depositario*, who held it until the case was decided, when, if confiscation was decreed, he handed it over to the receiver; if not, it was returned, or what was left of it, to the owner.

In the earliest instructions, the receiver and his scrivener accompanied the notary of sequestrations, and two copies of the inventory were made. Much conflicting legislation followed, directed to finding means for preventing the receiver from appropriating portions of the sequestrations, but the trouble was perennial and, in interrogatories drawn up for inspectors on their visitations, there was one which required all officials to declare whether the receiver had taken any sequestrated property before the case of the owner was determined.[1]

Irregularities continued and, in 1633, some respect was paid to the interest of the accused by a rule that a representative appointed by him should be present, with the receiver and notary, when seizing the property and making the inventory. In 1635, this was followed by requiring the senior inquisitor to report promptly to the Suprema all details as to kind and amount of property sequestrated, and whether any collusion or secreting of goods had occurred—a mandate of which the frequent repetition shows the difficulty of its enforcement.[2] Finally, in 1654, Philip IV assembled a junta to formulate regulations by which, when farmers of the revenue were arrested, the interests of the royal fisc, of all creditors, and of the owner if acquitted, might be protected. These provided that the first duty, on making an arrest, was to search the prisoner for papers and keys. He was then told to name a representative to be present at the sequestration and inventory. If the hour suited, this followed at once, otherwise it was postponed to the next day, padlocks being meanwhile placed on everything, and one or two guards being stationed. The inventory was made in the minutest detail, room

[1] Arguello, fol. 17.—Archivo de Simancas, Inquisicion, Lib. 933.—Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 44.—Ibidem, Canarias, Expedientes de Visitas, Leg. 250, Lib. 1, fol. 9.

[2] MSS. of Royal Library of Copenhagen, 213 fol., pp. 19, 20, 130.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 37; Leg. 14, n. 2, fol. 12, 126

by room, specifying the contents of all desks, trunks, chests and other receptacles. The keys were then delivered to the depository selected, who receipted for the property and became responsible for it. Then followed immediately the *audiencia de hacienda*, in which the prisoner was made to give an account of all of his possessions. If among the effects seized were some of a nature requiring them to be sold, or if it was necessary to provide for the food of the prisoner, they were disposed of at auction, after appraisement made in the presence of his representative.[1]

As the inventory was the basis of all further proceedings, from a very early period rigid instructions were issued that it should be complete to the minutest detail. Every paper found in the prisoner's possession was to be enumerated; in 1607 the Suprema complained of negligence in this respect and ordered that in future not only must every paper be set down but also its nature and contents.[2] Such inventories as I have had an opportunity of examining show the laborious trifling entailed by these instructions. In the case, for instance, of Margarita Altamira, in 1681, the list covers four closely written pages, consisting of entries such as "an old pair of scissors," "a worn tow towel," "an old broom," "an old earthen pot," etc. She was the wife of an agricultural laborer, apparently separated from her husband and owning nothing save her little household plenishing and clothes.[3] Official zeal sometimes outran discretion, gravely affecting the interests of others, as when, in 1597, the Suprema was obliged to issue instructions that, when heretic ship-masters were arrested in the sea-ports, only their own effects were to be seized and not the ships and cargoes.[4] It was unavoidable that the property of third parties, in the hands of the accused, should be included in the sequestration and, as we have seen, from an early period the orders were that such goods should be surrendered as soon as owners should prove their rights. Such cases were of perpetual occurrence, causing much damage or inconvenience, and were attended with exasperating delays. The daughters of Brianda Royz, reconciled with confiscation, presented, March 19, 1530,

[1] Archivo de Simancas, Inquisicion, Leg. 1465, fol. 72.—Bibl. nacional, MSS., D, 118, fol. 112, n. 39; fol. 167.

[2] Arguello, fol. 13.—Instrucciones de 1561, § 8.—Archivo de Simancas, Inquisicion, Lib. 942, fol. 62.—MSS. of Royal Library of Copenhagen, 218b, p. 228.

[3] Proceso contra Margarita Altamira, fol. 87–88 (MSS. of Am. Philos. Society).

[4] MSS. of Royal Library of Copenhagen, 213 fol., p. 129.

a claim for some seventy articles of household furnishing, which were not adjudged to them until July 7, 1531. The list included a pair of chickens which had doubtless long before disappeared in the olla.[1] The case of Margarita Altamira affords some quaint illustrations of the annoyances inflicted on those who chanced to have had dealings with the accused. She was arrested in November, 1681 and, on April 8, 1682, the priest Francisco Juan Sans presented a petition representing that, among the effects sequestrated, was a lot of shirts and undergarments of which he furnished a list—Margarita apparently having been his washerwoman. The paper was endorsed to be filed away and its proof to be received in proper time. The proper time was slow in coming for, in August, the good padre again petitioned for his shirts, but whether he eventually recovered them the documents fail to show. A year later, August 3, 1683, Margarita Batlle made application for a cradle which she said that she had lent to Altamira. The case was referred to the receiver who reported that there was in the sequestration an old cradle, which if sold might fetch two or three reales. Then, on August 25th, the inquisitors resolved that, as it was of so little value, it might be surrendered to her on her proving ownership under oath and, on October 6th, she was duly sworn and examined; she described the cradle, told from whom it was bought at the price of two reales, explained why she had lent it and why she had not reclaimed it prior to Altamira's arrest, whereupon it was ordered to be restored to her.[2] Evidently there was no haste in relieving the necessities of those who were caught in the sweep of sequestration.

It was very properly a cardinal principle, frequently reiterated, that sequestrated property was sacred and was not to be diverted, however great might be the necessity.[3] It was easier, however, to enunciate such a self-denying ordinance than to observe it, in an institution practically secure from supervision. Ferdinand set the example by selling or granting as favors numerous houses in Perpignan, abandoned by fugitives before the Inquisition was in operation in Roussillon, and he had no scruple in assuming the condemnation of the owners before their prosecution had commenced.[4] We have seen how, in 1644, the Suprema admitted to

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 300, P. 1, n. 71

[2] Proceso contra Margarita Altamira (*ubi sup.*).

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 131; 318b, pp. 213, 317.

[4] Archivo de Simancas, Inquisicion, Libros 1, 2

Philip IV that, to satisfy his exigencies, it had sold sequestrated property, for which the owners, who had been acquitted, were clamoring.[1] In fact, the use of such property became habitual for, towards the end of the century, we find an official *depositario* of the Suprema in charge of the sequestrations, who was accustomed to meet, from the funds in his hands, the expenses of the Madrid tribunal, subject of course to repayment. In one transaction of the kind, the advance made July 3, 1680, was not refunded until November 17, 1681.[2] The tribunal was thus exposed to the risk that its decisions might be influenced by the condition of its account with the depositario.

At first there would seem to have been no provision for the family of a prisoner whose property was thus suddenly seized. They were cast adrift and deprived of subsistence, regardless of the fact that confiscation might not be decreed. In the early Instructions there is no arrangement for their support during the trial, and any exceptions to this were matters of favor, as when Ferdinand, July 11, 1486, wrote to the receiver of Saragossa that, as the lands and personalty of Juan Navarro had been sequestrated, as his children had no other support, and as one of them had rendered him good service, all the rents and profits of the estate should be paid to them during the pendency of the case.[3] Common humanity demanded that some attention be paid to the necessities of the innocent and helpless, while confiscation was as yet uncertain, and in time this severity was relaxed, though it cannot be positively stated when this commenced. The earliest allusion to it, that I have met, occurs in the memorial of Llerena, in 1506, which, while denouncing the cruelty of turning the family into the streets at night, admits that some allowance was made to them from the sequestrations. It complains, however, that this was miserably insufficient and so irregularly paid that sometimes months elapsed without anything being received. In one case two little daughters of a rich prisoner perished of hunger, and their elder sisters subsisted by beggary at night. A woman thus left with ten souls dependent upon her was allowed twenty-five maravedís a day, when two hundred and fifty were requisite, and even of this pittance she had received nothing for three months.[4]

[1] Arch. de Simancas, Lib. 40, fol. 328. [2] Ibidem, Leg. 1480, fol. 13.
[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 99, 100.
[4] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol 44.

The matter was one which called for regulation, and various experimental instructions were issued from time to time. Absolute arrangements were not easy to provide and, between 1538 and 1558, a number of utterances show the difficulty of reaching a satisfactory result. The general features of these are that the inquisitors are to consult with the receiver and notary of sequestrations and assign an allowance proportioned to the amount of the property and station of the recipients, while consideration is to be given to the ability of individuals to earn a living, provided it is not derogatory to their rank.[1] A definite policy was finally reached in the Instructions of 1561, which remained the standard. These provide that, if the wife or children of a prisoner apply for support, he is to be consulted and, if he so wishes, an allowance out of the sequestration is to be made to them, proportioned to their station, but if there are some of an age to work they must provide for themselves. This was a matter of grace and not of right, for a subsequent regulation restricts the grant to a limited time because the trial may be prolonged and it may be advisable to discontinue the payments. In 1567 it was added that common clothes and bedding could be given, but every article must be specified, as the depositaries were apt to be too liberal unless restricted.[2] It thus became a settled principle that the family of a prisoner was to be cared for out of the sequestration of its head, if he had property and, in the printed form of a warrant of arrest, in 1696, this is specified as the object of placing it in the hands of a depositary selected by the prisoner.[3]

While recognizing the humanity of these provisions it may be questioned how far they relieved the hardships of dependents, especially in the later period, when the dilatory methods of the Inquisition prolonged the trials inordinately. Unless an estate was unusually large, it was apt to be speedily consumed by wasteful methods and the accumulation of expenses. As we shall see hereafter, unless the accused was penniless, the cost of his maintenance in prison was a first lien on his sequestrated property and, if there was not ready money, his effects were auctioned off to supply it. The strictness of the rule to pay all expenses out

[1] Archivo de Simancas, Inquisicion, Lib. 942, fol. 13; Lib. 939, fol. 94.—MSS. of Royal Library of Copenhagen, 213 fol., p. 115.

[2] Instrucciones de 1561, § 76 (Arguello, fol. 37).—Pablo García, Orden de Processar, fol. 44.—Archivo de Simancas, Inquisicion, Lib. 979, fol. 30.

[3] Proceso contra Francisco Hernández (MSS. of David Fergusson, Esq.).

of the sequestration is illustrated in the case of two children of Antonio Enríquez Barrios, confined with their father in the prison of the tribunal of Madrid. When they were discharged, 1423 reales, the cost of their clothing and food, were collected from the sequestrated estate of their father, whose trial was unfinished.[1] It may be assumed, under such a system that, when the accused escaped without confiscation, only a remnant of his property was restored to him, especially as he had to accept on account from the depositario whatever the tribunal had ordered to be paid out of the sequestration and be content with the balance, while whatever he might owe for his prison maintenance had to be paid before an order was issued to lift the embargo. In this respect, a suspension of the case was equivalent to an acquittal and entitled him to resume possession of what remained of his property.[2]

Of course nothing could compensate a man engaged in trade for thus locking up during years all his business concerns. To such a one, arrest with sequestration meant ruin, however clearly his innocence might be demonstrated after the prolonged proceedings of the tribunal. A curious inventory of a printing office thus seized shows the breaking up of a business and the destruction of the means of livelihood. One item is "a hundred and twenty reams of the third volume of Rodríguez, the book at present in hand," which is highly suggestive of the loss inflicted, without redress, on other parties concerned, as author or publisher, as also of the sacrifice incurred by peremptory auction sales of such material.[3]

The office of secrestador or depositary would seem, in the earlier period, to have been regarded as desirable, and it certainly offered opportunities for the dishonest. That these were sometimes improved is apparent from the case, in 1510, of Fernando de Mesa, a *jurado* of Córdova, who was secrestador of the estate of a certain Celamin. By the time the latter was condemned, Mesa had died and the sequestrated property was not forthcoming. He had placed four daughters as nuns in the convent of Santa Ines and

[1] Archivo de Simancas, Inquisicion, Leg. 1477, fol. 149.

[2] Pablo García, Orden de Processar, fol. 42.—Proceso contra Hieron. de la Madre de Dios (MSS. of Library of Univ. of Halle, Yc, 20, T. VII).—Bibl. nacional, MSS., D, 118, fol. 167.

[3] MSS. of Am. Philos. Society.

their share of the defalcation was thirty thousand maravedís, but the convent pleaded inability to pay through poverty and Ferdinand kindly forgave it the debt.[1]

To the honest, however, the office was in every way undesirable. It involved labor, anxiety and responsibility without payment but, when selected and approved, the appointee was obliged to serve, under penalty of excommunication and a fine of ten or twenty thousand maravedís. It was recommended that, if possible, he should not be a kinsman of the prisoner or a Converso, and he was always to be of good repute and standing.[2] If the accused was a householder, the house was locked and the keys were given to the depositary; otherwise he was put to the expense of storage; he was obliged to sign a paper subjecting himself to the penalties imposed on him by the alguazil and pledging his person and property to make good any deficiencies occurring through error or negligence, for which he renounced his fuero and submitted himself wholly to the Inquisition.[3] The perplexities and tribulations to which he was exposed are illustrated by those of Jaume Taxes, who served as depositario in the case of Margarita Altamira. He appealed, April 26, 1682, to the inquisitors, representing that, when the sequestration was made, he was given the key of the house, but he is now required to surrender it to the owner and to have the goods stored safely; he has no room for them in his own house and petitions to have them delivered to some one else. No attention was paid to this and, on May 14th, the owner of the house, a priest named Francisco Canudes, came forward with a complaint; on March 26th he had obtained an order for the key, but Taxes refuses to surrender it, wherefore he desires that he be forced to do so and to pay him six months' rent.[4] The documents fail to inform us what was the solution of the complication which the tribunal had thus created, but the affair illustrates the manner in which the Inquisition was wont to call for gratuitous services and to pay little regard to the convenience or interest of those on whom it imposed onerous duties.

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[1] Archivo de Simancas, Inquisicion, Lib. 1; Lib. 3, fol. 78.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138; Leg. 112, n. 71, fol. 36.—Proceso contra Mari López de Sazeda, fol. 9 (MS *penes me*).—Archivo de Simancas, Inquisicion, Lib. 979, fol. 28.—Instrucciones de 1561, § 7 (Arguello, fol. 28).

[3] Pablo García, Orden de Processar, fol. 101.

[4] Proceso contra Margarita Altamira (MSS. of Am. Philos. Society).

There were some limitations on the power of sequestration. It was confined to property found in possession of the accused; whatever he owned that was in the hands of third parties could not be sequestrated and had to await sentence of confiscation before it could be seized.[1] An application of this principle led to the somewhat remarkable rule that there could be no sequestration in prosecutions of the dead, however convincing the proofs of guilt, because the possessions of the offender had passed into the hands of third parties. As early as 1537 this was prescribed by the Suprema, in a letter to the tribunal of Barcelona, and it was embodied in the Instructions of 1561.[2]

A more important limitation confined sequestration to arrest on charges of formal heresy, and the fiscal was required in his clamosa to specify whether or not he asked for it, though as late as 1575 the Suprema was obliged to notify the tribunal of Valencia that heresy was a prerequisite of sequestration.[3] The definition of heresy, however, was somewhat elastic and when, in 1573, a determined effort was made to eradicate the general popular belief that fornication between the unmarried was not a mortal sin, it was ordered to be prosecuted as heresy with sequestration.[4] When formal heresy was involved, sequestration was to be decreed, whether the accused had property or not and, in 1665, the Suprema rebuked the tribunal of Barcelona for omitting it in the case of a galley-slave.[5]

The Inquisition at length grew restive under the limitation of sequestration to formal heresy, for, as heretics grew fewer, it exempted a vast proportion of the cases which formed the current business of the tribunals, consisting of blasphemy, sorcery, bigamy, solicitation, marriage of clerics, propositions scandalous, audacious or ill-sounding, the possession of prohibited books, and, in fact, as we are told, all offences which did not in law import confiscation.[6] In these cases the warrant of arrest, during the sixteenth century, instructed the alguazil to arrange so that the prisoner could leave his property in the hands of any one whom

[1] Instrucciones de 1561, § 6 (Arguello, fol. 28).

[2] Archivo de Simancas, Inquisicion, Lib. 78, fol. 96.—Instrucciones de 1561, § 61 (Arguello, fol. 35).—Pablo García, Orden de Processar, fol. 42.

[3] Instrucciones de 1561, § 6 (*ubi sup.*).—Archivo de Alcalá, Hacienda, Leg. 544a (Lib. 4).—Archivo de Simancas, Inquisicion, Lib. 82, fol. 132.

[4] MSS. of Royal Library of Copenhagen, 218b, p. 260.

[5] Libro XIII de Cartas, fol. 17 (MSS. of Am. Philos. Society).

[6] Elucidatio Sancti Officii, § 11 (Archivo de Alcalá, Hacienda, Leg. 544[2],(Lib. 4).

he should select, to be used for the maintenance of himself and his family, and an inventory was to be made to prevent misappropriation.[1] In time the Inquisition outgrew this consideration for the innocent sufferers, which reduced it to sharing with them in the use of what was apt to disappear in the course of the protracted trials. To remedy this and without, so far as appears, any warrant of law, the expedient was devised of substituting for the word sequestration the euphemistic term of embargo, and ordering the property of all prisoners not liable to confiscation to be embargoed. The words had the same meaning and, in the earlier time, were used as identical, often copulatively as "embargo y secresto"—a mere pleonasm of legal phraseology, the context showing that sequestration was meant.[2] The slight shade of difference was that in embargo the prisoner selected the depositary who was to hold the property and pay from it the expenses of his maintenance in prison during his trial.[3] Thus sequestration, under the flimsy veil of calling it embargo, became a matter of course in all arrests and the fiscal was instructed, when the calificacion was of formal heresy, to ask for sequestration, in other cases for embargo and, when frailes were the culprits, for embargo of their peculium and papers. So universal was this that, in 1665, the Suprema required the Barcelona tribunal to furnish reasons for not embargoing the property in any case of arrest for minor offences.[4] So it continued to the end. In 1815 we find numerous cases of embargo in arrests on charges of bigamy, solicitation, irreverence, propositions and the like, while the Dominican Fray Tomas García, for celebrating mass without priests' orders, had his peculium embargoed.[5]

In this illegal extension of sequestration there is something peculiarly heartless. When the offence charged inferred confiscation, there was some excuse for making sure that the property would not be secreted or dissipated, but in minor cases to subject the offender and his family to the hardship, and perhaps ruin, caused by seizing his property and holding it during the leisurely progress of his trial, merely in order to secure to the tribunal the

[1] Pablo García, Orden de Processar, fol. 7. [2] Ibidem, fol. 42.

[3] Praxis procedendi, cap. vi, n. 4 (Archivo hist. nacional, Inquisicion de Valencia).

[4] MSS. of Royal Library of Copenhagen, 218b, pp. 394, 417, 422.—Libro XIII de Cartas, fol. 17 (MSS. of Am. Philos. Society).

[5] Archivo de Simancas, Inquisicion, Lib. 890.

reimbursement of his maintenance in prison, shows how thoroughly hardened the Holy Office had become to human suffering and how its selfish greed stifled all the promptings of humanity.

A practical illustration of the process of arrest and sequestration is furnished by the case of Ana de Torres, a woman of twenty-two, recently married to Gaspar Agustin, a confectioner of Ciudad Real. Testimony of Judaism had been gathered against her and, on May 9, 1680, the Toledo tribunal ordered its familiar, Don Alvaro Muñoz de Figueroa, a Knight of Santiago, to arrest her, sequestrate her property and send her to Toledo with bed and clothing and 100 ducats. On May 17th Muñoz reported that, after ascertaining her address, he had gone to her house at nine o'clock that night, with a notary, familiar and servants, had carried her off to his own, turning out the husband and placing two guards, so that the sequestration could be made the next day. From what he could see, all the contents of the house was not worth 100 ducats and he was told that they belonged to the husband, for she had come to Ciudad Real in September with nothing but her person. Moreover she was five or six months gone with child. He asked for instructions, which were given in apparent disregard of the husband's rights, for he was told to make the sequestration and send her with her bed and clothes and whatever he could get for her things. On May 24th he reported that he had started her on her journey with 400 reales (about 36 ducats) which was all that he had realized on the sale of the effects. Successive relays of familiars carried her gratuitously and the next day the receiver of Toledo acknowledged the receipt of the 400 reales to pay for her food. Then, on July 6th, the alcaide reported that she was suffering from an inflammation of the throat which, in her condition, threatened serious complications. The *medico* was called in, who prescribed bleeding and gargles and removal from the confined air of the prison. She was taken to the house of the alcaide, where she was duly bled and, on July 18th, was sufficiently recovered to ask for an audience. In due time, on September 13th, the alcaide reported her confinement and that he had provided a midwife, when he was ordered to take care that she had everything necessary for her recovery and comfort. On September 29th the child was baptized and the mother brought back to the prison, when she was placed in a cell with two other women and, in October,

orders were drawn for 146 reales to pay for the clothes and swaddling-bands of the infant and for 14 reales to the chapel of the cathedral for its baptism.[1]

The redeeming features of these latter details afford a welcome relief to the sordid eagerness of the Inquisition in grasping everything within its reach in order to escape the costs of persecution, regardless of the misery which it inflicted. In the present case we learn nothing as to the husband, presumably innocent, thus turned out of his house and stripped of his furniture. This was no concern of the Holy Office.

[1] Proceso de Ana de Torres, fol. 15–25, 39 (MS. *penes me*).

CHAPTER IV.

THE SECRET PRISON.

THE *cárceles secretas*, or secret prison, was the official designation of the place of confinement during trial of those accused of heresy. It formed part of the building of the Inquisition, so that the prisoner could at any moment be brought into the audience-chamber without being exposed to public view—such a case as Carranza's, where confinement was in a different place and the inquisitors went there, being wholly exceptional. The secret prison was exclusively one of detention, the *casa de penitencia*, or punitive prison, being wholly different, and the contrast between the two—the laxity of the imprisonment as a punishment of the guilty and its rigor towards those whose guilt was yet uncertain—is not the least of the anomalies of the Holy Office.

As a general rule it may be said that imprisonment followed arrest and that admission to bail was an exceptional favor in the early time, virtually withdrawn afterwards. In 1530 we have an example in the case of Antonio de Parejo, a priest whose offences did not amount to formal heresy, who was released by the Toledo tribunal from the secret prison and given the city as a prison on bail in 100,000 maravedís, furnished by his brother Vizcaino, who renounced his fuero; Parejo moreover took a solemn oath not to leave Toledo on his own feet or on those of others, and that a certain Matheo Pérez could always tell where he was to be found.[1] Various regulations, in 1535 and 1537, allow bail in cases where arrests had been made on slender evidence but, in 1560, Valdés ordered that no exceptions should be made when the charge was of heresy.[2]

For those held on less serious charges there was less rigorous treatment. The inquisitorial jurisdiction extended over a wide range of offences, more or less trivial, and the tribunals did not

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 231, n. 71, fol. 38.
[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 125.

care to be burdened with the expense of prisoners who were not likely to seek safety in flight or to warn their accomplices. For these there were various grades of confinement, under the practice known as *aplacería*, of assigning the city as a prison, or the offender's house, or the less rigorous prison for officials under trial, known as the *cárcel de familiares*. Thus, about 1640, a writer says that, in cases of blasphemy, the accused can be assigned the city as a prison or, if the offence has been especially shameless and scandalous and reiterated, it may be proper to confine him in the cárcel de familiares or, if flight is anticipated, even in the secret prison, although this is a rigor not now practised. He adds that, when astrologers spontaneously denounce themselves, they are not thrown into the secret prison but into the cárcel de familiares or are given their own houses or the city as a prison.[1] Friars often, unless the charges were particularly grave, were assigned for detention to the convent of their Order, in accordance with the general policy of guarding the honor of the Church. When the prisons of the tribunals were crowded, convents were also sometimes used as subsidiary prisons, as they were provided with cells for detention.

In some tribunals we also hear of *cárceles medias*, *cárceles comunes* and *cárceles públicas*, for offences not of faith. These appear to be similar to the *cárcel de familiares* and, in all of them, confinement was held not to inflict the indelible stain of the secret prison. As a rule, the prisoner in these was not debarred from communication with his friends, although he might be confined *sin comunicacion*. In fact, the whole matter lay at the discretion of the tribunal. We have seen how, in the passionate conflicts of jurisdiction, inquisitors sometimes wreaked vengeance on their opponents by inflicting on them the infamy of confinement in the secret prison. So, on the other hand, culprits charged with heresy, when the proofs seemed slender, were sometimes placed in the *cárceles medias* and then, as the trial advanced and the evidence grew more compromising, were transferred to the secret prison. Thus, in 1678, Angela Pérez, on trial for Judaism by the tribunal of Toledo, was moved, June 22nd from the *medias* to the *secretas;* the same occurred at Valladolid, in 1697, in several cases of Judaism, and, as late as 1818 there is an example at Seville, where Ana María Barbero, tried for superstitions and

[1] Bibl. nacional, MSS., V, 377, cap. i; cap. xiv, § 3.

blasphemies, was similarly shifted when the case reached the stage of formal accusation.[1]

In compassionating the hardships of the secret prison, the horrors of the gaols of the period must not be lost to sight and, in the comparison, we shall see that those of the Inquisition were less vile than those of other jurisdictions. It is true that the ancient laws of Castile proclaimed that prisons were meant not for punishment but for detention while awaiting trial, and that Ferdinand and Isabella, in 1489, ordered a weekly inspection by the judges, who should listen to all complaints made by prisoners, a provision repeated by Charles V, in 1525.[2] Yet the petition of the Córtes of Madrid, in 1534, shows how little attention these enlightened enactments received and the condition of the gaols can be conjectured from that of Valencia, where, about 1630, Pedro Bonet, secretary of the Inquisition, was confined, while a competencia was fought over him, and when he was surrendered to the tribunal he was in such a state that he died within three days.[3] It is certain that the Inquisition regarded its secret prison as more humane than the royal gaol, even in modern times, for in 1816, when Don Agustin Pirala was tried by both jurisdictions, for certain irreligious and "anti-political" propositions, the tribunal of Madrid, in procuring his transfer to its cells, asserted that this was to relieve him from the inevitable hardships of the royal gaol in which he was confined.[4]

This may well be true, for the secret prison had the reputation of being less harsh than those of the spiritual jurisdictions. In 1629, Fray Diego de Medina, when brought before the tribunal of Valladolid for uttering some radical heresies, explained that, in his convent de la Victoria, he was kept in the stocks in the convent prison, and he had made the heretical assertions in order to be transferred to the milder treatment of the Inquisition, whereupon he was dismissed with a reprimand. We might regard this as an isolated case were it not for a similar one, about 1675, where a cleric, confined in the episcopal prison, pretended Judaism

[1] Proceso contra Angela Pérez (MS. *penes me*).—Archivo de Simancas, Inquisicion, Leg. 552, fol. 52; Libro 890.

[2] Partidas, P. VII, Tit. xxix, ley 11.—Novís. Recop., Lib. XII, Tit. xxxix, ley 6.

[3] Córtes de los Antiguos Reinos, IV, 599, 605.—Archivo de Simancas, Inquisicion, Lib. 21, fol. 127.

[4] Archivo de Simancas, Inquisicion, Lib. 890.

with the object of being removed to the Inquisition. In this instance the tribunal rebuked him and remanded him to the tender mercies of his bishop.[1]

Whether the secret prisons were better or worse than the royal and ecclesiastical gaols, they were dismal and unwholesome places of confinement. Of course as structures they varied greatly. Few, if any, of the buildings of the Inquisition were constructed for its use. In Saragossa the royal castle of the Aljafería, in Barcelona the royal palace, in Valencia the archiepiscopal palace, in Seville the castle of Triana, in Córdova the Alcázar were occupied and utilized, and elsewhere such buildings as seemed suitable were taken. Those which had served as castles had dungeons already provided; in the others, cells were constructed. Under the circumstances there could be no common plan and no general standard of convenience or healthfulness. It is to be hoped that not many were like that of Palermo, where there were great subterranean caverns in which the inquisitors constructed cells for their prisoners, but probably not much better was part of the secret prison of Toledo, of which we get a glimpse in 1592. Mari Rodríguez, after lying there for nine months, with a year-old baby, asked an audience and begged to be removed from her cell, for it was entirely dark and she and her companions suffered greatly and they were sick, to which the inquisitor coldly replied that what she needed was to discharge her conscience and save her soul and, for the rest, she should have justice.[2]

That the prisons should be unsanitary was a matter of course at the period and the death-rate must have been large, especially during the pestilences, which are of constant recurrence in the annals of the time. Statistics are of course unattainable, but the records frequently refer to the death of prisoners during trial. In Valladolid, the report of 1630 to the Suprema includes the names of twelve deceased prisoners, with the existing state of their cases and, in the great Madrid auto de fe of 1680, all the dead who were burnt in effigy, to the number of eight, had died in the prisons.[3]

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[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 11.—Elucidationes Sancti Officii, § 30 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4).

[2] Franchini, Breve Rapporta del Tribunale della SS. Inquisizione di Sicilia, p. 31.—Proceso contra Mari Rodríguez (MS. *penes me*).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 13.—Olmo, Relacion del Auto de la Fee de 1680, pp. 247–52.

Confinement in the secret prison was regarded as one of the gravest misfortunes that could befall a man, in consequence of the indelible stain that it inflicted on him and his descendants. The Consulta Magna of 1696 dwells eloquently on the horror inspired by such imprisonment and the injustice of subjecting to it, at the whim of an inquisitor, those whose offences had no relation to the faith. In support of this it adduces the case of a woman of Seville, in 1682, who had some words with the wife of a secretary of the tribunal; the alguazil was sent to arrest her and, in her frenzied desire to avoid imprisonment, she threw herself from an upper window and broke both her legs. The Consulta adds that those who were guilty only of an insult to a familiar were not infrequently thrust into the deepest dungeons of the secret prisons.[1] The terror thus caused was rated as one of the most efficient powers possessed by the Inquisition. When, in 1622, Gregory XV granted to the bishops concurrent jurisdiction over the crime of solicitation, the remonstrances addressed to him from Spain represented this dread as a deterrent much more powerful than anything that the bishops could bring to bear. In the royal instructions to the Duke of Alburquerque, then ambassador at Rome, it is argued that the fear of the infamy wrought by the prisons of the Inquisition restrains the hardiest culprits.[2] Power such as this was liable to constant abuse, even after the Suprema had deprived the tribunals of initiative and, when the attention of Carlos IV was called to it, in 1798, by the case of Ramon de Salas, a professor at Salamanca, he proposed to require special royal permission before consignment to the secret prison, but Llorente tells us that court intrigues prevented the enactment of this wholesome reform.[3]

The cruelty which kept all prisoners in chains was not peculiar to the Inquisition, for we have seen that it was a common practice in the secular gaols. An Italian visiting Madrid, in 1592, describes three prisons there; that of the court, of the city and of the priests, and says that all prisoners, no matter how slight their offences, were fettered. It was evidently a novelty to him which he sought to explain by the insecurity of the buildings.[4]

[1] MSS. of Library of the Univ. of Halle, Yc, 17.
[2] Archivo de Simancas, Inquisicion, Lib. 940, fol. 216.
[3] Hist. crít., Cap. XLIII, Art. iii, n. 9; Art. v, n. 9.
[4] Gianbattista Confalonieri (Spicilegio Vaticano, I, 456).

None of the Instructions refer to chains, but a chance allusion of Pablo García shows that their use was assumed as a matter of course, and this occasionally presents itself in the trials as when, in 1565, Pierre de Bonneville asks their removal to enable him to change his drawers and, in 1647, Alonso Velázquez, who had escaped and was recaptured, describes how he rid himself of them.[1]

While thus the Inquisition is not to be taxed with special cruelty in following the universal custom, it had its own methods of inflicting intolerable hardship in special cases. When a heretic proved to be impenitent, a *mordaza*, or gag, was applied to him. What was the exact form of this instrument of torture it would be impossible to say, but the allusions to it show that it was regarded as a severe infliction. When thus worn in prison it was not a mere precaution against the prisoner spreading his heresies, for an order of the Suprema prescribes that no one be allowed to speak with him except the confessor sent to him in the night before his execution, while even then the mordaza was not to be removed.[2] There was another device of pure cruelty—the *pié de amigo*—an iron fork or crotch, fitted to the chin and secured by a band around the neck or the waist, to keep the head up and rigidly fixed. The customary use of this was on culprits scourged through the streets or paraded in *vergüenza*, but it was sometimes employed to heighten the sufferings of prisoners, either through mere malignity or to induce confession. When the celebrated Doctor Agustin Cazalla was burnt in Valladolid, in 1559, envoys from the tribunal sent to him the afternoon before the auto de fe found him in a dark cell, loaded with chains and wearing a pié de amigo, although he had freely confessed, recanted and begged for mercy.[3] In 1599, in the case of Jacques Pinzon, a French Calvinist, in Toledo, who made a disturbance in the prison, fifty lashes were administered and a pié de amigo was ordered, April 20th. At an audience granted him six months later, October 19th, he is described as still wearing it, as well as two pairs of fetters and, in this case, the pié de amigo extended from the neck to the right hand.[4]

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[1] Orden de Processar, fol. 21.—MSS. of Library of Univ. of Halle, Yc, 20, T. V.—Archivo de Simancas, Inquisicion, Leg. 552, fol. 35.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 121.

[3] Miscelanea de Zapata (Mem. hist. español, XI, 202).

[4] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.

In spite of fetters, escape from the secret prison was by no means rare, but it was not often finally successful, for the organization of the Inquisition generally enabled it to recapture the fugitive. A description of the culprit was at once distributed, with a mandate ordering the civil authorities to summon every one to assist and the familiars and commissioners to scour the roads, under pain of excommunication and five hundred ducats.[1] Thus an army was promptly on foot, every suspicious stranger was scrutinized, and the fugitive was usually soon arrested and returned. In the jurisprudence of the period, breaking gaol was held to be a confession of guilt and some authorities held that this applied to the prisoners of the Inquisition, but Simancas and Rojas agree in regarding this as excessive severity. If the fugitive was recaptured, the ordinary practice was to give him one or two hundred lashes; his trial was resumed and carried forward to the end. If he was not recaptured he was prosecuted for contumacy *in absentia*.[2] Numerous cases attest the accuracy of this although, when the culprit was a person of condition, the scourging was replaced by stricter imprisonment and increased severity in the sentence.[3] For those who eluded recapture, the prosecution for contumacy had but one ending—the absentee was held to be a self-confessed and impenitent heretic, fit only for the stake. Thus, in 1586, Jean de Salines, a Frenchman, on trial for Lutheranism in Valencia, succeeded in escaping with a number of fellow-prisoners. He was not recaptured; the necessary edicts of summons were issued in due order and, as a contumacious heretic, he was burnt in effigy, January 23, 1590 although, at the time of his evasion his case had already been voted on, with the insignificant sentence of abjuration *de levi* and six months' seclusion.[4]

The cruellest feature of inquisitorial prison discipline was the rigid denial of all intercourse with the outer world. In the secular gaols, the state always had the right of imprisoning *sin comunicacion*, where there were special reasons for such rigor, but in the secret prisons of the Holy Office this was the universal rule, enforced with the utmost solicitude as an essential part of its

[1] Modo de Proceder, fol. 74 (Bibl. nacional, MSS., D, 122).

[2] Simancæ de Cath. Institt. Tit. XVI, n. 23; Ejusd. Adnotat. in Zanchinum, cap. 9.—Rojas de Hæret., P. II, n. 185–7.

[3] Alberghini, Manuale Qualificator., cap. XXXIII, n. 9.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 31.

highly prized secrecy. We have seen that, from the moment of arrest until delivery to the gaoler, the prisoner was not allowed to exchange a word with any one but the officials, and this was continued with the same strictness when he was within the walls, so far as concerned the outer world, to which he was as one already in the tomb. He could learn nothing of those whom he held dear, nor could they conjecture his fate until, after perhaps the lapse of years, he appeared in an auto de fe as one destined to the stake or to the galleys or to perpetual prison. It would be impossible to compute the sum of human misery thus wantonly inflicted by the Inquisition during its centuries of existence—misery for which the only excuse was that communication with friends might aid in his defence. According to inquisitorial theory, the presumption of guilt was so absolute that all measures were justified which would hinder fraudulent defence.

This strictness was not observed at first. The Instructions of 1488 call attention to the evils arising from communication with prisoners and order inquisitors to see in future that it is not permitted, except by the admittance of religious persons for their spiritual benefit.[1] This received scant attention, for the Instructions of 1498 order alguazils and gaolers not to permit the entrance of wives or kindred, and whatever is sent to prisoners must be examined to ensure that no letters or messages reach them. Even inquisitors and other officials were forbidden to speak with prisoners except in the presence of another official.[2] This rigor was relaxed, for an order of the Suprema, in 1514, provided that no one from the outside should speak with a prisoner, except by special licence of the inquisitor, and then only in his presence or that of a notary, and a further concession, in 1536, was that, if a prisoner desired an interview with his wife, the inquisitor, if he saw fit, could grant permission.[3] These slender concessions, however, were soon withdrawn and, in 1546, officials were reminded that only those permitted by the Instructions could be admitted and any contraventions would be severely punished.[4] Surreptitious communications were difficult to prevent, and so little were the officials trusted that two locks were required on each cell-door, so that the alcaide or gaoler could not enter

[1] Instrucciones de 1488, § 5 (Arguello, fol. 10).
[2] Instrucciones de 1498 (Ibidem, fol. 16, 21).
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 91, 96.
[4] Ibidem, Lib. 926, fol. 33.

without his assistant.[1] The success with which all this was enforced is boastingly alluded to in a report of the Valladolid auto de fe of May 21, 1559, where it is declared that the inquisitorial process was so secret that no one knew what was the offence of any prisoner till he appeared on the scaffold.[2]

The increasing importance attached to this is revealed in the Instructions of 1561, which take for granted that all access from outside is forbidden and which regulate the interior life of the prison with the same object. Everything brought to a prisoner, whether provisions or other matters, was reported to the inquisitors who decided as to its delivery; if allowed, it was minutely examined to see that it transmitted no message. If it were found that prisoners had communicated with each other, no pains were spared to find how it was done and what had passed between them. When prisoners were confined together, if their cell was changed, they were kept together and not scattered among others. The segregation from the world was maintained to the end; at the auto de fe no one was allowed to speak with penitents, except the confessors assigned to them, and those who were burnt were sent to their last reckoning without being allowed to learn what was the fate of those whom they held dear. When penitents left the prison, after the auto, they were subjected to the *avisos de cárceles*, in which they were examined under oath as to all that they had seen or heard while confined, and were ordered, under heavy penalties, to reveal nothing of their own experiences.[3] All this was not wanton and cold-blooded cruelty; it was merely the pitiless enforcement of a rule which was superior to all the promptings of humanity.

In the fulfilment of the rule the most minute regulations were multiplied and reiterated. The alcaide was warned to be especially careful about his wife and children, who were never to be allowed to see the prisoners; no one was to be admitted to the cells, except the sworn attendant who served the food, and when, as in some tribunals, it was served uncooked for the prisoners to cook, it was not to be wrapped in paper but was to be brought in earthen pots. In serving food and in cleaning cells, the door of

[1] Archivo de Simancas, Inquisiciion, Lib. 949, fol. 96.—Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).

[2] Bibl. nacional, MSS., S, 121.

[3] Instrucciones de 1561, §§ 11, 12, 58, 62, 70, 78 (Arguello, fol. 29, 35, 36, 37). —Pablo García, Orden de Processar, fol. 36

one was always to be securely locked before opening another; no windows which looked upon those of the cells were allowed to be opened; in Murcia, the water-carrier who served the Inquisition was not allowed to enter the court-yard to fill the jars, but to do so from a window opening upon the court, or to have the water in a room where the jars could be filled.[1] No precaution was too minute, no watchfulness too careful, when the supreme object was concerned of isolating the prisoners from their friends and from each other.

Yet there were ways of eluding the vigilance of the tribunals, of which bribery of the underlings was the most frequent. Even the alcaides were not insensible to such seductions and a writer advises them to take warning by the example of those who enter office in honor and leave it in ignominy.[2] The kindred and friends of prisoners were frequently people of means and there could be no hesitation in outlays to circumvent the cruel rules which forbade to them and to the captives all knowledge of each other's fate. The Inquisition was by no means consistent in its treatment of those who thus violated its regulations. In 1635, Miguel de Maradillo, a bricklayer working on the roof of the prison of Valladolid, carried a message from one prisoner to another informing him that his wife and son had been arrested. On another occasion he told the same prisoner that his daughter had been relieved of the sanbenito and he conveyed a paper from him to them. In this he seems to have been actuated merely by compassion and his punishment was light—a reprimand, six months' exile from Valladolid and prohibition of future employment on the building of the Inquisition. In 1655, Francisco López Capadocia, on trial by the tribunal of Valladolid, was subjected to a second prosecution, for communicating with other prisoners and was sentenced only to reprimand and exile.[3] Greater severity seems to have been shown when employees of the tribunals were the guilty parties. In 1591, when Don Alonzo de Mendoza was confined in Toledo on a charge of heresy, his friends outside established correspondence by means of the cook, Francisca de Saavedra, who conveyed the letters in the dishes. She admitted having received bribes to the amount of 8160 maravedís

[1] Archivo de Simancas, Inquisicion, Lib. 979, fol. 22–26.—Bibl. nacional, MSS., D, 118, fol. 84, n. 40.

[2] Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17, 40.

and was punished with a fine of 6000, besides a hundred lashes and four years' exile.[1] Still harsher was the treatment, about 1650, in Mexico, of Esteban Domingo, a negro slave employed as an assistant in the crowded inquisitorial prison. He was detected in carrying for money communications between the prisoners and their friends, for which he was condemned to two hundred lashes and six years in the galleys.[2]

Towards the close of its career the Inquisition seems to manifest a disposition to relax somewhat in its rigidity. In 1815 the Madrid tribunal referred to the Suprema a petition from Doña Manuela Osorno to be permitted to see her husband, Don Vicente Lema, then in its prison. The answer was that, after he had completed his declarations, she might be allowed to see him once or twice a week, in the presence of an inquisitor, but only to confer on their domestic affairs. To this tendency may also be attributed the leniency shown to Alfonso González, barber of the tribunal of Murcia, who made use of his position to convey letters and paper to Francisco Villaescusa, a prisoner, and who was benignantly treated with a reprimand and disability to hold office under the Inquisition.[3]

A necessary feature of the prohibition of communication was that prisoners were debarred from the use of writing materials, except under the strictest supervision. Some use of them was unavoidable, when drawing up a defence or a petition to the tribunal, opportunity for which was never refused, but they were required to apply to the inquisitors for paper, stating the number of sheets wanted, when these were carefully numbered and rubricated by the secretary, at the upper right-hand corner, and were required to be scrupulously returned, so that there could be no withholding of any for another purpose. This device was prescribed by the Suprema in 1534 and remained the invariable rule.[4] Thus when Fray Vicente Selles, in Valencia, at an audience of June 27, 1692, asked for two sheets of paper and, on June 30th, returned one and a half in blank, saying that what he had written on the other half-sheet was false and he had thrown it into the filth, he was made to fetch it, filthy as it was.[5] Whatever quantity a prisoner asked was given to him, and some consumed paper by

[1] MS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] El Museo Mexicano, T. I, p. 362 (Mexico, 1843).
[3] Archivo de Simancas, Inquisicion, Lib. 890. [4] Ibidem, Lib. 939, fol. 91.
[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 15.

the quire—indeed, Fray Luis de Leon relieved the tedium and anxiety of his four years' imprisonment at Valladolid by writing his classical devotional work, the "Nombres de Cristo."

While, as we have seen, great care was taken to prevent prisoners from communicating with each other, it by no means follows that confinement was solitary. As a general rule it was regarded as preferable that male prisoners should be alone, and that women should have companionship, but there could be no hard and fast line of policy followed, except that accomplices and *negativos* (those who denied the accusation) should not be placed together. Husband and wife were thus always separated but, when occasion required, there was no hesitation in crowding four or five persons together and, in the careless confidence of common misfortune, this often opened a valuable source of information, for there never seems to have been any scruple in betraying that confidence in the hope of winning favor by reporting to the tribunal the compromising utterances of cell-companions. The object in keeping apart those who were accomplices was to prevent their encouraging each other in denial and agreeing on a common line of defence. Men who were confined by themselves sometimes asked for a companion and women more frequently did so.[1]

It was impossible that discipline should be uniform at all times and places and we sometimes find it exceedingly lax. It infers great looseness when, in 1546, the Suprema felt it necessary to enjoin care in permitting prisoners freely to visit each other and, in the trial of Isabel Reyner at Toledo, in 1570, we find her stating, in an audience, that in passing through the prison she saw a fellow-prisoner who informed her that her husband and Estevan Carrier were also prisoners, and who asked her why she was imprisoned.[2] In fact, as we gather from chance allusions in the trials, there must have been a certain freedom of movement. In the case of Benito Ferrer, in 1621, at Toledo, there was an investigation as to his sanity, in which the alcaide spoke of his going regularly to the cistern for water and cooking his food like the rest, while the assistant described taking him to the latrines when desired. From the trial of Jacques Pinzon, in Granada, in 1599,

[1] Sousæ Aphorism. Lib. II, cap. 26, n. 20, 21.—Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 2.—Ibidem, Lib. 939, fol. 92.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 92.—Proceso contra Isabel Reyner (MSS. of Library of the Univ. of Halle, Yc, 20, T. III).

we learn that, in the morning, the alcaide brought the prisoners water and returned after mass with their food; the mention of a pan to hold ashes shows that they had fire, and we hear of pots, spoons and other utensils.[1] There was evidently a diversity of routine in the different tribunals and when Valdés, in 1562, was obliged to order that prisoners were not to go for their rations, because they met the servants of the purveyor, and that the alcaide must receive the food and carry it to the cells, it argues that, in some tribunals at least, a considerable freedom of movement had existed.[2]

In 1652, a minute code of instructions for the alcaide shows us what at that time were the regulations. On rising in the morning, he is to visit all the cells and see how the prisoners are; he is to examine carefully for openings through which they may communicate with each other; doors are to be carefully closed and he is not to leave with the prisoners knives, cords or scissors—if scissors are needed, he is to stay while they are used and take them away. He is not to give them books to read without permission of the inquisitors. Rations are served twice a week—on Sundays and Thursdays—and, on the afternoon previous, he is to see each prisoner, ascertain what he wants, and set it down in a book so that the purveyor may provide it. Every nightfall he is to examine the cells to guard against attempts to escape, searching under the pillows for articles that would assist flight, or for writing materials. Prisoners able to cook their food will do so in a *brasero;* for those who cannot, the cooking is done by an appointee of the tribunal.[3] All this shows a commendable desire to avoid unnecessary harshness, yet the regulations enforce one hardship which appears to have been universal at all periods after the earliest—the prohibition of lights, a severe infliction for, in the obscurity of their cells, the hours of darkness must have seemed interminable. It is probable that at first this was not the rule for, in 1497, in Valencia, there is an item of 7s. 4d. for lights, in the account of the expenses of Alonso de Roman, who had lain in the secret prison for nine months and nine days.[4]

Of course, in the general venality of the period, prison officials were not always inaccessible to bribery, and money could procure

[1] MSS. of Library of Univ. of Halle, Tom. VIII, X.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 92.

[3] Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 383.

relaxation of the rules but, when detected, it was visited with a severity not often shown to delinquent officials. This is illustrated by a case in Toledo, in 1591, when judicious liberality procured unlawful privileges, such as having cell doors open, allowing communications and other similar indulgences. Francisco Méndez de Lema, the alcaide, attempted flight, but was caught and sentenced to a hundred lashes, galley-service, exile and deprivation of office. His cousin and assistant, Miguel de Xea, confessed partially and was tortured without extracting more; he escaped with dismissal, disability for office and four years of exile.[1]

There was one regulation which bore with especial severity on the innocent, while it was a matter of indifference to the heretic. This was the deprivation of all religious consolation during the period, often prolonged for years, of incarceration. It is difficult to understand this in the professors of a theology which teaches the infinite importance of the sacraments as aids to spiritual development as well as to salvation, especially when so large a portion of the prisoners were good Catholics tried on charges which did not infer formal heresy. Possibly it may be explained by the customary assumption of the guilt of the accused, who had thus incurred *ipso facto* excommunication, and the Spanish Inquisition had the example of the Roman, whose prisoners were similarly not allowed to receive the sacraments or to hear mass.[2] Yet the great canonist Azpilcueta, whose attention was probably drawn to the matter by the case of his client Carranza, thus deprived of the sacraments for eighteen years, tells us that there is no law justifying the Spanish Inquisition in this, though perhaps it may have special authority and also good reasons. To him, however, it appeared that the sacraments would soften the hearts of prisoners and lead them to confess, while it was cruel to leave them exposed without defence to the assaults of the demon during the many years of their captivity.[3] Yet the refusal was absolute. Fray Luis de Leon, after three years of imprisonment, pleaded earnestly for the sacraments, but the only reply of the Suprema to his petition was to tell the Valladolid tribunal to finish the case as soon as convenient.[4]

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Decret. Sac. Congr. Sti Officii, p. 47 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Offizio, Vol. 3).

[3] Azpilcuetæ De Oratione, cap. xxii, n. 10 (Romæ, 1578).

[4] Proceso contra Fray Luis de Leon (Col. de Documentos, XI, 50, 52).

While the sacraments were denied, sacramental confession was allowed, though of course the priest could not grant absolution. The earliest allusion I have met to this is an order by Cardinal Manrique in 1529, and, in 1540, formal instructions were issued that, when a prisoner asks for a confessor, if the case admits of it, a proper person should be given to him.[1] This privilege was somewhat abridged by the elaborate provisions of the Instructions of 1561, which are framed to turn it to advantage. If a prisoner in good health asks for a confessor, it is safer not to grant the request, unless he has confessed judicially and has satisfied the evidence. But, as he cannot be absolved for heresy until reconciled to the Church, such confession is not of full effect unless he is in the article of death or a woman in the peril of child-birth, in which case the canon laws are to be observed. If a sick man asks for a confessor he shall have one, who shall be sworn to secrecy and to reveal to the tribunal any commission entrusted to him, if it is outside of confession, and to refuse it if within confession; the inquisitors shall instruct him to tell the prisoner that he cannot be absolved, if guilty, unless he confesses judicially. If his judicial confession satisfies the evidence, he is to be formally reconciled before he dies and, when judicially absolved, the confessor shall absolve him sacramentally when, if there is nothing to prevent it, he may receive Christian burial, as secretly as possible. If a sick man does not ask for a confessor and the physician is apprehensive of the result, he must urge him in every way to confess.[2] The advantage thus afforded by the confessional is illustrated in the trial for Judaism of Ana López, at Valladolid, in 1637. She had denied, but was taken sick and declared by the physician to be in danger. To the confessor she admitted that, at the age of seventeen, she was taught Judaism, that she subsequently returned to the true faith until, on coming to Valladolid, a woman perverted her. The confessor warned her that she must confess judicially; she authorized him to report her confession and he absolved her sacramentally. An inquisitor with a notary went to her cell, when she repeated her confession and gave the name of the woman who had perverted her, and, on her recovery, her trial was resumed when she confirmed her confession.[3]

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 120.

[2] Instrucciones de 1561, § 71 (Arguello, fol. 36).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 22.

It is the kindly rule of the Church that absolution is never to be refused to the dying; he is to be saved from hell and can settle the account of his sins in purgatory, or by an indulgence or a mass on a privileged altar. With this the Inquisition did not interfere, as its professed object was the saving of souls and it even, by a carta acordada of 1632, permitted communion to dying heretics who had confessed judicially and satisfied the evidence. It required, however, the wafer to be consecrated in the tribunal, if there was time; if the haste was extreme, it could be brought from the parish church, but without pomp or procession.[1] Even the veneration due to the Godhead had to yield to the secrecy which forbade it to be known that a prisoner was dying in the Holy Office. In the same spirit, when a prisoner died without reconciliation, the alcaide reported it to the inquisitors, who ordered the secretary to identify the body and bury it secretly.[2] It was thrust into a hole, without his family knowing his fate until, if his trial was unfinished, his heirs would be summoned to defend his fame and memory or, if it had reached a point where sentence could be pronounced, they saw his effigy reconciled or burnt in an auto de fe. Even when he had confessed and been reconciled on the death-bed, we have just seen that his Christian burial was to be as secret as possible. When the trial ended in acquittal or suspension, if he had property sequestrated, the lifting of the sequestration would announce it to the heirs; otherwise, it does not seem that there was any provision for their notification. Suicide in prison, which was not infrequent, was regarded as conclusive proof of impenitence, even if the prisoner had confessed and professed repentance, but his heirs were allowed to defend him on the score of insanity, failing which he was burnt in effigy.[3]

Sickness was of frequent occurrence and was treated with creditable humanity. The Instructions of 1561 require that the sick shall have every care and that whatever the physician deems necessary for them shall be provided.[4] Of course the fulfilment of this command must have varied with the temper of the tribunals, but nevertheless the spirit dictating it is in marked contrast with the conduct of the gaols of the period. When cases

[1] MSS. of Royal Library of Copenhagen, 218b, p. 257.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.
[3] Alberghini, Manuale Qualificatorum, cap. xxxiii, n. 10.
[4] Instrucciones de 1561, § 71 (Arguello, fol. 36).

transcended the resources of the Inquisition, the ordinary course was to transfer the patient to a hospital, in disregard of the cherished secrecy of the prison. Instances of this are common enough in the records and a single case will suffice for its illustration. November 6, 1641, Juan de Valdés, on trial for bigamy in Valladolid, asked an audience to beg for despatch as he was very sick. This was confirmed by the alcaide and by the physician, who said that for nineteen days he had had a tercian and was too weak to be bled, and moreover he was suffering from stone and strangury; that he could not be cured in the prison and should be removed to a hospital. This was done, the hospital authorities being notified not to allow him to escape and to keep the tribunal advised of his condition. In January, 1642, he was reported as being still in mortal danger, but he recovered, was returned to the secret prison, and was sentenced on August 21st.[1]

The care of female prisoners was naturally a subject of some perplexity, especially as the refinement of matrons and women assistants was unknown to the Inquisition. When the Instructions of 1498 order that the prison for men and for women shall be separate,[2] it does not infer that previously they had been herded promiscuously together, but that in future distinct quarters should be provided for the sexes—a provision which was not observed, as it was deemed sufficient that women should be confined separately so that there could not be communication between them and the men. The condition of helpless women, virtually at the mercy of their male attendants, in the secrecy which shrouded everything within the prison walls, can readily be imagined, and there must have been outrages coming to the knowledge of Ximenes, in 1512, that aroused him to a sense of the dangerous opportunities existing, for in that year an order was issued threatening death to any attendant who should have intercourse with a female prisoner.[3] The severity of the penalty measured the gravity of the necessity calling for it, but, like so many other salutary provisions, the tribunals were too merciful to enforce it on their subordinates. In 1590, Andrés de Castro, alcaide of the Valencia prison, was tried for seducing a female prisoner, kissing and soliciting others, allowing communications

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 28, 29.
[2] Instrucciones de 1498, § 14 (Arguello, fol. 13).
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 77.

between prisoners and accepting bribes from their kindred. There were twenty-nine accusing witnesses; he denied the charges but virtually admitted their truth by breaking gaol. On his recapture, for this complicated series of offences he escaped with a hundred lashes, three years in the galleys, perpetual exile from Valencia, and disability for office in the Inquisition—a sentence which, when compared with the habitual severity of the tribunals, shows how lightly his sexual crime was regarded by his judges.[1] It was not that the death-penalty had been abrogated, for we find it repeated, in 1652, in the Logroño instructions to alcaides.[2] Doubtless the rule mentioned above, that women should be gathered together in their cells, was designed to afford them protection against their gaolers.

In the not unusual case of the arrest of pregnant women, due consideration was given to their condition, and suitable temporary accommodation was found for them, during confinement, outside of the prison. Thus, in the case of María Rodríguez, in the tribunal of Valladolid, who was arrested June 3, 1641, the delay in presenting the accusation, until September 16th, is explained on the record by her being pregnant and removed from the prison until she recovered.[3] This was an improvement on the earlier practice, if we may believe the Llerena memorial of 1506, which states that women in the throes of child-birth were denied all assistance, even that of a midwife; they were abandoned to nature and many had perished in consequence.[4]

It was not only in the general prescriptions of the Instructions that regard for the welfare of the prisoners is manifested. Special orders issued from time to time as to details are animated by the same spirit. Thus, in 1517, Cardinal Adrian told the Sicilian inquisitors (in a letter probably addressed to all the tribunals) that they must pay particular attention to the qualities requisite in the gaoler; they must sedulously bear in mind that the prison is for detention and not for punishment; the prisoners are to be well treated and not be defrauded in their food, for which ample provision must be made; the prison must be inspected every Saturday, by one of the inquisitors, and not fortnightly as pro-

[1] Archivo de Simancas, Inquisicion, Lib. 666.
[2] Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).
[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 31.
[4] Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 44.

vided in the Instructions; those of the prisoners who have trades are to work and thus contribute to their support and, if the officials give the women sewing to do, they must be paid.[1] An extract made, in 1645, from a book of instructions which was read annually in the tribunals, shows that this praiseworthy care for the welfare of the prisoners was the permanent policy of the Inquisition. It prescribes the utmost punctuality in inspecting the cells every fortnight and learning what the inmates desire, reporting this to the tribunal, which decided what each one should have and, if there was a surplus in the allowance for rations from which it could be procured, the alcaide was at once to be ordered to see that the purveyor bought it; if he neglected anything he was to be reproved for the wrong committed in his lack of punctuality. Special attention was called to serving the rations in the morning, so that the prisoners could prepare their midday meal. Meat was to be given daily, and only one day's rations at a time in hot weather, lest it should spoil; in cool weather, two days' supply; and this was so important for the health of the prisoners that it should be the special charge of some one, while an inquisitor ought occasionally to look to it.[2]

All this is admirable in tone and spirit; unfortunately its execution depended on its enforcement by the inquisitors, on their regular performance of inspection, and on holding the gaolers responsible by rigorous punishment for derelictions. The duty of inspection by inquisitors had been prescribed as indispensable by the Instructions of 1488, but it was impossible to make them obey and complaints of their negligence are frequent. In 1632 it was found necessary to reissue the Instructions of 1488; in 1644 we have the testimony of a contemporary that, in some places at least, it was regularly, if perfunctorily, performed and the Logroño instructions of 1652 make it the duty of the alcaide to remind the inquisitors of it every fortnight, because it is customarily forgotten.[3] The other requisite, severity of punishment

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[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Bibl. nacional, MSS., D, 118, fol. 84, n. 30.—Archivo de Simancas, Visitas de Barcelona, Leg. 15, fol. 2.

[3] Instrucciones de 1488, § 5 (Arguello, fol. 10).—Archivo de Simancas, Inquisicion, Lib. 933; Lib. 76, fol. 227; Lib. 4, fol. 192; Visitas de Barcelona, Leg. 15, fol. 20.—MSS. of Royal Library of Copenhagen, 213 fol., p. 138.—Cartas de Jesuitas (Mem. hist. español, XVII, 419).—Archivo de Alcalá, Hacienda, Leg. 544[1] (Lib. 6).

for derelictions, was also lacking, through the customary tenderness shown to delinquent officials.

It would be manifestly unjust to condemn as a whole the management of the prisons: it would be equally unwarranted to praise them indiscriminately. Everything depended on the conscientious discharge of duty by the inquisitors and no general judgement can be formed as to the condition of so many prisons, during three centuries, except that their average standard was considerably higher than that in other jurisdictions and that, if there were abodes of horror, such as have been described by imaginative writers, they were wholly exceptional. There were good and there were bad. The memorials of Llerena and Jaen, in 1506 describe them as horrible dens, overrun with rats, snakes and other vermin, where the wretched captives sickened in despair and were starved by the embezzlement of a large portion of the moneys allowed for their support, while no physician was permitted to attend the sick and the attendants maltreated them like dogs.[1] Making allowance for rhetorical exaggeration we can imagine that this description was applicable to Córdova under Lucero. Matters seem to have been not much better at Seville in 1560, where the oppression of the alcaide, Gaspar de Benavides, provoked a despairing revolt in which his assistant was mortally wounded. Vengeance was wreaked on the participators in the fray, of whom one was burnt alive and another, a boy of fourteen, had four hundred lashes and was sent to the galleys for life, while Gaspar, who had provoked it, was let off with appearing in an auto de fe, forfeiture of wages and perpetual banishment from Seville.[2]

When malfeasance in office escaped with such ill-judged leniency, it was impossible to maintain discipline and the prisoners suffered accordingly. As the result of an inspection of Barcelona by Doctor Alonso Perez, the alcaide Monserrat Pastor is scolded, in 1544, for keeping a mistress in his house, for placing a kinsman in charge of the prison and absenting himself, for receiving presents from discharged prisoners, for frequent absence, leaving the prison unguarded, for combining the incompatible positions of gaoler and *dispensero*, and of making the women prisoners work and taking their earnings, but Pastor was only reprimanded

[1] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 44.
[2] Llorente, Hist. crít., Cap. xxi, Art. ii, n. 21

and ordered to restore the presents and the women's earnings. Virtual immunity invited continuance of abuses and, in 1550, after another inspection, we find the Suprema again adverting to the evil results of combining the functions of gaoler and dispensero and ordering the inquisitors to fill the latter position.[1]

The prison of the Canary tribunal at times seems to have been equally mismanaged. An Englishman named John Hill was brought there from Ferro, June 23, 1574, with nothing but his clothes and no money. For nine months his complaints were loud and frequent; a day's ration was insufficient for a single meal; he begged for more bread and water, also for a mat to lie on, as he had to sleep on the ground and he could not rest for the lice and fleas; for more than two months he prayed for a shirt to cover his nakedness and, though an order was issued, January 22nd to give him one, it had to be repeated February 18th. Even as late as 1792, Don Juan Perdomo complained that for fourteen months the alcaide had kept him on a diet of salt fish, that he would allow him to change his linen but once a fortnight, and that he caused him to suffer such torment from thirst that he would go into the court-yard and cry aloud, hoping that some passer-by would summon the alcaide.[2]

Yet other passages in the Canary record show a praiseworthy desire to alleviate the rigors of confinement and in general it may be said that the condition of the prisoners depended wholly on the temper and character of the officials in charge. When these were kindly, the prisoners were spared unnecessary hardships. Francisco Ortiz, in 1529, at Toledo, bore willing testimony to good treatment which he had not anticipated.[3] In 1563, Fernando Díaz, a peasant, after a month's detention in Toledo, speaks of improved health; here, he says, he has mutton to eat, while at home he had only sardines.[4] In 1567, a member of the Suprema, visiting the prison of Valladolid, was told by Leonor de Cisneros that she had nothing to complain of; she had mutton and bread and wine and fruit and was well treated.[5] As she was a relapsed,

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 147, 197.

[2] Birch, Catalogue of MSS. of the Inquisition of the Canary Islands, I, 221, 235–40; II, 975.

[3] Eduard Böhmer, Francisca Hernández, pp. 89, 91.

[4] Proceso contra Hernándo Díaz (MSS. of Library of Univ. of Halle, Yc, 20, T. III).

[5] Schäfer, Beiträge zur Geschichte der spanischen Protestantismus, III, 129.

whose husband had been burnt eight years before, she probably had no property and the expense was defrayed by the tribunal.

These are by no means isolated instances. In 1541, at Toledo, Juan García, a day-laborer on trial, after six weeks in prison, asked that night-clothes be given to him as to the other prisoners, as he was obliged to sleep in the garments worn during the day, when the inquisitor at once ordered him to be supplied.[1] In 1657, the accounts of the tribunal of Madrid show 447½ reales spent on clothing for a poor prisoner and those of the Suprema, in 1690, have an item of 688 reales devoted to the same purpose.[2] We have seen that warrants for arrest ordered beds to be brought with the prisoner, as the Inquisition did not furnish them, in accordance with an order of 1525, which assumes that this was to relieve the hardships of those brought from a distance.[3] Yet, even in the financial pressure of the seventeenth century, we find in the accounts of the Madrid tribunal, in 1659, an order, July 11th, to the receiver to pay 230 reales for the hire of beds for poor prisoners up to July 15th.[4] Even more noteworthy are some entries arising from the trial in Madrid of Francisco de Matos, in 1680–81. He seems to have had five children for whose support was spent, in about a year from September, 1680, 3519 reales, of which 1284 were paid to the Hospicio Real de Pobres for its care of three of them during sickness.[5] The tribunal evidently felt itself obliged to take care of the helpless children, and such incidents serve to show that, when the inquisitors had humanitarian instincts there was nothing in the policy of the Holy Office to prevent their full manifestation.

It is remarkable that, during the period of most active work, there seems to have been no general settled system of defraying the maintenance of prisoners. There is no provision for it in the instructions of 1484, but in Torquemada's supplementary orders of December, the receivers were required to pay the expenses.[6] Yet we have seen that immediately after this the alguazil was in receipt of a salary equal to, or more than, that of the inquisitors

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 114, n. 14.
[2] Archivo de Simancas, Inquisicion, Leg. 1474, fol. 47; Leg. 1477, fol. 149.
[3] Ibidem, Lib. 933.
[4] Ibidem, Leg. 1475, fol. 134.
[5] Ibidem, Leg. 1480, fol. 110, 128.
[6] See Vol. I, p. 575.—Arguello, fol. 19

because, as Ferdinand said, he had to meet the great charge of the prisoners—"tiene tan gran costo con los presos"—and, as we find this in the salary lists of Saragossa, Burgos, Medina del Campo and Seville, it would seem to be a general rule, while the Instructions of 1498 appear to show it still in force.[1] Yet the accounts of the Valencia tribunal, in 1497–8, indicate that the maintenance of those who had property was drawn from the sequestrations while the "pobres miserables presos en las carceles" were supported by outside friends or kindred, who were subsequently reimbursed by the receiver. The per diem was 9 dineros for men and 8 for women, while Ali Divit, a Moor and presumably abstemious, was reckoned at 5.[2]

A letter of Ferdinand, in 1501, authorizing the receiver of Sardinia to include among his disbursements the cost of maintaining prisoners, would indicate that this was becoming the rule, but another letter of the same date calling for reimbursement to Anton López, a yeoman of his guard, who had been ordered by an inquisitor to support certain prisoners, shows that no definite system was as yet established.[3] These irregular methods afforded opportunity for embezzlement and extortion, resulting doubtless in much suffering among the captives. The memorials of Llerena and Jaen, in 1506 complain of conspiracy among the officials to cut down the rations, and that only 10 maravedís a day were allowed, from which 2 were deducted for shaving, linen and cooking, when 25 or 30 were required, at current prices, for bread alone.[4]

At length the alcaide or gaoler appears as the official handling the funds when, in 1510, Ferdinand ordered Villacis, the receiver of Seville, to pay him 5000 maravedís because he had fed the prisoners during a time of pestilence.[5] This was evidently an exceptional case, arising from an emergency, but it was adopted, in 1516 and 1517, in some instructions of the Suprema to the tribunal of Sicily; where there were sequestrations, the amount was to be drawn from them; in cases of extreme poverty the cost

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 68, 86, 92, 94, 102.—Archivo de Simancas, Inquisicion, Lib. 1.—Instrucciones de 1498, § 15 (Arguello, fol. 22).

[2] Archivo hist. nacional, Inquisicion de Valencia, Legajos 377, 383.

[3] Archivo de Simancas, Inquisicion, Lib. 1.

[4] Ibidem, Patronato Real, Inquisicion, Leg. único, fol. 44.

[5] Ibidem, Lib. 3, fol. 56.

of a moderate diet could be defrayed by the receiver from the confiscations.[1]

Nearly forty years had passed since the founding of the Inquisition—years of intense activity—and as yet no regular system had been adopted in a matter so important. The necessity was felt and, in 1518, an order was issued in the name of Charles V, which shows that the kindred or friends of the prisoner had been expected to bring his food to the prison. The order recites that, as they come from all parts of the district and are far from their families and property, they suffer greatly. Therefore, in the case of non-residents of the city, the receiver is to pay for food and necessaries, under instructions from the inquisitor. An account is to be kept with each prisoner and, if he is discharged, he shall repay the receiver before his sequestration is lifted; if he is poor, he shall not be asked for it and the auditor shall pass the item in the receiver's accounts.[2] The liberality of this clause seems to have been a novelty, and it took some time to establish the duty of the Inquisition to prevent its poor prisoners from starving, for we find the queen-regent, in 1531, authorizing their maintenance, at Barcelona, at the expense of the fisc.[3]

Yet this was not held as relieving the family from supporting, as far as possible, an imprisoned member. The account of the dispensero or steward, of the Valencia prison, from October 8, 1540 to May 5, 1541, shows that during that period there were twenty-five prisoners thus supported, at least partially, husbands paying for wives, wives for husbands, sons for fathers, etc. The sums received were small and suggest the struggle endured by families to contribute to the necessities of those in gaol; they were paid in trifling amounts of from 5s. 5d. to 8s. 8d., representing probably a monthly assessment, and this was by no means continuous for, in eight cases, only one payment is recorded and in only one case is there more than two payments. For the whole period the aggregate is only 15 libras 19s. 4d., while during this time the steward obtained from the receiver 120 libras 2s., which probably included what the fisc had to pay and what was drawn from the sequestrations of the wealthier prisoners.[4] With regard to the latter, the rule was to sell the personal property

[1] Archivo de Simancas, Inquisicion, Lib. 933.
[2] Ibidem, Lib. 9, fol. 18; Lib. 926, fol. 166.
[3] Ibidem, Lib. 933; Lib. 926, fol. 167.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 389.

first and then the real estate, and inquisitors were urged, in 1547, to be prompt in collecting from the proceeds, as the sequestrations were apt to be consumed in supporting the family, leaving nothing to repay the fisc for its advances.[1]

It was the duty of the inquisitor, when a prisoner was brought in, to ascertain, from the receiver and notary of sequestrations, his station in life and his wealth, and to fix the amount of his allowance in accordance with the current prices of provisions, but a wealthy man could spend more if he chose and, if a person of quality wished to have one or two servants incarcerated with him, as in the case of Carranza, this was permitted; what might be left over from their table was to be given to the poor and not to be made a source of profit to the alcaide and dispensero.[2] There was liberality in this as, in case of confiscation, the estate was diminished by the extra expenditure. Even the ordinary allowance was at the disposition of the prisoner, who could economize on it and spend it in any manner that he chose.[3]

Thus there never was at any time a fixed and absolute ration, although of course there was a general minimum standard for the poor who had to be supported. Whatever it was, it was liable to alteration as circumstances might dictate. After Jacques Pinzon was imprisoned in Granada, February 25, 1599, on March 9th the alcaide reported that he consumed in one day the ration of two and was dying of hunger, whereupon the inquisitors kindly increased his allowance to a real per day; this kept him quiet for three months, when there was a fresh complaint and 5 maravedís were added.[4] In 1616, Padre Hieronimo de la Madre de Dios, tried for mysticism, sought his first audience to complain that his ration was insufficient; he wished it increased by a real a day, which could be charged to his sequestrated property.[5] Evidently prisoners did not hesitate to make their wants known and there was readiness to listen to them.

With the gradual concentration of power in the Suprema it came to regulate this in all the tribunals. In 1635 Valencia reported that, in consequence of the dearness of bread, the prisoners were suffering from hunger, and it asked authority to increase

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 92.
[2] Ibidem, Lib. 939, fol. 29.—Instrucciones de 1561, § 75 (Arguello, fol. 37).
[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).
[4] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.
[5] Ibidem, Tom. VII.

the ration. The Suprema deliberated for five weeks and then ordered an increase to be made "with great compassion." The close supervision exercised is indicated, in 1695, in a criticism on a monthly report from the same tribunal, in which one of the omissions noted is that the ration assigned to each prisoner is not stated.[1]

The fall in the purchasing power of money, and especially of the debased vellon coinage, necessitated an increase in the ration. In 1641, at Toledo, the ordinary daily allowance was $1\frac{1}{2}$ reales which, by 1677, had doubled to 3 reales.[2] In Valencia, the ordinary ration had increased to 22 dineros in 1688 and, in 1756, to 2 sueldos.[3]

When the prisons were full and the trials, after the first hurried rush, grew more and more protracted, the expense of maintenance was not small, as can be gathered from occasional indications. Thus, in 1566, we find the Suprema ordering its alguazil mayor to remit to the tribunal of Calahorra 400 ducats to defray the food of prisoners.[4] In 1586, Benito Sanguino, the receiver of Valencia, in settling his accounts, claimed credit for 19,856s. 11d. paid to the dispensero for the maintenance of poor prisoners, in addition to what he had disbursed for the purpose on the orders of inquisitors, an irregularity for which the Suprema demanded an explanation.[5] Some light is thrown on the way in which these costs accumulated by the case of Fray Lucas de Allende, guardian of the Franciscan convent of Madrid and one of the dupes of Lucrecia de Leon, a *beata revelandera*. When arrested in 1590, his brother, Alonso de Allende, asked permission to give him an allowance of a real a day—a request which proved costly, as the trial lasted for six years and two months.[6] In 1659, the orders given by the tribunal of Madrid, for the food and incidentals of its poor prisoners, who seem to have averaged about ten in number, reached an aggregate of 12,874 reales and, in 1681, the amount was 25,748.[7] As the activity of the Inquisition dimin-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 4; Leg. 12, n. 2, fol. 126.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. VI.—Proceso contra Ana Enríquez, fol. 55 (MS. *penes me*).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 15.—Proceso contra Antonio Adorno (MSS. of Am. Philos. Society).

[4] Archivo de Simancas, Inquisicion, Lib. 940, fol. 44, 69.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 94.

[6] Archivo de Simancas, Inquisicion de Toledo, Leg. 428.

[7] Ibidem, Leg. 1475, fol. 134; Leg. 1480, fol. 127.

ished, and perhaps also as its resources fell short, this drain on its finances was greatly reduced. In a statement of the expenses of the Valencia tribunal, from 1784 to 1790 inclusive, the charge for maintenance of poor prisoners becomes trifling. The total expenditure during these seven years was 501 libras 18s., of which 300 libras 8s. were recovered from the parties, leaving a net outlay of 201 libras 10s., or less than 30 libras per annum.[1]

The tribunals were unrelenting in the collection of these expenses from all who could be held responsible. In the case of frailes, who could own no property, their communities were liable. Thus, in 1649, the tribunal of Valencia issues an order to collect, from the Provincial of the Augustinians, 600 reales for certain members of his Order who were in its prison. When the trial of Fray Estevan Ramoneda was concluded, September 12, 1696, the Barcelona tribunal rendered to his Order of Merced a bill of 730 reales for his expenses. The Provinical assessed it on all the Mercenarian converts of Catalonia and, on November 15th, the inquisitors scolded the prior of the Barcelona convent for delay, when he replied that his convent had paid its share but that others were dilatory. In 1709, the Suprema issued an order that there must be no exceptions, even to the Barefooted Franciscans, showing that they had been endeavoring to procure exemption.[2]

The Inquisition was not likely to be more lenient with the laity. Its determination to secure reimbursement is seen in an order of the Valencia tribunal, in 1636, that when Francisco Morales completes the term of galley service to which he has been condemned, he is to be sold to his neighbors to repay what he has cost to the fisc.[3] These costs were not simply for maintenance in prison, but for expenses attending arrest and trial, including the fees of advocate and procurator and all postage incurred. The whole of this was a first lien on the property of the prisoner and, if he was a *filiusfamilias*, his father was liable and could be forced to pay.[4] Before an auto de fe, the dispensero and notary of sequestrations carefully made up the account of every peni-

[1] Archivo hist. nacional, Inquisicion de Valencia, Cartas del Consejo, Leg. 16, n. 9.

[2] Ibidem, Leg. 9, n. 2, fol. 235; n. 3, fol. 299.—Libro XIII de Cartas, fol. 172, 174 (MSS. of Am. Philos. Society).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 143

[4] MSS. of Royal Library of Copenhagen, 213 fol., p. 163; 218b, pp. 239, 316.

tent who escaped confiscation, and it was the duty of the fiscal to see that, if he had property, he settled or gave an obligation to settle and, if he was poor, that he took an oath to pay whenever he should be able.[1] How these accounts were swelled is visible in that rendered by the Barcelona tribunal, in 1756, to Don Antonio Adorno, a soldier of gentle blood in the regiment of Asturias. He was only fifty-eight days in prison which, at 2 sueldos a day, amounted to a little less than 6 libras, but the aggregate of the bill was 26. He subscribed his name to this as accurate, stating that he had no property with which to meet it, but that, if God should grant him better fortune, he obligated himself to pay it to the receiver or his duly authorized representative. As his sentence was banishment from the Spanish dominions, this was a pure formality, but it could not be omitted.[2] A few months later we have a piteous letter from Dr. Agustin Tamarit, a physician of the town of Salas, whose enemies had involved him with the Inquisition, resulting in a charge against him of 5 libras 16s. In reply to a demand for payment he protests that he is miserably poor. During his enforced absence, his colleague, Dr. Rubert, had collected from the town the *conducta*, or stated salary due to both, and refuses to pay over his share; if the tribunal will compel Rubert to settle he will endeavor to sell some wheat and satisfy the account.[3]

On the whole we may conclude that the secret prisons of the Inquisition were less intolerable places of abode than the episcopal and public gaols. The general policy respecting them was more humane and enlightened than that of other jurisdictions, whether in Spain or elsewhere, although negligent supervision allowed of abuses and there were ample resources of rigor in reserve, when the obstinacy of the impenitent was to be broken down. The one unpardonable feature was the seclusion which kept the unhappy captive ignorant of all that occurred outside of his prison walls and deprived him of facilities for defence and of communication with family and friends. This rendered doubly bitter the prolonged detention which often held him for years in suspense as to their fate and deprived them of all knowledge as to him.

[1] MSS. of Royal Library of Copenhagen, 318[b], p. 397.—Archivo de Simancas, Inquisicion, Lib. 78, fol. 74.—Archivo de Alcalá, Hacienda, Leg 544[2] (Lib. 6).

[2] MSS. of Am. Philos. Society.—Records of the Spanish Inquisition, pp. 113–48. (Boston, 1828).

[3] MSS. of Am. Philos. Society.

CHAPTER V.

EVIDENCE.

In criminal procedure, the character of admissible evidence and the methods employed to test its veracity are of such determining importance that an investigation of the system followed by the Inquisition is necessary if we are to estimate correctly its administration of justice. In this, the fact must be borne in mind that the complicated rules of evidence, peculiar to English law, have grown out of trial by jury, where those who have to pass upon the facts are presumably untrained to estimate testimony, so that it has to be carefully sifted before it is allowed to reach them, while that which is admitted is subjected to the searching process of cross-examination. All this had no place in the systems which Continental Europe inherited from the civil law. The judge was assumed to be a trained jurist, equipped to distinguish truth from falsehood, so that the flimsiest evidence might be brought before him, secure that its worthlessness would not affect his judgement, while it might afford some clue leading to the truth. The defects of this were greatly exaggerated in the Inquisition, where unlimited discretion was allowed to judges, who were mostly theologians eager to prove and to punish the slightest aberration from the faith, and where the secrecy preserved as to the names and identity of the accusing witnesses precluded all thought of cross-examination, although the story of Susannah and the Elders might well have conveyed a warning as to the danger of unjust judgement by an unassisted bench.

In the ancient Castilian law, both parties to an action saw the witnesses sworn, but the judges examined them in secret, apparently as a precaution against their being tampered with. Great care was taken as to their character, and those were excluded who were of ill-repute or had been imprisoned, or perjured, or were Jews, Moors, heretics, apostates, or who were interested in the case, or dependents on one of the parties, or were less than fourteen years of age, or very poor, unless proved to be of good fame, while, in criminal cases, no witness was received who was

under twenty and no member of a religious Order.[1] In Aragon, the utmost care was prescribed as to the character of witnesses; if not personally known to the judge, the fact was to be entered upon the record and the judge was required to cross-examine them personally as to all minute details that might lead to the exposure of fraudulent testimony.[2] Under the civil law, parents and children were not admitted to testify against each other nor could a freedman be a witness against his patron.[3]

All these precautions which the experience of ages had shown to be necessary as guards against injustice under systems of procedure where the judge was also in some sort a prosecutor, were cast aside by the Inquisition in its zeal to preserve the purity of the faith. The grossest partiality was shown in the distinction drawn as to eligibility between witnesses for the prosecution and those for the defence. For the former there was no disability save mortal enmity towards the accused. From the earliest times the Church had prescribed fourteen as the minimum age for witnesses[4] and, in Spain, where majority was not attained until the age of twenty-five, minors younger than that were not admitted in criminal cases. Accordingly, in the records of the Inquisition, witnesses are customarily described as *mayores* or *menores*, but no difference was made in accepting their testimony, and Rojas tells us that formerly he thought that heresy could not be proved by two witnesses under twenty-five, but the rule is that the fiscal is not bound to prove that his witnesses are legal; everyone is presumed to be so and his evidence must be received until objection is made, which, considering that their identity was most carefully concealed from the defence, is tantamount to saying that none could be rejected on that score.[5] Witnesses of the tenderest years were therefore admitted without scruple. In the case of Juan Vazquez, tried in Toledo for sorcery in 1605, one of the witnesses was a girl of twelve. In the same tribunal, in 1579, a witness only eleven or twelve was heard against Francisco del Espinar, for maltreating a cross, and the culprit, who

[1] Jacobo de las Leyes, Flores de las Leyes, Lib. II, Tit. vii, viii (Mem. hist. español, II, 230–33).

[2] Fueros de Aragon, fol. 96–7 (Zaragoza, 1624).

[3] Constt. 6, 11, 12, Cod. IV, XX.

[4] Concil. Carthag. VII, ann. 419, cap. 4.—Gratiani Decret. P. II, Caus. iv, Q. 1, cap. 1.

[5] Rojas de Hæreticis, P. II, n. 89–91.

was only thirteen, was held to be responsible.[1] Witnesses under twelve were not sworn, because they were deemed incapable of understanding the nature of the oath, but their evidence was received and recorded without it, as appears in the report of a Valencia auto de fe in 1607.[2] In the Roman Inquisition the canon law was treated with more respect, and the fiscal was not allowed to present a witness below the age of fourteen.[3]

There would seem to have been at first some discussion as to the admissibility of the evidence of slaves against their masters, but it was settled, in 1509, by a provision of the Suprema, declaring it to be legal but as, in cases of heresy, they were working for their liberty in convicting their masters, their testimony should be carefully scrutinized and, if it appeared doubtful, it should be validated by torturing them.[4] There was also a question as to Jews, for laws of the Fuero Juzgo (Lib. XII, Tit. ii, n. 9, 10) forbade them from testifying against Christians, but they were received in the Old Inquisition and the New was not more rigid.[5] As regards kindred, Simancas tells us that, although not allowed to testify for the prosecution in other crimes, in heresy they are the best witnesses, as being beyond suspicion of enmity and they must be compelled to give evidence because religion is to be preferred to kinship.[6] In fact, a large portion of evidence was derived from them, for no confession was accepted as complete that did not include denunciation of accomplices, and those who confessed to save their lives were perforce obliged to betray their families. The agonizing struggle, thus induced between natural affection and self-preservation, is illustrated in the case of María López, in 1646, at Valladolid. For nearly four months she resolutely denied everything, but her endurance was at last exhausted and, on April 25th and 27th, she confessed as to herself and others and ratified it on May 7th. In her cell she brooded over this until June 25th, when the alcaide reported that she had attempted to strangle herself with a strip of her chemise. The inquisitor hastened to her cell and found the poor creature

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[1] MSS. of Library of University of Halle, Yc, 20, T. 1.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 46.

[3] Ristretto circa li Delitti più frequenti nel S. Offizio, p. 144 (MS. *penes me*).

[4] Archivo de Simancas, Inquisicion, Lib. 933.

[5] Padre Fidel Fita has investigated this question with his habitual thoroughness in *Boletin*, XXIII, 406 *sqq.*

[6] Simancæ Enchirid. Tit. XXXV, n. 25–6.

hiding under the bed. Interrogated as to her motives, she said that a woman who had falsely accused her husband and only daughter, as also her mother and an aunt, did not deserve to live, whereupon she revoked her whole confession, both as to herself and others. As a *revocante*, the pitiless rules of the Inquisition doomed her to the stake; her fears triumphed and, on July 28th, she confirmed her confession of April, except as regards her husband. On November 29th she was condemned to reconciliation, confiscation and prison with the sanbenito, and she appeared in the auto of June 23, 1647.[1] The Roman Inquisition was somewhat less inhuman and did not require husband and wife to testify against each other.[2]

It naturally followed from all this that, in the Spanish Inquisition, the rule was observed that, where heresy was concerned, all witnesses were admissible, no matter how infamous. Excommunicates were not rejected and it would appear that even the insane were regarded as competent for, in 1680, Thomas Castellanos, on trial in Toledo, confessed to being a Lutheran, an atheist and to other heresies, for which he was charitably sent, not to the stake, but to an asylum, yet he was received as a witness against Angela Pérez, as to her utterances to him while in prison. He was duly sworn by God and on the holy cross although, if sane and an atheist, there could be no force in such an oath.[3] In short, the only incapacity of an accusing witness, was mortal enmity. All other exceptions known to the secular law—minority, heresy, perjury, infamy, complicity, conviction for crime—were disregarded, although they might affect his credibility. Mortal enmity was difficult of definition, but the doctors were liberal enough in admitting to the benefit of the term any quarrel of a serious character, but proof was rendered difficult by refusing to receive evidence concerning it from any one within four degrees of kinship or affinity with the accused.[4]

It is true that some precautions were prescribed to guard against the admission of worthless testimony, but their very enunciation proves how unscrupulous was the current practice.

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[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 35.

[2] Collectio Decretorum Sac. Cong. S. Officii, p. 404 (MS. *penes me*).

[3] Praxis procedendi, Cap. 1, n. 4 (Archivo hist. nacional, Inquisicion de Valencia).—MSS. of Royal Library of Copenhagen, 218b, p. 259.—Proceso contra Angela Pérez (MS. *penes me*).

[4] Sousæ Aphorismi Inquisit. Lib. II, cap. xxxiv, n. 8, 9, 11, 12.

In 1516, the Suprema cautioned the tribunals that, when the veracity of a witness was doubtful, his testimony must be verified and, in 1543, it was ordered that the character of witnesses must be recorded so as to serve as a gauge of the weight of their utterances.[1] There was also the formality used with all witnesses in commencing their examination by interrogating them on what were called the *generales de la ley*, as to their knowledge of the parties to the case and any enmity or other matter that might prejudice their testimony, the answers to which were always of course satisfactory. In the long run, however, all this, like most other matters, was left to the discretion of the tribunals which, in practice, admitted every body and used their evidence without discrimination.

This applies solely to the witnesses for the prosecution. When we turn to the defence, the contrast between the scandalous laxity of the rules prescribed for the former, and the equally scandalous rigidity of those applied to the latter, is the clearest proof that the object of the Inquisition was not justice but punishment. Throughout the whole judicial system the vital principle was that it were better that a hundred innocent should suffer than that a single guilty one should escape. Even the formula of the oaths administered to the two classes, in 1484, shows how early the distinction was drawn between them. The witnesses for the prosecution only received a solemn warning from the inquisitor, while those for the defence were sworn under the most terrible adjurations to God to visit, on their bodies in this world and on their souls in the next, any deviation from the truth.[2]

The rules as to witnesses admissible for the defence were carefully drawn so as to exclude all who were likely to be serviceable to him, on the ground that their evidence would be untrustworthy, the inquisitor thus being sedulously guarded against misleading in favor of the prisoner, while he was trusted to discriminate as to the adverse testimony. Thus no kinsman to the fourth degree was allowed to testify for the defence, even when the accused was blindly striving to prove enmity on the part of those whom he conjectured to be the opposing witnesses. No Jew or Morisco or New Christian could appear for him, although they were welcomed for the prosecution, and the same distinction applied to servants. As formulated in the Instructions of 1561,

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 86.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 140, n. 16; 148, n. 262.

the accused was told that he must not name as his witnesses kinsmen or servants, and that they must all be Old Christians, unless his interrogatories be such as cannot otherwise be answered, and Pablo García adds that, under such circumstances, he must name a number from among whom the inquisitor may select those whom he deems most fit. It became, indeed, a commonplace among the authorities that witnesses for the defence must be zealots for the faith—*zelatores fidei*.[1] Yet, in fact, all this is of interest rather as a manifestation of the pervading spirit of the Inquisition than from any practical influence which it exercised on the outcome of the trials for, as we shall see, the simulacrum of defence permitted to the accused was so limited that in but very few cases did it matter whether he had or had not any witnesses.

Prosecutions of course were not to be impeded by reluctant or recalcitrant witnesses. The tribunals had full power to summon them and to punish them for refusal. When they resided at a distance, it was discretional either to have them examined by a commissioner, appointed *ad hoc*, or to make them appear in person. In 1524 Cardinal Manrique even decided that they could be brought from Aragon to Castile although, as we have seen, this violated the fueros of Aragon, which forbade that any one should be forced to leave the kingdom.[2] The official summons requires the witness to present himself before the tribunal, within a specified number of days, under pain of ten thousand maravedís and excommunication *latæ sententiæ*, this censure being pronounced in advance with notice that, in case of disobedience, it would be published and he would be proceeded against according to law. The summons was to be served with the utmost secrecy and, like all other documents, was to be returned to the tribunal with an endorsement of the date of service.[3]

Witnesses were compelled to give evidence and were liable to

[1] Instrucciones de 1561, § 36 (Arguello, fol. 32).—Pablo García, Orden de Processar, fol. 25.—Rojas de Hæret. P. II, n. 377–9.—Simancæ Enchirid. Tit. XXXV, n. 23, 24.—Elucidationes Sancti Officii, § 26 (Archivo de Alcalá, Hacienda, Leg, 544², Lib. 6).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 86.

[3] Pablo García, Orden de Processar, fol. 44.—Modo de Proceder, fol. 58 (Bibl. nacional, MSS., D, 122).

punishment if suspected of withholding it. In Doctor Zurita's report of his visitation of Gerona and Elne, in 1564, it appears that he arrested Maestre Juan Fregola, canon of San Martin of Gerona, because he said that he did not remember a matter at issue; his memory was thus refreshed and he was released on giving the desired evidence.[1] This continued to the end. In 1816, the Suprema, in confirming the vote of the tribunal of Cuenca to continue the case of Antonio Garcés, adds that it must take the necessary steps against the witnesses who refuse to testify.[2]

The examination of witnesses for the prosecution was a duty of the inquisitors. It was one, however, that they threw upon the notaries, who were ordered by the Suprema, in 1498, not to take testimony except in presence of the inquisitors, while Cardinal Adrian, in 1522, said that, if the latter were too busy to be present, they must at least read the testimony before the departure of the witness and make the necessary re-examination.[3] All this argues a very loose and slovenly system, in a matter of such primary importance, inherited doubtless from the early time, when the rush of prosecutions precluded all but the most superficial conduct of business. In that period there had been devices for the division of labor, for we hear of an official, in 1485, known as the receiver of witnesses, and of payments made to clerics whose presence was essential in the taking of testimony—devices which were abandoned about the close of the century.[4] As business declined, the inquisitors seem to have taken a more active part in the examination of accusing witnesses, except towards the end, when indolence led them to issue commissions to conduct interrogations.

It was the rule that all examinations should take place in the audience-chamber, except in extreme urgency, when the inquisitors might hold them in their apartments or houses—a rule of which the Suprema had to remind them, in 1538, and again in 1580.[5] Witnesses were sometimes sworn in groups, but were

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 9.
[2] Ibidem, Lib. 890, fol. 28.
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 72, 73.
[4] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 68, 69.—Archivo de Simancas, Inquisicion, Lib. 1.
[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 95.

examined separately as a prudent precaution against collusion.[1] When the *estilo* had been perfected, there was a prescribed form for commencing the interrogatory, by first asking the witness whether he knew or presumed the cause of his summons; this was usually answered in the negative, when the next question was whether he knew or had heard that any person had said or done anything which was or appeared to be contrary to the faith, or to the free exercise of the Inquisition. This had the appearance of careful abstention from guiding him but, if he persisted in the negative, the interrogatory rapidly assumed the aspect of letting him know for what he was wanted and what was expected of him. Thus in the trial at Barcelona, in 1698, of a woman named Ignacia, for sorcery, Jaime Guardiola asserted that he knew little except that he had forbidden her his house, when Inquisitor Valladares told him that the Inquisition had information of his having employed her on several occasions which he described, wherefore he adjured him, in the name of God and his Blessed Mother, to examine his memory and tell the truth.[2] Sometimes the inquisitor went further and openly threatened a witness, warning him, by the reverence due to God, to tell the truth and not to make the prisoner's case his own.[3] The Suprema might well restrain the excessive zeal of its subordinates by instructing them not to intimidate witnesses or to treat them as if they were the accused parties.[4]

While thus with unwilling witnesses the inquisitor acted as counsel for the prosecution, with those who were willing he made no attempt to ascertain the truth of their stories. He asked leading questions without reserve and abstained from any cross-examination that might confuse the story and expose mendacity. When, in the trial of Juan de la Caballería, at Saragossa, in 1489, his procurator asked that certain interrogatories which he presented should be put to the witnesses, the inquisitors roughly refused, saying that it was their official duty to find out the truth for the discharge of their consciences.[5] So long as witnesses incriminated the accused, as a rule there was no effort to

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 132, n. 31; Leg. 140, n. 162; Leg. 148, n. 267.

[2] Proceso contra Ignacia (MSS. of Am. Philos. Society).

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 86, 96.

[5] MSS. of Bibl. nationale de France, fonds espagnol, n. 81.

test their accuracy or to obtain details of place and time or other points which would facilitate defence against false charges. In the case of Simon Nocheau, at Valladolid, in 1642, he succeeded in getting a series of interrogatories put to the witnesses which exposed discrepancies that it was the duty of the inquisitors to have discovered.[1] Even the Suprema recognized the injustice of this, in the case of a priest whom the tribunal of Barcelona, in 1665, sentenced to imprisonment for "propositions," and ordered it to recall the witnesses and cross-examine them so as to verify their testimony and also to investigate whether they were actuated by enmity.[2]

To estimate the conscious unfairness of this it is only necessary to contrast it with the treatment of evidence presented by the defence. The handling of this was likewise wholly with the inquisitor. All that was allowed to the accused was to offer a list of witnesses and a series of interrogatories to be put to them. It was the duty of the inquisitor to summon the witnesses and put the questions, or to forward the interrogatories to commissioners for the same purpose, but he had full discretional power to omit what he pleased, both as to witnesses and questions. In fact, he received the interrogatories only *salvo jure impertinentium et non admittendorum*, and he exercised this power without supervision and without informing the accused or his advocate as to what he threw out. In 1572, Luis de Leon on his trial presented six series of interrogatories to be put to his witnesses of which three were calmly thrown out as "impertinent."[3] Not only was all knowledge of this concealed from the accused but also the answers of the witnesses to such questions as were permitted. It is true that, in 1531, even the Suprema revolted at this and ordered the evidence in favor of the accused to be submitted to him and to his advocate, so that it might not be said that he was deprived of defence, but injustice prevailed and the Instructions of 1561, in prescribing the suppression to the accused, gave as a reason for it that the accused might thus be prevented from identifying the adverse witnesses—thus showing how one denial of justice led to another.[4] The witnesses for the defence

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 31.

[2] Libro XIII de Cartas, fol. 71 (MSS. of Am. Philos. Society).

[3] Coleccion de Documentos, XI, 273.

[4] Archivo de Simancas, Inquisicion, Lib. 979, fol. 19.—Instrucciones de 1561, §§ 36, 39 (Arguello, fol. 32).

were further subject to cross-examination which, at least in the earlier period, could be conducted by the fiscal—an indecency almost incredible in view of the crippling restrictions placed on the defence.[1] In fact the distinction recognized in the treatment of evidence for the prosecution and for the defence is epitomized in the instructions sent by Toledo, in 1550, to its commissioner at Daimiel, about taking testimony in the cases of some Moriscos of that place. He is not told to investigate the credibility of the mass of idle gossip and hearsay evidence gathered for the prosecution but, when examining witnesses for the defence, he is to cross-examine them strictly to ascertain what are the grounds for their assertions.[2]

There was one formality, not peculiar to the Spanish Inquisition, designed to protect the accused from random or false accusations—the ratification which was required of witnesses after an interval had elapsed since their original depositions. This was occasionally of service and, if preserved in its original form, would have been a considerable safeguard in detecting perjury. It was conducted in presence of two frailes, known as *honestas personas*, and the fiscal was not allowed to be present, a prohibition which Manrique was obliged to repeat in 1529.[3] In the earliest period, ratification was frequently omitted, doubtless owing to the haste with which the Inquisition worked,[4] but subsequently it was regarded as absolutely essential. Its importance was shown by making it an imperative duty of the inquisitor himself to take the ratification, either summoning the witnesses or going to them, but this was difficult of enforcement. Cardinal Adrian, in 1517, declared that ratification before a commissioner nullified the whole proceedings, yet orders were required in 1527 and again in 1532 to make inquisitors perform the duty, and finally the attempt was abandoned and commissioners were everywhere employed.[5]

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 183, n. 779; Leg. 112, n. 73, fol. 18.

[2] Proceso contra Marí Gómez, fol. xlii (MS *penes me*).

[3] Instrucciones de 1498, §§ 11, 16 (Arguello, fol. 13).—Archivo de Simancas, Inquisicion, Lib. 939, fol. 68.

Arguello's text says that the *officiales* shall not be present, a manifest misprint for *fiscales*, the reading in a Simancas MS. (Lib. 933).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 15; Leg. 139, n. 145; Leg. 143, n. 196.

[5] Archivo de Simancas, Inquisicion, Lib. 933; Lib. 939, fol. 99.—Pablo García, Orden de Processar, fol. 46.

As a rule, no evidence could be used that was not ratified, and I have met with not a few cases—one as late as 1628—which were suspended and the accused were discharged because the witnesses were not to be found when wanted for that purpose.[1] This arose from the fact that in strictness ratification was not to be made till immediately before the so-called "publication of evidence" which was the concluding step of the prosecution, involving a considerable interval during which the witnesses might die or disappear.[2] To avert this, relaxations of the requirement of ratification were gradually introduced. In 1533, 1543 and 1554 the Suprema inferentially admitted that when witnesses were absent or dead their testimony could be used if the fact was noted on the record.[3] There were authorities who held this to be the case in Aragon and it was so practised, but elsewhere opinions varied.[4]

Finally a successful device was invented of two forms of ratification, one "*ad perpetuam rei memoriam*" and the other "*en juicio plenario.*" They were virtually the same except that in the former the witness was told that the fiscal would use his evidence in a prosecution to be brought hereafter, and in the latter that it was for a case on trial. It became customary always to obtain the ratification when the testimony was given and then, if a witness was accessible during the trial, the ratification *en juicio plenario* was superadded. At what time this expedient was adopted it would be difficult to say, but it was probably about the middle of the seventeenth century; the earliest use of it that I have met occurs in 1650, in Mexico, where it seems already to be customary.[5]

While this ostensibly retained for the accused the protection of ratification, it destroyed whatever value there was in a prolonged interval between the original deposition and its confirma-

[1] Archivo de Simancas, Inquisicion, Lib. 716; Leg. 522, fol. 11.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 79.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 100.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 100, 101.

[4] Ibidem, Visitas de Barcelona, Leg. 15, fol. 2.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Praxis Procedendi, cap. 1, n. 8; cap. 13, n. 10 (Ibidem).

[5] MSS. of Royal Library of Copenhagen, 218[b], pp. 246, 407.—Praxis procedendi, cap. 13, n. 5 (*ubi sup.*).—Proceso contra Josepha de San Luis Beltran, fol. 116–17 (MSS. of David Fergusson, Esq.).

tion. At first a delay of four days was ordered for the form *ad perpetuam*, which seems to have been considered sufficient to excite the conscientious scruples of a possible perjurer.[1] Even this was subject to the exigencies of the prosecution. An elaborate series of instructions to commissioners, about 1770, informs them that there should be four days' interval if possible, but if a witness is dying or about to absent himself, ratification may be immediate.[2] In a case in 1758 ratification is ordered to be taken after waiting three hours; in others, in 1781 and 1795, after twenty-four hours; in another, in 1783, it is recorded that twenty-eight hours were allowed to elapse, all of which shows how purely formal was the whole business.[3]

In truth it was the baldest formality, for the process habitually followed deprived ratification of whatever value it might have had originally. In place of testing the memory and veracity of the witness by making him repeat his testimony, it was merely read over to him. In 1519 and again in 1546, the Suprema sought to set some limit to this abuse by ordering that, after preliminary inquiries, the witness should be made substantially to repeat his testimony and, only after this, was the record to be read to him, but even this was soon afterwards abandoned and the Instructions of 1561 merely provide that the witness is to be told to repeat his testimony; if his memory fails, questions are to be put leading him to recall it and, if he asks to have the record read, it is to be read to him. Of course the witness always availed himself of the privilege and Pablo García says nothing about his repeating his evidence and directs the reading of the record as a matter of course.[4] So perfectly was the whole business a matter of routine that tribunals kept printed blanks, to be filled in with names and dates, of the customary attestation that the witness declared it to be his testimony, that it was properly set forth, that he had no change to make in it, for it was the truth which he ratified and if necessary he repeated it, not through hatred

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[1] MSS. of Royal Library of Copenhagen, 218[b], p. 246.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 243.

[2] Instruccion y Practica del Comisario, n. 25 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 228, n. 24; Leg. 229, n. 42; Leg. 230, n. 60; Inquisicion de Valencia, Leg. 365, n. 42.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 99.—Instrucciones de 1561, § 30 (Arguello, fol. 31).—Pablo García, Orden de Processar, fol. 20.

but for the discharge of his conscience.[1] In fact, although the witness was free to make what additions, alterations or omissions that he pleased, it was dangerous for him to diminish the record substantially, for any revocation exposed him to punishment for false-witness and both depositions were duly set forth in the publication.[2]

Bishop Simancas tells us that, when there was suspicion of perjury, it was customary to examine the witness again, but that this was not done in other cases, so as not to lead him to commit perjury[3]—a tenderness to the witness which had better have been displayed to his victim; but Simancas wrote before the Instructions of 1561 were issued and Rojas, whose work was subsequent, is very free-spoken in his denunciation of the customary practice. Some doctors, he says, argue that ratification supplies the place of letting the accused know the names of the witnesses, but this is a hallucination, for experience shows that this ceremony, with its two religious persons, is of no value, for it is a trait of humanity to persist in an assertion, whether true or false, especially where there is risk of perjury, and he urges that the witness should not be allowed to see his testimony, but should be examined anew and the two statements be compared so that, from their variations, his credibility could be determined and lying witnesses be detected.[4] Few inquisitors could be expected to perform this conscientious duty, but one who wrote about 1640 indicates how fruitful it might prove. He tells us that, in suspicious cases, he had found the advantage of this plan and had brought to light perjuries which could have been proved in no other way; when witnesses betrayed their falsity by varying in important details, he confined them in solitary cells, where conscience did its work, and they confessed their frauds. He had also seen many ancient processes in which commissioners and notaries were convicted, deprived of office and punished in public autos de fe, which suggests unpleasantly how little reliance was to be placed on the officials who took down evidence.[5]

Before the invention of the formula *ad perpetuam*, there was a

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[1] Pablo García, fol. 21.—Coleccion de Documentos, X, 32, 43, 46.

[2] Praxis Procedendi, cap. 13, n. 12; cap. 14, n. 3 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Simancæ de Cath. Instt. Tit. LXVI, n. 24.

[4] Rojas de Hæret. P. II, n. 104–5, 108, 110.

[5] Bibl. nacional, MSS. V, 377, cap. xxiii, § 6.

hardship inflicted by ratification, in the excessive delays which it frequently caused. Thus Francisco Alonso, a Portuguese of Zamora, accused of bigamy, was thrown into the secret prison of Valladolid, July 10, 1627. As the alleged marriages had taken place in Coimbra, the evidence of their celebration had to be obtained from there, and it was a year before he had his first audience. When the time came for ratification, the depositions were sent for that purpose to Coimbra, September 28, 1628 but, in spite of repeated urgency, they were not received back until December 18, 1629. Then the case dragged on until the poor wretch died, June 10, 1630, after three years of incarceration, when it was perforce suspended.[1]

Of all the devices for encouraging informers and crippling the defence of the accused, the most effective was the suppression of the names of the witnesses for the prosecution. This infamy was an inheritance from the Old Inquisition. In 1298, under the pretext that those who gave evidence in cases of heresy were liable to vengeance from other heretics, Boniface VIII provided that, where such danger was threatened, inquisitors were at liberty to conceal the names of the witnesses, but he expressly ordered that, in the absence of such danger, the names were to be published as in other tribunals. That he construed this literally is evident, for, when the Jews of Rome complained that in their case the names were habitually concealed, he decided that, as they were few and powerless, there was no danger and the names must be revealed.[2] Permission to commit injustice is apt practically to assume the aspect of a counsel and then of a command and, in spite of Boniface's reservation, concealment became the universal practice of the Inquisition. So it was in Spain. At first it was a discretionary power for the inquisitor to use in exceptional cases, as when the inquisitor of Ciudad Real, in the trials of Sancho de Ciudad and his wife, ordered, January 7, 1484, that the witnesses' names be suppressed, it was an exception which he explained by the fact that Sancho was regidor of the city, with powerful friends, and that the witnesses had been

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 13.

[2] Cap. 20 in Sexto Lib. v, Tit. ii.—Digard, Registres de Boniface VIII, T. II, p. 412, n. 3063.

A futile attempt has been made to justify this suppression by a passage in Partidas (III, xvii, 11).

threatened.[1] Similarly, in the Instructions of November, 1484, the suppression of witnesses' names was permissive, not mandatory. Allusion was made to the danger of testifying against heretics; it was asserted that some witnesses had been murdered or wounded for that cause, wherefore inquisitors could suppress their names and all circumstances that would lead to their identification.[2] All that was needed was permission, and suppression speedily became the rule.

Of course there was occasional danger and of course there were efforts, by threats or otherwise, to deter informers and witnesses, but this is common in all criminal justice, though there was no thought of applying concealment to the secular courts. It was a privilege exclusively in favor of the faith. Considering the provocation and the number of the victims, attacks on witnesses would appear to be singularly few and wholly inadequate to justify their protection by such means, although the Inquisition never ceased to proclaim it as an ever-present danger. In August, 1500, Ferdinand and Isabella asked of Manoel of Portugal the extradition of Juan de Zafra and his son-in-law for seeking to kill Juan López of Badajoz, who had testified against Zafra and, not finding him, had beaten to death his pregnant wife and stabbed his young son and had escaped to Portugal. They were surrendered, but there seem to have been no precedents for their prosecution and, in January, 1501, we find Ferdinand writing to the tribunal of Seville to hold a consultation as to the procedure in the case. Again, in January 1502, when a witness in Calatayud was threatened, Ferdinand ordered the inquisitor, if the report was true, to take such action as comported with the honor of the Holy Office and the protection of witnesses.[3] Evidently cases had been so rare that no method of dealing with them had been formulated. Still, apprehension was lively and when, in 1507, at Llerena, some Conversos living near the Inquisition were suspected of watching to see what witnesses went there, Ferdinand empowered the inquisitors to remove six of them summarily and replace them with persons beyond suspicion.[4]

The suppression of the names of witnesses was necessarily felt as an extreme hardship by the Conversos, not only as impeding

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 139, n. 145; Leg. 143, in. 196.

[2] Instrucciones de 1484, § 16 (Arguello, fol. 6).

[3] Archivo de Simancas, Inquisicion, Lib. 1

[4] Ibidem, Lib. 926, fol. 285.

defence but as stimulating false accusations, which there was no opportunity of disproving. The Jaen memorial of 1506 does not hesitate to accuse the officials of the tribunal of thus piling up fictitious charges, and Lucero's career at Córdova shows how successfully this could be done when witnesses need not be either named or produced. That efforts should be made to purchase relief was natural. When, in 1512, Ferdinand was lacking in funds for the conquest of Navarre, an offer of 600,000 ducats was made to him, if he would remove the seal of secrecy from the names of informers and witnesses, but we are told that he preferred his God and his faith and the preservation of religion. Soon after his death an attempt was made to tempt the young Charles V with a bribe of 800,000 crowns. His greedy advisers favored the petition, but Ximenes interposed with a strong remonstrance, reciting Ferdinand's refusal and predicting the ruin of the Holy Office. Recently he added at Talavera la Reina, a Judaizing Converso, punished by it, obtained knowledge of the informer, lay in wait for him and slew him, and such is the infamy inflicted by the Inquisition and such the hatred engendered by it that, if the names of the witnesses were published, they would be slain, not only in solitudes but in the streets and even in the churches; no one would be able to denounce heretics, save at the peril of his life, so that the Inquisition would be ruined and God would have no defender. Charles was convinced and the dazzling bribe was rejected.[1]

Thus the policy of the Inquisition was settled, and so completely was it embodied in the *estilo* that it was frequently enforced in cases where its ostensible reason was inapplicable. When Juan Franco was burnt for Protestantism at Toledo, in 1570, the only witness against him was another Frenchman, Jean de Provins, who had confessed to being a Protestant dogmatizer and as such was undoubtedly burnt. His only evidence had been some idle talk between them, eight years previously; he was eminently safe from vengeance and yet his name was carefully suppressed in

[1] Cartas de Jiménez, pp. 261-3.—Páramo, p. 159.

The authenticity of the memorial ascribed to Ximenes has been called in question, but Páramo's evidence shows that Ximenes did remonstrate with Charles on the subject and, whether he was the author or not, it unquestionably reflects the official view of the matter at the time.

The killing of the informer at Talavera probably refers to the case of Bernardino Díaz, the consequences of which caused a coolness between Leo X and the Spanish Inquisition. See above, p. 123.

the publication of evidence.[1] For all this, when the rule was applied to the inquisitors, as it was in the visitations, when the inspector was interrogating the officials about each other, they fully recognized its injustice. Thus, in 1574, during an inspection of the Canary tribunal, when the inquisitor Ortiz de Funes was inculpated, he complained bitterly that it rendered it impossible for him to verify or invalidate the testimony of the witnesses—a scruple which he had never felt when administrating justice in this fashion.[2]

The fiction was persistently maintained that the usefulness of the Inquisition depended wholly on the suppression of the names of witnesses. In the struggle over the evocation to Rome of the case of Villanueva, the main argument, repeatedly advanced by the Suprema, was that if appeals to Rome were permitted they would destroy its efficiency in the suppression of heresy, for no one would denounce heretics or testify against them, if there was risk that their names would become known in Rome by the papers being carried thither.[3]

The idleness of this talk is indicated by the rarity of cases of injury or threats to witnesses and the moderation with which they were customarily punished. The most serious case that I have met was that which followed the condemnation to life-long reclusion in a monastery of Luis Pallas, Lord of Cortes, by the tribunal of Valencia, in 1571, for protecting his Morisco vassals from the Inquisition. Suspicion of having informed on him fell upon Francisco González and the Pallas family ordered his murder, for which, in 1577, four of the Pallas retainers were relaxed to the captain-general for execution. So unusual was the case that the latter had scruples as to his duty, which Philip II told him were superfluous and had unnecessarily delayed the punishment.[4] Like any other murder, this involved the death-penalty, but as a rule offences of minor degree were leniently treated. In 1631, Francisca Muñoz of Segovia wounded Juan Martínez in the face, after asking why he had put her mother-in-law in the Inquisition, for which she was only reprimanded in the

[1] Proceso contra Juan Franco, fol. 15 (MSS. of Library of Univ. of Halle, Yc, 20, T. III).

[2] Archivo de Simancas, Inquisicion, Lib. 73, fol. 6.—Ibidem, Inquisicion de Canarias, Expedientes de Visitas, Leg. 250, Lib. 3, fol. 10.

[3] Archivo de Simancas, Inquisicion, Lib. 54, fol. 31, 69, 190.

[4] Boronat, Los Moriscos españoles, I, 569.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 269.

audience-chamber and banished for two years from Segovia.[1] In various other cases of threatening witnesses, the severest punishment I have met is a hundred lashes, coupled with more or less exile and this, considering the liberality with which scourging was administered, implies that the offence was not regarded as requiring severe repression.[2] Although thus the penalties were not greatly deterrent, the cases would appear to be singularly few. In the Toledo record, from 1648 to 1794, the only one occurred in 1650, when Pedro de Vega, alcalde of Mombeltran, after trial for a proposition without conviction, had threatened and insulted the witnesses; for this he was prosecuted and escaped with a severe reprimand and warning.[3]

To appreciate fully the hardship which the suppression of witnesses' names inflicted on the accused, it must be borne in mind that his only opportunity of knowing what was the evidence against him was in the so-called publication. This will be considered more in detail hereafter, and it suffices here to point out how the effort to mislead the prisoner as to the identity of his accusers led to the garbling of the evidence in a manner necessarily adding impediments to the exceedingly limited opportunities allowed him for defence. Yet we occasionally meet with cases which suggest that inquisitors were less solicitous about the safety of their witnesses than to create the belief in safety that would encourage denunciation. Thus, in the trial of Hans of Antwerp in Toledo for Lutheranism, in 1561, there was no scruple in setting forth the evidence in such wise that he could not fail to identify the witness.[4] This could scarce be avoided in the very fruitful source of evidence volunteered by cell-companions. Thus in the Toledo case of Pedro Flamenco, in 1570, the testimony of two fellow-prisoners as to his talk and conduct in prison is so set forth as to render their identification inevitable and, as it included their opinions that he was a scoundrel and villain, there must have been lively times in that cell on his return from his audience.[5] In cases of solicitation, the attempt to prevent identification was futile, for the confessor could not fail, from the incidents freely

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 15.

[2] Ibidem, Visitas de Barcelona, Leg. 15, fol. 9; Libro 716; Leg. 552, fol. 35.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 2; Leg. 372.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 110, n. 31, fol. 10.

[5] Proceso contra Pedro Flamenco (MSS. of Library of Univ. of Halle, Yc, 20, T. III).

detailed, to recognize the women whom he had seduced or attempted to seduce.

In secular procedure there was occasional recourse to "confrontation"—bringing the accused face to face with the accuser or the witnesses and letting them debate the questions that had puzzled the judges, but it was regarded as a doubtful expedient, to be resorted to only when all else had failed.[1] In 1491, in the case of the Santo Niño de la Guardia, where the accused were witnesses against each other and their confessions under torture were irreconcilable, confrontation was tried with dubious success.[2] This indicates that under supreme pressure the veil of secrecy might be withdrawn, and probably the example was occasionally followed, for Valdés, in the Instructions of 1561, felt it necessary to say that, although confrontation was practised in other jurisdictions, it was not customary in the Inquisition for, besides the violation of secrecy, experience had shown that when tried it was disadvantageous.[3] This did not wholly put an end to it for, in 1568, the Suprema sharply rebuked the tribunal of Barcelona for various irregularities, among which was the frequent recourse to confrontation.[4] The latest allusion to the practice that I have met with in Spain occurs in the Valladolid case, in 1620, of the priest Juan de Gabana and his accomplice Gerónima González, when the consulta de fe proposed to confront them, but referred the matter to the Suprema. Its decision would doubtless have been in the negative, but was never rendered as Gabana died before it replied.[5] In the Roman Inquisition confrontation was sparingly admitted, and only when both parties were of low estate—never between those of higher station or of different classes.[6]

While sedulous care was taken to prevent the accused from identifying the witnesses, it often was necessary for the witnesses to identify the accused, to prevent mistakes liable to occur in the arbitrary methods of the Inquisition. This was so managed as to accomplish both objects. The somewhat crude plan adopted, in 1528, in the trial at Toledo of Diego de Uceda, was to conceal

[1] Zangeri Tract. de Quæstionibus, cap. ii, n. 49–50 (Francofurti, 1730).

[2] Boletin, XI, 94–5 (Padre Fidel Fita).

[3] Instrucciones de 1561, § 72 (Arguello, fol. 37).

[4] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

[5] Ibidem, Leg. 552, fol. 14.

[6] Decret. Sac. Congr. Sti Officii, p. 68 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Offizio, Vol. 3).

the witnesses in the torture chamber, while he was walked up and down for a quarter of an hour, until they fully identified him.[1] Subsequently it was found expedient to furnish the audience-chamber with a *celosia*—a jalousy or lattice-work, through which the witness could peer without being discovered. Its utility was strikingly demonstrated in 1649, in a Valladolid case of alleged bigamy, when one of the wives, Ana Roman, was brought to inspect the accused through the lattice and declared that he was not the Juan González whom she had married, as he differed in age, in size, and in features, whereupon he was discharged.[2]

In view of the temptation offered for the gratification of malice by shielding informers and witnesses, special care was advisable for the detection and punishment of false-witness. This was the more necessary as perjury was a popular failing and the sanction of an oath was lightly esteemed. In 1555 the Córtes of Valladolid asked that, in cases involving death or mutilation, oaths should be abolished, as they merely led to perjury and, in 1560, the Córtes of Toledo complained of the prevalence of false-witness as a matter so customary that there were provinces in which it was as abundant as any other merchandise, and it was openly said that for money a man could get as many witnesses as he desired.[3]

We have seen how, in 1488, at Toledo, eight Jews were torn with hot pincers and lapidated for bearing false-witness against good Christians with the object of rendering the Inquisition odious.[4] This savage penalty compares strangely with the leniency shown to exculpatory perjury in the case of Mossen Pedro de Santangel, Prior of Daroca, who had sought, by the employment of several false-witnesses, to save his brother Luis de Santangel, burnt for complicity in the murder of San Pedro Arbués. He escaped with the simple penance of holding a lighted candle before the high altar and they were treated as benignantly.[5] It was probably to secure greater uniformity that, in the Instructions of 1498, inquisitors were told to inflict public punishment, according to law, on those whom they detected in testifying

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 4.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 86; Leg. 552, fol. 37.

[3] Colmeiro, Córtes de los antiguos Reinos, II, 249, 275.

[4] Relacion de la Inquisicion Toledana (Boletin, XI, 293–4).—Pulgar, Crónica, P. III, cap. 54, 100.

[5] MS. Memoria de diversos Autos, Auto 27 (Vol. I, Appendix, p. 609).

falsely.[1] The matter was one which might well excite solicitude for it is evident that perjury on both sides was rife and the tribunals might reasonably hesitate to believe any witness.

In 1500 and 1501 we find Ferdinand repeatedly interposing to shield those whom he favored and whom he declared to be persecuted by perjurers,[2] and the career of Lucero shows how readily and unscrupulously they could be employed in the secrecy of the tribunals. The Jaen memorial of 1506 speaks of a certain Diego de Algecira, whom Lucero kept for five years to testify against all whom he desired to destroy and whom the inquisitors of Jaen borrowed for the same purpose, besides other adepts of the kind whom they employed and rewarded. When a raid was made on Arjona, the notary Barzena brought with him Luis de Vilches who, by changing his name and garments, testified repeatedly in different characters.[3] One of the petitions of the Córtes of Monzon, in 1512, bears eloquent testimony to the same state of affairs in Catalonia, for it asks that, when a man was burnt through fraudulent testimony, the inquisitors should not prevent the king from punishing the false witnesses.[4] Such a system necessarily produced professional perjurers who did for gain what others might do through malice. That the accused should resort to the same means was inevitable. In Segovia, in 1504, there appears to have been a perfect carnival of false-witness. On July 10th and 11th there were punished two accusing perjurers and twenty-two who had sworn falsely on the side of the defence; there were others who had died before sentence and still more who had confessed and were awaiting punishment, which consisted mostly in scourging and exile.[5]

Thus far there seems to have been uncertainty as to jurisdiction. In the Catalan efforts for relief, the bull *Pastoralis officii* was procured from Leo X, August 1, 1576, which rendered perjury committed in the Inquisition justiciable by the inquisitors and ecclesiastical judges in conjunction but not severally.[6] The result was naturally discouraging and papal intervention was again sought. In a brief of December 14, 1518, addressed to Cardinal Adrian, Leo deplored the condition under which, through

[1] Instrucciones de 1498, § 8 (Arguello, fol. 13).
[2] Archivo de Simancas, Inquisicion, Lib. 1.
[3] Archivo de Simancas, Real Patronato, Inquisicion, Leg. único, fol. 43.
[4] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1, § 12.
[5] Archivo de Simancas, Real Patronato, Inquisicion, Leg. único, fol. 47.
[6] Pragmáticas, etc., *ubi sup.*

false-witness, the guilty escaped and the innocent suffered, but the only remedy provided was in conferring full jurisdiction on inquisitors with faculties to punish, even by relaxation to the secular arm, without incurring "irregularity."[1]

The crime was thus placed wholly in the hands of the Inquisition, which was no more likely than before to exert itself in checking perjured accusations. This proved to be the case and, in 1523, the Córtes of Valladolid asked that it should inflict on false witnesses the penalties provided by the Laws of Toro in 1502, which decreed the *talio* for perjury committed in criminal cases.[2] Charles contented himself with replying that he had asked the pope to appoint as inquisitor-general Archbishop Manrique, whom he would charge to see justice done. That this remedy proved futile may be gathered from the memorial of Granada, in 1526, in which one of the arguments against the suppression of the names of witnesses is the number of souls condemned to hell for perjury, through the facilities offered by the secret system tempting them to destroy their enemies or to swear falsely through bribery, a thing which happens every day.[3]

In fact the procedure of the Inquisition was such as to encourage the crime and to render its detection exceedingly difficult, at least when committed for the benefit of the prosecution. When every precaution was taken to prevent the accused from identifying his accusers, it was expecting too much of the average inquisitor that he should depart from the routine work of his office to discover, without assistance from those interested, whether the witnesses, mechanically examined by him or his commissioner, were telling the truth or not. Had there been any zeal in this direction, the Suprema would not have felt obliged, in 1531, to instruct the tribunals that perjurers should be punished as a warning to others, giving due consideration as to whether they were actuated by malice or ignorance. Possibly this may have stimulated some tribunal to inconvenient activity for, in 1536, it saw occasion to moderate zeal by ordering that the rigor of the brief of Leo X should not be observed, unless some one had been condemned through false evidence, and even in such case the Suprema was to be consulted before action.[4] The infal-

[1] Leonis PP. X Const. *Intellexímus* (Bullar. Roman. I, 594).

[2] Córtes de Valladolid, 1523, Art. 54 (Córtes de Leon y Castilla, IV, 381).—Leyes de Toro, ley 83.

[3] See Vol. I, Appendix, p. 585.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 86.

libility of the Inquisition was too important to be rashly compromised.

Moderation thus remained the rule. Simancas tells us that, under Leo's brief, perjurers should be burnt, with confiscation, but this should only be done when the accused has suffered severely; in most cases the injury is but slight, for which such penalties suffice as appearing in an auto with a defamatory mitre and scourging, galleys or exile; even when burnt there are no disabilities on descendants; the *talio* has become virtually obsolete and should be used only in extreme cases; subornation of perjury is even worse than false-witness and incurs the same punishment.[1]

Theoretically this reflects the ordinary practice. I have met with but one case in which a perjurer was burnt and this was in Sardinia, in 1562, but about 1640 an experienced inquisitor states that he has seen records of such cases in Logroño and it is possible that they occurred occasionally.[2] So also we sometimes find scourging and the galleys in aggravated cases, while priests were let off with fines and exile. Still, the tendency was to extreme moderation. In Valladolid, Juan Gomez Rubio suffered imprisonment for nearly two years, from 1636 to 1638, on a charge of blasphemous propositions, when his case was suspended and he was dismissed with a reprimand and the corresponding infamy. His accuser was Pedro de la Cruz who had testified twice against him under fictitious names and had suborned others to appear against him, for which he escaped with parading in *vergüenza* and exile.[3]

A still more significant case was that of Jean de la Barre, a Fleming, long settled in Madrid, where he was deputy alcalde of the royal palace of the Pardo. He was a man of somewhat excessive devoutness. He had a mass celebrated daily in the royal chapel by a chaplain of his own, until the regular chaplain, a Dr. Robles, who was also commissioner of the Inquisition, forbade it and forced him to the church of the Trinitarians. He endeavored to form a cofradia for celebrating masses, but Robles demanded to be the head of it and to handle the funds without accountability, when la Barre abandoned the project, although

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[1] Simancæ de Cath. Institt. Tit. LXIV, n. 90–6; Ejusd. Enchirid. Tit. XXXVIII.

[2] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 270.—Bibl. nacional, MSS. V, 377, Cap. XXIII, §§ 1, 2.

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 22–3.

he had spent five hundred ducats on a silver lamp for the chapel. They naturally quarrelled and, when Robles sought a reconciliation, his overtures were rejected. He revenged himself, in January, 1656, by denouncing la Barre for various heretical speeches, for neglecting mass and confession and, what was perhaps more serious than all, for saying that inquisitors were robbers who seized rich men to strip them of their property. La Barre had discharged several workmen for theft and idleness, and they were readily induced to appear as corroborating witnesses. He easily identified his accusers and in defence presented twenty-five witnesses in his favor, among them five Trinitarian frailes and some officials of high rank, who testified emphatically to his unusual devotion; his rosary was never out of his hands, he heard mass daily and spent three reales a day for it. They also told of the mortal enmity and threats of Robles and the discharged workmen and showed the reasons. There could be no clearer case of a foul conspiracy to ruin an innocent man, but he was sentenced to reprimand and exile and was threatened with a hundred lashes if he dared to speak of his treatment. That his case was suspended and he was not required to abjure even *de levi* show that there was no suspicion of heresy proved and that the sentence, with its consequences of infamy on him and his posterity, was a mere wanton exercise of arbitrary power, while the false witnesses were not troubled, for there are no marginal notes on the record showing that extracts were taken from the evidence for their prosecution.[1]

It was still admitted that the legal punishment was the *talio*, but that it should only be inflicted when the perjurer had encompassed the conviction of his victim, thus weighing the crime, not by its criminality but by its result.[2] How lightly, indeed, false swearing was regarded *per se* is indicated by a curious case occurring in Valladolid, in 1630. A student named Luis Sánchez denounced certain Portuguese of Zamora of endeavoring to convert him. The receiver and an alguazil were sent thither, but could find no trace of the accused nor even of the street in which they were described as residing. Sánchez was sent for, was made to ratify his deposition, and was then accused of the fraud and mockery of the tribunal. He admitted it and explained that he had been thrown into gaol in a suit over a mare and had devised this expedient for getting out, in hopes of escaping to the asylum

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 111; Leg. 1, año 1656.

[2] Ibidem, Inquisicion de Valencia, Leg. 299, fol. 80.

of a church. His trial went through all the regular stages; the vote of the consulta de fe was sent to the Suprema, which contented itself with sentencing him to a reprimand, six years' exile from Valladolid and a fine of two hundred ducats, with the charitable alternative that, if he was too poor, he should swear to pay it if he should ever be able.[1] While thus the Inquisition was benignantly disposed towards perjury, the secular law did not relax its severity. In Aragon the Córtes of Monzon, in 1564, decreed the *talio* in criminal cases for accusing false witnesses and for those produced by the defence, in addition to the penalties prescribed by the fueros—scourging and perpetual banishment—besides making good all expenses incurred by the other party. In Castile, a pragmática of Philip II, in 1566, confirmed by Philip III, in 1603, when the case was not capital, substituted, for the talio, scourging and the galleys for life.[2] The tenderness of the Inquisition for such offences was not derived from any softening of the law of the land.

With the development of limpieza there sprang up a new and fruitful source of perjury. Those who were endeavoring to prove immaculate descent had no scruple in filling any genealogical gaps by purchasing witnesses to supply deficiencies, and those who, through envy or malice, desired the defeat of an aspirant, found ready means of putting forward witnesses to swear as to public repute, or that they had seen sanbenitos of ancestors. As early as 1560, and again in 1574, the Suprema found it necessary to issue instructions to meet these cases.[3] Bigamy trials also brought to light a contingent of perjurers, mostly employed by the guilty party desiring remarriage, to swear that he or she was single.[4]

Notwithstanding these accessions and of the fact that in most cases there were several accomplices, the number in the records is surprisingly few. Partly this is explicable by the extreme difficulty of detection, owing to the suppression of witnesses' names and the impediments thrown in the way of the defence, and partly by the indifference of the tribunals, which do not seem to have regarded it as their duty to prosecute perjurers—at least

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 13.

[2] Fueros de Aragon, fol. 205 (Zaragoza, 1624).—Nueva Recop. Lib. v, Tit. xvii, ley 7.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 141, 142.

[4] Matute y Luquin, Autos de Fe de Córdova, p. 211.—Royal Library of Berlin, Qt. 9548.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 100.—Archivo de Simancas, Inquisicion, Lib. 890.

those for the prosecution. When, in 1640, Agustin Gómez de la Peña, cura of Perdigon, was tried in Valladolid for carrying unconsecrated forms in the procession of Corpus Christi, and the case was suspended on the ground that the testimony was perjured, the Suprema, in approving the vote, felt it necessary to order that the fiscal should prosecute the accuser and his witnesses, showing that this was by no means a matter of course.[1] Be this as it may, in Toledo a record, extending from 1575 to 1610, and embracing 1172 trials, only contains eight cases of false-witness, and a further record of the same tribunal, from 1648 to 1794, has not a single one in its aggregate of 1205 cases.[2] In Valladolid, out of 667 trials occurring between 1622 and 1662, there are but seven cases of false witness.[3] In Madrid, the records, from 1703 to 1751, present but a single trial for false-witness, and this arose out of a marriage case.[4]

Unfortunately these slender returns do not prove that perjury was uncommon. Philip V, among his other attempted reforms, in a decree of July 26, 1705, called attention to the facility afforded to the execrable wickedness of false denunciations and false-witness, imposing on many innocent persons the difficult task of protecting honor, property and life, to the perversion and scandal of justice. These enormous and pernicious abuses he attributed to the non-enforcement of the penalties prescribed by the laws, because the moderate punishments, so rarely inflicted, encouraged rather than repressed the audacity of the evil-minded. He therefore ordered the Suprema to see that the legal penalties were rigorously imposed, and the Suprema obediently transmitted this to the tribunals with instructions to conform to it strictly.[5]

This seems to have had some effect, but not much. In a collection of all the autos held in Spain, from 1721 to 1727, out of 962 sentences, there are but seventeen for false-witness and these represent only about half that number of cases, for in one there were five accomplices and, in two others, three each. The punishments remain as of old, scourging, galleys and exile, and there is no difference made between offenders in marriage-cases and those

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 26.

[2] Library of the Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[3] Archivo de Simancas, Inquisicion, Leg. 552.

[4] Ibidem, Lib. 876.

[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 184, 185.

involving the death-penalty by accusations of Judaism. One of these latter excited considerable interest at the time. Three penitents from Cadiz, undergoing punishments for Judaism, accused fourteen persons of practising Jewish rites, but they had not studied their parts well, their stories did not accord and, on being arrested, they confessed. Their intended victims were honored with a special auto de fe in Seville, November 30, 1722, to which they were conveyed by familiars in the handsomest coaches of the city; in the church of San Pablo they were seated near to the inquisitors, the evidence was publicly read, their innocence was proclaimed, and they were carried home in the coaches. This was followed, June 6, 1723, by the auto in which the perjurers were sentenced to two hundred lashes apiece and the two of them, who were men, to seven years in the galleys. Somewhat similar was a case in Santiago, in 1724, when five culprits were concerned, of whom the leader, Pedro García Rodríguez, was punished with two hundred lashes and five years of galleys, while his accomplices had the lashes and eight years of exile.[1]

The moderation shown towards perjury increased in the latest period. In 1817, the deacon Manuel González Ribadeneyra was prosecuted for it by the tribunal of Santiago but, when the *sumaria* was submitted to the Suprema, it sent a commission to the Benedictine Abbot of Monforte to warn the offender that in future he must conform his depositions to the truth, as becomes a minister in holy Orders, for otherwise he would not be treated with the benignity which now imposed on him only eight days of spiritual exercises in the monastery. Apparently even this was expected to excite resistance, for a further provision threatened him, in case of refusal, with prosecution according to law.[2]

Theoretically there was laudable care as to the sufficiency of evidence for condemnation. The ancient Glossator on the Decretum says that two witnesses are sufficient to convict a pope, but the authorities, both of the Old and the New Inquisition, hold that, although this is good in ordinary law, yet, in a crime entailing such consequences as heresy, especially as the defence is crippled by the suppression of the witnesses' names, there should be much hesitation in convicting a man on the evi-

[1] Bibl. nacional, MSS., R, 128, p. 42.—Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inquisicion, Lib. 890.

dence of only two witnesses.[1] Still, two were reckoned sufficient, unless they were accomplices, when three were required and these supported by other indications.[2] Yet as one witness was sufficient to justify torture, these scruples did not save the accused but only exposed him to the risk of convicting himself if his endurance did not exhaust the resources of the torture-chamber. In fact, in the secrecy of the tribunal, the discretion of the judges was the only rule, and they could construe the laws of evidence as they saw fit, as when a visitation of Barcelona led the Suprema, in 1568, to rebuke the inquisitors because, on the evidence of a single witness they prosecuted Guillen Contada, tortured him twice and, without convicting him, abandoned him to the secular arm for burning; nor was he the only victim of the kind, for they did the same with Juan del Payen.[3] How much of this occurred elsewhere the world will never know.

The theory that it required two witnesses to prove a fact was developed into the rule that they must be *contestes*—that is, witnesses to the same individual act of heresy—before it could be accepted as proved. It is often found urged in the arguments for the defence that the witnesses are *singulares* and not *contestes*, but in practice such a defence was usually disregarded or, at most, only led to the unfailing resource of torture. Thus, in a case referred to the Suprema for decision, the tribunal reported that there were many witnesses to prove that the accused was a Jewess, but they were not contestes, for none of them cited the others, but each one named somebody else who could attest the fact: they deposed to the same time and place, but varied as to the years. In the consulta de fe some members voted for relaxation and others for torture; the matter was sent up to the Suprema and, whatever its decision may have been, the accused suffered.[4]

Even in the seventeenth century, Escobar affirms the rule absolutely; if one witness swears that he heard Pedro say in the market-place that God is not a Trinity and another that he heard him say so in a house, it does not convict him for neither fact is

[1] Gloss. in Cap. 2, Decreti P. II, Caus. ii, Q. 4.—Eymeric. Direct. Inquis. P. III, cap. 71.—Guid. Fulcod. Quæstiones, Q. xv (Carena de Off. SS. Inquis. Ed. 1669, p. 392).—S. Antonini Summæ P. III, Tit. xviii, cap. 2, § 5.—Summa Tabiena s. v. *Inquisitor*, n. 37.—Fr. Pegnæ Comment. cxx in Direct. Inquis. P. III.—Rojas de Hæret. P. II, n. 100-3.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[3] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

[4] Archivo de Simancas, Inquisicion, Lib. 937, fol. 212.

legally proved.[1] Such a definition, however, threw too many obstacles in the way of the prosecution not to be eluded and, in fact, there were classes of cases, such as solicitation in the confessional, in which it was impossible to have more than one witness to each individual act. So, in prosecutions for Judaism, in which the evidence frequently covered a long series of years and turned on infinitesimal incidents in daily life, concurrent witnesses to any single one could scarce be had. Yet the claims of the Inquisition to extreme benignity required this to be understood as Escobar expresses it, while in practice it was disregarded. It was discovered that witnesses could be *contestes in genere* when they testified to different acts of heresy, and thus make full proof. It is true that Rojas, after citing authorities on both sides, concludes that the rule requiring two concurrent witnesses to a fact must be observed, but one of his authorities asserts that the contrary is the rule in practice, and the Suprema affirmed this, July 27, 1590, by ordering that, where formal heresy is concerned, depositions as to different ceremonies and points of faith are to be held as *contestes*.[2] This was inevitable and it was only sanctioning what had long been the custom in the tribunals.

There was much laxity in the character of the evidence accepted. In the secular courts, hearsay testimony was not admitted as proof unless a witness had heard a matter from so many persons as to constitute public fame, in which case it was allowed a certain weight.[3] In the Inquisition the same rule was nominally followed, but in practice hearsay evidence was welcomed and was utilized. All the gossip and tattle of a village was eagerly accepted and recorded, to be reproduced in the publication of evidence furnished to the accused, and it unquestionably had its weight when laid before the consulta de fe which voted the sentence. Witnesses were often brought in to swear that they had heard the direct witness assert that the accused was guilty of the heresy charged,

[1] Escobar de Nobil. et Purit. probanda, P. I, Q. ix, § 3, n. 18.

[2] Simancæ Enchirid. Tit. xxxvii, n. 8.—Páramo, pp. 871–2.—Rojas de Hæret. P. II, n. 139–45.—Archivo de Simancas, Lib. 939, fol. 87.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 1, n. 1, fol. 401.

In the ancient fuero of Teruel, in force from 1176 to 1597, evidence to be legal required to be of both sight and hearing—"Quia nullus pro solo visu vel pro solo auditu debet recipi in testimonio, juxta forum."—Forum Turolii, regnante in Aragonia Adefonso rege, Anno Dominice nativitatis mclxxvi, Art. 245 (Zaragoza. 1905).

and this was regarded as cumulative evidence. Sometimes it happened that these secondary witnesses made a much stronger statement than their principal and, in such case, the fiscal was directed to insert both in the accusation, with the reserve that the direct testimony would be considered when sentencing, the object being to terrify and mislead the prisoner.[1] The kind of evidence that was gravely accepted and recorded is seen in the trial of the Licentiate Luis de Guevara, who was reconciled in the Toledo auto de fe of 1594. In an abstract of the more important testimony it is stated that the fourth witness had heard a man say that a certain Morisca was a great bitch, for she coupled with other dogs, meaning the said Luis de Guevara.[2] Such hearsay gossip was laboriously accumulated to an incredible degree, and it is easy to appreciate its effect on the defendant, when cunningly mingled with the direct evidence in the publication of witnesses, which he was required to answer on the spot, item by item, tending to confuse him and leading him to entrap himself. In the trial at Valladolid, in 1641, of Sebastian de los Rios, cura of Tombrio, there were fourteen witnesses *de visu*, or direct, and twenty *de oidas*, or hearsay, and, in 1659, Guiomar Antunes was thrown into the secret prison, with sequestration on the testimony of one witness *de visu* and eleven *de oidas*. Latitudinarianism as to evidence could scarce go further than in the case of Fray Alonso Capera, tried in 1643, as a *curandero* for treating disease by conjurations, against whom there testified twenty witnesses, "men and women, minors and adults, some direct, others hearsay and others on suspicion."[3] When it is remembered that no witness, however infamous or unfit, was rejected, we can conceive the quality of the evidence on which depended the fate of the accused.

While the Inquisition claimed jurisdiction over all heresy, internal and mental, as well as external and formal, it could only prosecute when heresy was manifested or inferable by external acts or words, and these had to be investigated with the utmost minuteness. The land was filled with those whose external conformity might be but the cloak for secret dissidence. The New Christian was regarded with suspicion, as a possible or even a

[1] Praxis Procedendi, cap. 10, n. 4 (Archivo hist. nacional, Inquisicion de Valencia).

[2] MS. of the Library of Univ. of Halle, Yc, 20, T. I.

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 28, 42, 33.

probable apostate, whose baptism only served to render him guilty and to subject him to the jurisdiction of the Inquisition. He might be regular in religious observance, be liberal to church and friar, be a constant purchaser of the Cruzada indulgences, and yet be secretly a believer in the Law of Moses or of Mahomet. It was the business of the Inquisition to detect and punish these apostates; it was rarely that they betrayed their infidelity by imprudent avowals or hasty speeches, except to so-called accomplices or to cell-companions, and, in the absence of such witnesses, for the most part, the only proof against them arose from their adherence, in the privacy of their homes, to the rites and usages which, through long succession of generations, had become a second nature. It was on this, then, that prosecutions largely depended, and the simplest acts that savored of Judaism or of Islam were regarded as incontrovertible proofs of apostasy, requiring reconciliation to the Church, with all that it implied and, if subsequently persisted in, proving relapse with its penalty of the stake.

Familiarity with the practices of the condemned religions was therefore part of the necessary training of the inquisitor, and long descriptive catalogues were compiled for their information. In order also that the people might be duly instructed, and be on the watch to denounce their neighbors, these were incorporated in the Edicts of Faith annually published in all the churches. Much of the evidence recorded in the trials and, for the most part, accepted as conclusive, consists of acts in themselves perfectly innocent and appearing to us wholly indifferent and unworthy of consideration. Observing the Ramadan or the fast of Queen Esther of course would admit of no extenuation, but there were a host of trivial observances which seem to the modern mind altogether inadequate to the prominence accorded to them in the trials. This extreme minuteness with which such observances were held to prove apostasy was an innovation. Of old, the Church recognized the impossibility of changing abruptly customs so imbedded in the routine of daily life, and, while such practices were to be repressed, they were not treated as heresy. The great council of Lateran, in 1215, alludes to their frequency, but contents itself with ordering prelates to force converts to abandon all remnants of their old faith.[1] It was otherwise in Spain and the evidence on which prosecutions were based and

[1] Concil. Lateran. IV, ann. 1215, cap. lxx.

punishments inflicted would often appear to us to be of the flimsiest character.

Changing the body-linen or table-linen on Saturday, lighting candles on Friday and similar observances were proofs of a most damaging character; even eating *amin*—a broth liked by Jews—is enumerated among the offences entailing appearance in an auto de fe.[1] When Brianda de Bardaxí was on trial at Saragossa, in 1491, she admitted that, when a child, she had eaten a few mouthfuls of Passover bread given to her by a playmate, and this was gravely detailed in her sentence as one of the proofs of "vehement suspicion" for which she was severely punished.[2] Circumcision, in the later period, was an evidence almost decisive and, with male defendants, an inspection by the surgeon of the tribunal was customary but, in the earlier time, before the expulsion and forced conversion of the Jews, it was merely an indication that a man was a New and not an Old Christian, yet in an auto de fe at Saragossa, in 1486, Pedro and Luis de Almazan, on this evidence alone, were sentenced to perform penance with lighted candles and to ten years of exile.[3] Among the Moriscos, staining the nails with henna was held to justify suspicion; refusing to eat the flesh of animals that had died of natural causes was highly damaging; a propensity to cleanliness by washing one's self was an indication of apostasy and, in the trial of Mari Gómez at Toledo, in 1550, as a relapsed impenitent, one of the charges was that, in her former trial, she had not confessed that, some fifteen years before, a kid had been killed in her house by cutting its throat.[4]

How slender was the evidence requisite for prosecution is manifested in the trials of a whole family, in Valladolid, from 1622 to 1624. When Dr. Jorje Enrriquez, physician to the Duke of Alva, died, the body was soiled, requiring washing, followed by a clean shirt. A number of witnesses thereupon deposed that it was prepared for sepulture according to Jewish rites. The consulta de fe on the arrest was not unanimous, and it was referred to the Suprema, which ordered the arrest of all concerned, with sequestration. The whole family, widow, children and servants, with some cousins, were thrown into the secret prison and the

[1] Memoria de diversos Autos (Appendix to Vol. I, pp. 593, 594).

[2] Chapters from the Religious History of Spain, pp. 473, 478.

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 148.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.—Memoria de diversos Autos (*ubi sup.* p. 600).

[4] See "Moriscos of Spain," pp. 116, 129–30.

eldest son, a youth of twenty, died from the effects of torture. After nearly two years of this, the evidence was so weak that the consulta de fe voted *in discordia* and the Suprema ordered the prisoners to be acquitted. So, in 1625, Manuel de Azevedo, a shoemaker of Salamanca, was denounced because he had removed the lump of fat from a leg of mutton which he took to a baker to be roasted. The consulta voted to dismiss the case but the fiscal appealed to the Suprema, which ordered arrest with sequestration. The trial went on through all the forms and when at length Azevedo learned from the accusation what was the charge, he said that he was ignorant of this being a Jewish custom, but had been told that a leg of mutton roasted better when the fat was cut out. When the defence was reached he proved that he was an Old Christian on all sides; he was not acquitted but the case was suspended. Had he been a New Christian he would have been tortured and penanced, whether he overcame the torture or not. In another case, in 1646, one of the charges was that the accused, in slicing bread, held the knife with the edge turned away and not towards his breast, as was customary with Christians. Trivial as all this may seem, one occasionally meets a case showing that the Inquisition did not always spend its energies in vain in following up the slenderest evidence, however great were the sufferings frequently inflicted on the innocent. In several Jewish cases in Valladolid, in 1642, the chief evidence was that the meat before cooking was soaked in water to remove the blood and grease. This led to the discovery and punishment as Judaizers of a group of some fifteen or twenty in Benavente, who appeared in the auto de fe of 1644. As soon as one was brought to confess, he implicated others, and the net was spread which captured them all. The fact, however, that torture was freely used casts an unpleasant doubt over the justice of the result.[1]

Suspicion might be aroused by negative as well as by positive indications and, in the Spain of the Inquisition, it behooved every man to be scrupulously exact in the performance of what were regarded as evidences of orthodoxy, as well as in the avoidance of what created doubt, for everywhere around him were zealous spies, eager to serve the faith. In 1635, Manuel Mardes, travelling with his wife and two other women, passed two men laboring in a field without saluting them. One of them asked him why he did not say "Praised be Jesus Christ" or "Praised be the most

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 3, 6, 31, 33.

Blessed Sacrament," to which he imprudently replied that God was not known in his own land. The laborers promptly denounced him to the nearest commissioner of the Inquisition, who arrested him. The calificadores voted that this was manifest Judaism and he was thrown into the secret prison of Valladolid, with sequestration. Then there came additional evidence from a cell-companion that he washed his hands on rising and before eating. He denied all intention until he was smartly tortured, when he confessed all that was desired.[1]

Naturally this negative evidence was habitually sought by the tribunals. In the trials for Judaism and Mahometanism, the accused was always interrogated as to his training in Christian formulas. He was asked to recite the credo and the customary prayers of the Paternoster, the Ave Maria and the Salve Regina, and was made to cross himself, to see whether or not he did it in a manner to show that it was habitual. In Spain there were two forms of this—*santiguarse* and *signarse*—the former consisting in making the sign of the cross, with the thumb and forefinger joined, passing them from forehead to cheek and from the left to the right shoulder; the latter in touching the forehead, mouth and chest with the thumb and forefinger of the right hand, or with the thumb alone. This was often a crucial test. Of Mari Gómez it is recorded, July 15, 1550, "She repeated the Ave Maria; she was imperfect in the Paternoster and the creed and said she did not know the Salve Regina. She performed the signo ill but the santiguada well."[2]

It has seemed worth while to enter thus minutely into the details of inquisitorial treatment of evidence, as it was so largely a determining factor in the fate of the accused. From this examination it is impossible to resist the conclusion that the system of procedure was framed rather to secure conviction than to ascertain the truth. Guilt was presumed in the fact of arrest and the business of the tribunal was to prove it.

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17.

[2] Proceso contra Mari Gómez (MS. *penes me*).

CHAPTER VI.

CONFESSION.

THE heretic was not only a criminal but a sinner. This imposed on the Inquisition a two-fold function—to discover and punish crime and to save the soul of the sinner. Its position was anomalous. It could scarce be called a spiritual tribunal, for inquisitors and members of the Suprema, as we have seen, might be laymen. The jurisdiction over heresy was a special delegation from the Holy See but, although the inquisitor might excommunicate, when the censure was to be removed he did not do it himself but empowered any priest to perform the ceremony.[1] He never received sacramental confessions or administered the sacrament of penitence; even when a Protestant applied to him to be admitted to the bosom of the Church, a priest was called in to hear the confession and grant absolution.

Thus, while exercising spiritual jurisdiction, the inquisitor, even if in holy orders, abstained from exercising spiritual functions. Yet, as a judge, his duties were not purely secular. In theory the object of the Inquisition was the saving of souls; the detection and punishment of heresy were merely a necessary means to that end. The burning of the obstinate impenitent, besides avenging the offence to God, was the removal of a gangrened member to preserve the body from infection. The penalties inflicted on the repentant were not punishment but penance and he was not a convict but a penitent; whatever statement he made during his trial, even in obstinately denying the charges, was a confession, and the penal prison to which he was consigned was a *casa de penitencia* or *de misericordia*. Even denunciations and the evidence of witnesses for the defence were sometimes called confessions.

While the distinction was fully recognized between judicial and sacramental confession, and the inquisitor was in no sense a confessor, there was a curious assumption that in the tribunal

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.

confession was of a mixed character, partaking of both classes.[1] The whole procedure was directed to induce the accused to confess his errors, to profess repentance and to beg for mercy. He was adjured by the love of God and his Blessed Mother to discharge his conscience and save his soul by a full confession, as to himself and others, without uttering false testimony as to himself or to them. The so-called advocate who was furnished to defend him was instructed to urge him to this, and to explain that the Holy Office was not like the other tribunals whose business it was to punish the body, for here the only object was to cure the soul and to reunite to the Church those who, by their sins, had left the holy congregation of Christians, in violation of their baptismal promises; he should therefore cast aside all thought of that which concerns the body and think only of his soul, confessing his crimes so that the Holy Office could cure his infirmity, which was beyond the power of any other judge or confessor.[2]

No doubt there were many inquisitors who conscientiously believed that this was the lofty duty to which they were devoted. There was another motive, however, which was not without weight in prompting the earnest and sometimes cruel means resorted to, for it was held that confession, however it might be obtained, cured all defects and irregularities in the trial.[3] An inquisitor conscious of having overstepped the limits was therefore doubly anxious to extort from the accused admissions which should exonerate him.

Thus, from the first audience to the final reading of the sentence at the auto de fe, the effort of the tribunal was to bring the sinner to repentance, or at least to confession, by adjurations, by misleading promises of mercy, by threats and, if necessary, by torture. On his way to the stake, the man who had persistently denied his guilt was accompanied by confessors urging him to admit it and to repent. Similar advantage was taken of the death-bed fears of those who died in prison, when, as we have seen, confessors sent to them were instructed to listen to them only in case they confessed sufficiently to "satisfy" the adverse testimony.

This urgency to induce confession produced the natural result that the unfortunates subjected to it were led, not infrequently,

[1] Simancæ de Cath. Institt. Tit. xiii, n. 20.

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[3] Rojas de Hæret. P. II, Assert. 25, n. 258.—Praxis Procedendi, cap. 8, n. 22 (Archivo hist. nacional, Inquisicion de Valencia).

to gratify their judges by admitting whatever they thought necessary to win the favor of the tribunal. This was recognized in a warning issued by the Suprema, in 1541, that much caution was required in weighing the truth of confessions, because the accused, through malice, were wont to confess against themselves and others in order to obscure the truth.[1] This warning was doubtless needed, but there is little evidence that it was heeded. As a rule, the confession was accepted, provided it was sufficiently criminatory and, as far as regarded its implication of accomplices, it was used for their conviction.

An unexpected feature of the inquisitorial records is the number of *espontaneados*—of those who from various motives voluntarily accused themselves. In 1172 cases occurring in Toledo between 1575 and 1610 there are 170 of these or about one in seven. This of course is attributable to the assumption that self-denunciation was an evidence of contrition which merited benignity. It is true that, in the earlier period, when Edicts of Grace were published, those who came forward within the term were subjected to reconciliation and heavy mulcts; their confessions were taken down by notaries to be used against the friends whom they incriminated and against themselves in case of relapse. It is further true that, after the expiration of the term, spontaneous confession did not avert confiscation and such other penance as the inquisitor might impose—in fact it was virtually no better than if rendered under prosecution. But, after the first fury of persecution, when spontaneous self-denunciation might be considered as arising from conviction and not from fear of accusation by others, it was regarded more mercifully. In 1568 we find the Suprema sharply rebuking the tribunal of Barcelona for having condemned to reconciliation and confiscation a French girl of eighteen and Antoine Codrie, a Frenchman, who had spontaneously confessed to Protestantism and against whom there was no other evidence; the confiscated property was to be returned to them within nine days, whether or not it was still in the hands of the receiver. The tribunal was also told that it had erred deplorably in the case of Alonso de Montoya, who had spontaneously confessed to having been a renegade when captive in the hands of the Moors, and whom it had thrown into the

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 95.

secret prison and condemned to confiscation, reconciliation and appearance in an auto de fe with a mitre.[1]

Not long after this the reports of the tribunal of Toledo present numerous cases of spontaneous self-denunciation which show that its influence on the sentence varied with the character of the confession and the motives to which the inquisitors attributed it. There was a curious case of twelve Judaizers of Alcázar de Consuegra who came forward to accuse themselves and implicate twelve others; all twenty-four figured in the great auto de fe of 1591 and all had the full penalty of reconciliation, confiscation and perpetual prison with the sanbenito. On the other hand, Andrés de Palacios, in 1586, presented himself and confessed that, when sailing in the galleys, he had made the acquaintance of an English captain who converted him to all the Lutheran heresies; for six years, and until within a few weeks, he had believed them, but now with tears he begged for mercy and for readmission to the Church. He was duly put on trial and was privately reconciled with only some spiritual penances. In the same year occurred the more complicated case of Ursule de la Croix, a French nun in the convent of Santa Margarita at Alcalá de Henares. She confessed to a commissioner there that she had imbibed some of the errors current in her native land; she had deliberately struck a crucifix and had eaten meat on Fridays. The Suprema examined the confession and ordered the commissioner to absolve her. Subsequently she returned to confess that she still held the errors which she had abjured. The Suprema ordered her to be confined in the secret prison and her trial to proceed, during which she repeated her confession, begged for mercy and professed her desire to live and die in the Catholic faith. The consulta de fe was puzzled and, on reference to the Suprema, it ordered her to be secretly reconciled, the sanbenito to be at once removed, and her reclusion for a year in a convent cell. As she was a relapsed and as Lutheranism was the object of special severity, this mercy shows ample consideration for spontaneous confession, but the event proved that the patience of the Inquisition might be tried too far. The unstable mind of the poor creature continued to torment itself and, in 1594, she again accused herself of the same errors. The tribunal reported this to the Suprema, with the statement that she had already been

[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

thrice reconciled, and the order came to relax her to the secular arm, when she was duly burnt.[1]

Thus far there appears to have been no formal modification of the Instructions of 1484 which made no concessions to *espontaneados*, except during a Term of Grace, but evidently each case was treated on its merits. It was not until 1605 that the Suprema decreed that foreigners confessing their errors voluntarily were to be reconciled without confiscation. This did not apply to natives, especially Judaizers and Moriscos, in whose cases the Suprema was consulted which usually remitted the confiscation. The matter remained in this uncertain condition, with an increasing tendency towards leniency in practice. In trivial cases, such as heretical blasphemy or thoughtless propositions, the offender was reprimanded, warned and told to confess sacramentally, even though there might have been previous denunciation insufficient to justify arrest. In more serious matters we are told that the espontaneado was treated with great benignity, even when it appeared that he had come forward through fear of denunciation by accomplices who had been arrested. He was given his house or the city for a prison, unless it was necessary to seclude him from those who would pervert him. If he confessed to formal heresy, with belief and intention, it was customary to vote secret reconciliation with the immediate removal of the sanbenito and with confiscation, but the Suprema usually remitted the latter or agreed to a composition. In some cases at Santiago, in the seventeenth century, the parties offered a payment nearly equivalent to the value of their property, but the Suprema told them that they could retain it on paying what the tribunal thought proper.[2]

Confession, whether spontaneous or after arrest, to be valid in the Inquisition, implied repentance, renunciation of error and prayer for readmission to Catholic unity. Although judicial, it had this in common with sacramental confession that it must be full and complete; every separate heretical act was a sin and, like sins in a confessional, it had to be enumerated. There must be no omission, else the confession was nugatory, *ficta* and *diminuta*, and an aggravated guilt, for the truly penitent sinner was

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61; Leg. 299, fol. 80.—Archivo de Alcalá, Hacienda, Leg. 544a, (Lib. 4).—Bibl. nacional, MSS., V, 377, cap. 4.

held to be eager to expose all his sins, in order to gain absolution for them, and to betray all his accomplices in order to satisfy his new-born hatred of heresy. Thus the *diminuto* was as bad as the *negativo*, for he was still a heretic at heart. The Instructions of 1484 treat *diminutos* as impenitents, to be prosecuted if subsequent testimony shows that they have concealed anything as to themselves or to others.[1] Tried by this standard the confessions in the early Terms of Grace were apt to be imperfect and, in the endeavor to avert the awful consequences of this, it became customary to add to them a protest that, if through lapse of memory facts had been forgotten, the penitent on remembering them would come and confess them or, if testimony was received of matters omitted, he now accepted it as true and asked penance for them. These protests availed little. In the case of Mencia, wife of Diego González, before the tribunal of Guadalupe in 1485, she added this to her confession, but additional incriminating evidence was given by other penitents; she was duly prosecuted and the tribunal apologized for not sending her to the stake, in view of her youth, her tearful contrition and her heartfelt desire to return to the bosom of the Church, wherefore she escaped with perpetual prison.[2] Beatriz Núñez was less fortunate. She was reconciled, January 13, 1485, in the Time of Grace, after presenting a long confession including all the recognized Jewish practices. July 1st she was arrested on the strength of evidence relating to acts running back for twenty years, embracing details that happened not to be contained in her confession, although it had included a protest admitting all that she did not remember. The tribunal held that her confession had been *diminuta*, that consequently it was feigned and she was an impenitent heretic, so she was burnt alive, July 31st.[3] Similar was the fate of Andrés González, parish priest of San Martin de Talavera, who was reconciled in the Time of Grace but, when imprisoned November 12, 1485,

[1] Instrucciones de 1484, § 13 (Arguello, fol. 5).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 133, n. 46. The artless formula of protest is "Y porque la memoria es deleznable e puede ser que algunas otras cosas aya herrado de que agora no tengo memoria, protesto ante vuestra merced que cada y de algunas otras cosas me acordare lo vendre a declarar y dezyr, desde agora pido penitencia, que por mas me aclarar e alympiar digo que si algunas personas vinieren diciendo otras cosas de mas de las desuso declaradas que syendo tales que vuestra reverencia les debe dar fe, desde agora yo las apruevo e digo que son verdaderas y pido penitencia dellas."

[3] Boletin, XXIII, 289-312.

made a fuller confession, imploring mercy in terms betraying the utmost despair. There were but two adverse witnesses—evidently prisoners on trial—whose evidence was simply confirmatory of the confessions, but it sufficed. There seems to have been some delay in getting a bishop and an abbot to degrade him, for he was not burnt until August 17, 1486.[1] Now in all these cases the confessions had amply admitted Judaism and the subsequent testimony was but surplusage in detail. This cruel practice goes far to explain the great number of burnings, in the early period, and it long continued to furnish victims. In 1531 the tribunal of Toledo condemned to reconciliation, confiscation and prison an old woman named Teresa de Lucena; for nearly fifty years she had been living a Catholic life, but in 1484 she had been reconciled on a confession which subsequent testimony showed had omitted some Jewish observances and had not named every one whom she had seen practice them.[2]

This demand for an absolutely perfect confession exceeded that of the confessional, where forgotten sins are charitably held to be included. It explains why inquisitors labored so strenuously and often so cruelly to make the penitent remember and declare everything testified against him—what they termed satisfying the evidence. It is true that Simancas argues that defective memory may render confession imperfect, that he who admits himself to have been a heretic includes all heretical customs, and that the rigor of the law should not be visited on those who return to the Catholic faith, while Rojas condemns the severity of those who hold that a penitent not stating the full term of his heresy should be burnt.[3] Yet the old sternness was held to be in vigor throughout the eighteenth century, and the only concession of the authorities seems to be that, if the penitent omits in his confession anything worthy of relaxation or any accomplices, when these have been proved by witnesses, he may have the chance of purging himself by torture.[4]

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[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 153, n. 331.

[2] D. Manuel Serreno y Sanz, in *Revista de Archivos*, etc., Abril, 1902, p. 294.

[3] Simancæ de Cath. Institt. Tit. XLVIII, n. 28; Ejusd. Enchirid. Tit. LXI, § 5. —Rojas de Hæret. P. I, n. 597.

[4] Elucidationes S^ti^ Officii, § 17 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4).—Bibl. nacional, MSS., Pp, 28; V, 377, cap. ii, § 7

This was not confined to the Spanish Inquisition, but was the current practice of the Church where it had power. See Farinacii de Hæres. Q. 187, n. 133.

Yet this ferocity had become rather academic than practical. As early as 1570 the Suprema ordered that, in all cases of *diminucion*, the matters suppressed or omitted were to be recorded in the process, submitted to the consulta de fe, and then, without taking action, to be sent to it for its decision.[1] This can only have been for the purpose of mitigating the execution of the law without modifying it in principle. It remained nominally in force but I have met, in the later periods, with no case in which its extreme rigor was enforced. It was not an infrequent occurrence that reconciled penitents were found, by testimony in later trials, to have made imperfect confessions. Apparently a careful watch for this was maintained and, when it was discovered, they were tried again, but in the second half of the seventeenth century the sentences were remarkably mild—a few years of prison and sanbenito and exile or possibly a parading in *vergüenza*.[2] With the recrudescence of persecution in the first half of the eighteenth century, there was greater severity—irremissible prison and sanbenito for life and, in a Barcelona case of 1723, a woman had two hundred lashes in addition.[3]

Closely connected with *diminucio* was the confession of acts accompanied by a denial of intention. As we have seen, the Inquisition relied for proof on acts or words from which heretical belief was inferred, it being assumed that, after baptism, any one practising Judaic or Moslem rites or customs was an apostate. Many of these were wholly indifferent in themselves and their significance depended on the intention with which they were performed, so that it was not unusual for the accused to admit the acts while disclaiming knowledge of their religious character. He might confess avoidance of pork but allege that it disagreed with him; he might acknowledge to washing hands or changing linen but assert that it was for the sake of cleanliness; he might not deny uttering an heretical proposition but say that it was thoughtless or jocular. As human intentions are inscrutable, in such cases resort was inevitable to the universal solvent of judicial doubt—torture—at least in the later period. In the earlier time it was more in consonance with the swift justice then habitual to condemn him; such acts, it was argued, did not admit of doubt,

[1] MSS. of Royal Library of Copenhagen, 218b, p. 145.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[3] Ibidem.—Matute y Luquin, Autos de Fe de Córdova, p. 232 —Royal Library of Berlin, Qt. 9548.

they were in themselves sufficient proof and the accused was not to be allowed the privilege of torture.[1] In the later period the authorities are not wholly unanimous, for the shades of guilt and the collateral circumstances varied so infinitely that a definite rule was difficult to frame. In general it may be summed up as admitted that for heretical acts, under the law, no plea of non-intention could be entertained, and that the offender must be relaxed, but in practice he had the benefit of torture; if he succumbed in it he was reconciled with confiscation, the galleys and perpetual prison; if he endured it without confession, according to the judicial logic of the age, he was not acquitted but was punished, less severely, for the suspicion. For words and opinions and heretical propositions, if serious, he was to be tortured on intention, but not for lesser offences, in which the appropriate penalty would be less grievous than the infliction of torture—yet one writer admits the use of torture when intention is denied in the widely current proposition that simple fornication is no sin. When, in these minor cases, torture was used, if, according to the legal phrase, it was endured sufficiently to purge the testimony, it became customary to suspend the case or to acquit the accused.[2]

In the previous chapter (pp. 566, 567) there are one or two instructive cases as to the danger of construing Judaic observances as implying heretical intention. In the wider sphere of propositions, an illustrative instance is that of the Augustinian Pedro Retorni, tried in 1601, at Toledo, for denying the papal power to release souls from purgatory. He admitted it, but denied intention, asserting that he had only used the phrase in the course of an argument. The consulta de fe voted for abjuration *de levi* and a sharp reprimand, but the Suprema ordered that he should be threatened with torture up to the point of stripping him in the torture-chamber. He endured this without confessing, and the sentence of the consulta de fe was executed.[3]

One of the most essential requisites to completeness of confession was the denunciation of all accomplices—that is, of all whom the penitent knew to be heretics or addicted to heretical practices.

[1] Albert. Albertin. de Agnoscendis Assert. Cathol., Q. xxxvi, *in fine*.—Pegnæ Comment. 75 in Eymerici Direct. P. II.

[2] Bibl. nacional, MSS., Pp, 28; V, 377, cap. ii, §§ 4, 6.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Elucidationes S^ti^ Officii, § 16 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4).

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

This, as we have seen, was required of all who came in under Edicts of Grace, and, in the Instructions of 1500, the inquisitor was ordered, when any one confessed, to examine him exhaustively as to what he knew of his parents, brothers, kindred and all other persons, and this evidence to be used against them was to be entered in registers apart from the personal confession.[1] There was usually little hesitation on the part of the penitent to incriminate his family and friends, for they might, for all he knew, be themselves under trial and informing on him, so that any reticence on his part would convict him of being a *diminuto* with all its fateful consequences. The information thus obtained was registered with alphabetical indexes, so that the tribunals obtained a mass of evidence, against those who were Jews or Moors at heart, which largely explains the rapid extension of its activity. The value attached by the Inquisition to this source of information is expressed by the Suprema in its remonstrance, February 23, 1595, to Clement VIII against a jubilee indulgence. One of its chief arguments was that, as heretics were all allied and known to each other, the principal means of detecting them was through the confessions of those who were converted, while the absolution obtainable through the indulgence would release them from pressure and this mode of extirpating heresy would be lost.[2]

In the formulas compiled for interrogating the accused, we find special stress laid on making those who confess enumerate all who had joined with them in belief and worship, or whom they knew to be heretics. These were recorded, one by one, the penitent being required to state all details concerning them, including personal descriptions, so that they could be tracked or, if there were several individuals of the same name, error could be avoided in identifying them.[3] Any omissions in this exposed the penitent to severe punishment. In the Seville auto de fe of July 5, 1722, there appeared Melchor de Molina, who had been reconciled for Judaism in 1720. From evidence gathered in subsequent trials it appeared that he had not denounced all whom he knew; he was prosecuted anew and for this, as a fautor and protector of accomplices, his temporary prison was now made perpetual and irremissible.[4]

[1] See Appendix to Vol. I, p. 580.
[2] Bibl. nacional, MSS., S. 294, fol. 243.
[3] Bibl. nacional, MSS., V, 377, fol. 53.
[4] Royal Library of Berlin, Qt., 9548.

Perhaps the most striking illustration of the effectiveness of the rule requiring denunciation of others is furnished by a Morisco of Valencia named Francisco Zafar y Ribera. He had been a Christian only in outward show, when a miraculous change of heart sent him on a pilgrimage to Monserrat, where he confessed his heresy to a priest. The good padre, unable to absolve him, referred him to the Barcelona tribunal, where, as a condition precedent, he was required to denounce all whom he knew to be Moors. The inquisitors, finding these to be Valencians, despatched him to Valencia, where he gave the names of no less than four thousand. He had been a wandering tailor and his acquaintance was extensive.[1]

Few of those who fell into the hands of the Inquisition had the heroic courage of Manuel Díaz, a victim in the great Mexican auto de fe of December 8, 1596. Although ten of his fellow-sufferers had testified against him, he steadily denied his guilt and was proof against both the threats and the blandishments of the inquisitors. There was nothing to do but to burn him as a *negativo impenitente*, except that he might be used to inculpate others, and for this he was sentenced to torture *in caput alienum*. When this sentence was read to him he simply said that he was ready for them to do with him as they pleased. He was in his thirty-eighth year and a vigorous man, for he endured torture of unusual severity and, although he shrieked and begged to be put to death and called upon his tormentors to have mercy on his five children, he denied all knowledge of the Law of Moses and went to the stake without bearing witness against his fellows. This was held to aggravate his guilt and, in his sentence, he was stigmatized as a fautor and protector of Judaizing heretics.[2]

If the inquisitorial records occasionally ennoble human nature with such examples of self-sacrifice, they more frequently exhibit it in its most despicable aspect, through the eagerness with which unfortunates, enfeebled and despairing in their protracted incarceration, seek to gain the favor of pitiless judges, or to render their confessions complete, by hastening to betray the confidences of their cell-companions, who incautiously relieve their hearts in careless talk with comrades in misery. The instances are innumerable in which the recipient of such avowals at once asks an audience and proves the sincerity of his own conversion by detail-

[1] Bleda, Crónica de los Moros, p. 929.

[2] Proceso contra Manuel Díaz (MS. *penes me*).

ing what he had heard. There is a certain grim satisfaction, however, in noting that these revelations, however damaging to the victim, seem never to benefit the informer, for I have nowhere observed that they are accepted as attenuating circumstances to diminish his own punishment.

The time at which a confession was made was an important factor in determining the grade of punishment. At first these distinctions were crudely drawn, and there was hesitation in accepting confession as an infallible sign of repentance and conversion. The Instructions of 1484 merely say that, if it is made early and before publication of evidence, the regular penalty can be commuted to those who manifest contrition; if after publication and before definite sentence, the culprit is entitled to reconciliation with perpetual prison, but the inquisitors must determine whether he is sincerely converted, for if they have no hope of this they should relax him as an impenitent heretic. It seems to have been thought that, under these rules, too many fictitious converts escaped for, in 1498, the tribunals were warned to be cautious about admitting to reconciliation those who confessed after arrest, in view of the length of time since the establishment of the Inquisition.[1] Thus, after arrest, confession and profession of conversion by no means saved the victim from the stake, but it depended upon the inquisitor's belief in his sincerity.

This excessive severity was moderated in time and there came to be established a kind of sliding scale which gauged sincerity by the period in the trial at which confession was made. An elementary form of this is displayed in a report of an auto de fe at Saragossa, June 5, 1585, where many Moriscos suffered. There is a group of ten of whom it is said that, as they confessed at the beginning of their trials, they were imprisoned for two, three or four years according to the gravity of their offences. Then there are others sent to the galleys for terms of from three to eight years, because their confessions were tardy or delayed to the end of their trials. As women were exempt from galley-service, this classification was impossible for them, but their terms of prison were regulated in the same way, and two of them had their sanbenitos removed at the close of the proceedings, because they had come forward and confessed before arrest, though after they had

[1] Instrucciones de 1484, §§ 11, 12; Instruc. de 1498, 7 § (Arguello fol. 5, 13).

been testified against.[1] This system was gradually perfected and, as presented by a writer of the middle of the seventeenth century, it appears that, if confession was made before the fiscal presented his formal accusation, the prison and sanbenito were inflicted for a very short time; if after accusation, they were for one or two years; if not till after publication of evidence, for the three years styled perpetual; if after torture, irremissible prison and, if able-bodied, the first three or five years to be spent in the galleys. This might be modified according to the manifestation of repentance and whether the culprit was a good confessor, both as to himself and others and, in the case of slaves, to avoid wronging the owner, scourging was substituted for prison and galleys.[2] Subsequently this resource of scourging was freely employed for those who were not slaves, and, in the frequent autos of 1721 and the following years, the cases are numerous in which men and women are sentenced to two hundred lashes and irremissible prison and sanbenito as a special punishment for tardy confession.[3]

Confession under torture was originally not regarded as voluntary and did not relieve from relaxation, showing that its use on a culprit who denied was either merely to gratify curiosity or to obtain information as to accomplices.[4] Subsequent casuists, however, argued that the ratification of the confession, which was necessary after twenty-four hours, rendered it voluntary, and the more usual practice was to admit such cases to reconciliation. The Instructions of 1561 accept this, but warn inquisitors that they must observe much caution as to such cases and consider the quality of the heresies and whether the offender had simply been taught or had taught others.[5] Still, this distinction was disregarded and Simancas tells us that the universal practice was to receive to reconciliation those who confessed under torture.[6]

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[1] Bibl. nacional, MSS., PV, 3, n. 20.—Somewhat similar is the classification of Moriscos in the Toledo auto of 1594 (MSS. of Library of Univ. of Halle, Yc, 20, T. I.).

[2] Elucidationes Sti Officii, § 4 (Archivo de Alcalá, Hacienda, Leg 544², Lib. 4). —Bibl. nacional, MSS., V, 377, cap. ii, § 14.

[3] Royal Library of Berlin, Qt. 9548.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[4] Instrucciones de 1484, § 15 (Arguello, fol. 6).

[5] Instrucciones de 1561, § 53 (Arguello, fol. 34) —Elucidationes Sti Officii, § 22 (*ubi sup.*).

[6] Simancæ de Cath. Institt. T. XLVII, n. 45, 46.—Ejusd. Enchirid. Tit. LVIII, n. 14.

It can readily be conceived that those who confessed under the awe-inspiring formalities of the trial, with the pressure of prolonged imprisonment, the threat of torture and the fear of the stake, and whose admissions came gradually with greater or less fullness, as they vacillated between opposing influences, were not infrequently inconsistent and variable in their utterances. This was naturally provoking to the inquisitor and the *vario* who thus wavered cast doubt upon the sincerity of his repentance. He was admitted to reconciliation, indeed, but he paid the penalty of his vacillation in extra punishment. Thus, in the Murcia auto de fe of October 18, 1722, Francisco Henríquez de Medina y Melo, besides the regular penance, was sentenced to a hundred lashes "por vario en sus confesiones."[1]

Even more provoking was the *revocante*, who withdrew or revoked a confession—an occurrence by no means rare, as might be expected from the methods employed to obtain it. The writers all treat this as impenitence, requiring relaxation in cases of formal heresy.[2] In practice it was so regarded, as a general rule, but we find occasional exceptional cases, in which, however, care was usually taken to inflict heavier punishment than if the confession had been adhered to. In a Toledo auto of 1603, a Morisco, Andrés Muñoz, who had revoked his confession and consequently had been sentenced to relaxation, was saved by the Suprema, which ordered torture and, on his overcoming it, gave him five years of galleys and a heavy fine. Another case occurred in Granada, in 1593, where Jusuarte López, a Portuguese, confessed to Judaism and then, on finding that there was little evidence against him, revoked his confession and was condemned to five years of galleys, followed by irremissible prison and sanbenito.[3]

This apparent inconsistency arose from the infinite perplexities caused to the conscientious inquisitor by the arbitrary methods employed to induce or to extort confession. We obtain a glimpse into this from the remarks of an old inquisitor, about 1640, who, after laying down the rule of relaxation, proceeds to warn the judge that he should proceed with caution and consider the

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[1] Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inquisicion, Libro 939, fol. 342.—Elucidationes Sti Officii, § 5 (*ubi sup.*).—Bibl. nacional, MSS., Pp, 28.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., G, 50, fol. 241.

circumstances under which the confession had been made. I have known, he adds, the mere fear excited by the fiscal's formal demand for torture at the end of the accusation, bring a confession which necessitated torture to ascertain its truth. In 1628, I had a case in Saragossa, where a Frenchman voluntarily confessed that he had been a Lutheran and that, as such, he had been reconciled in Toledo. On being arrested he stated that his father had taught him Lutheranism and that he was reconciled in Toledo. After several audiences, he revoked this, and asserted that what he had confessed in Toledo was false; that there were no heretics where he came from and that his father had not taught him, and then in his defence he proved this and that both he and his father were Catholics. I voted for relaxation but the Suprema ordered torture; he overcame the torture and was finally sentenced to abjure *de vehementi*, to undergo public *vergüenza* and to perpetual banishment from Spain. If the revocation, the writer concludes, is of things of which there is *semiplena* proof [as of one witness] and it appears that it is made to protect accomplices and friends, then in rigor he is to be relaxed, but in these times relaxation is rare if he confesses enough to justify reconciliation.[1]

That the terrors of the situation frequently reduced the prisoner to a mental condition that was practically irresponsible is illustrated in a trivial case concerning the popular assertion that simple fornication was no sin. In 1579 at Toledo, Diego Redondo of Prado, on trial for this, denied at first; then, when the accusation was read, with its customary demand for torture, he confessed; then, when the testimony of five witnesses was read in the publication, he revoked his confession, saying that it was made through fear; he did not know whether he had made it or not, but if he did so he was out of his senses; he remembered that he had said he knew not what, and had retracted it, and he did not remember, and this was what he said. This crazed incoherence puzzled the tribunal; it referred the case to the Suprema which charitably sentenced him to hear high mass at Prado, while his sentence was publicly read, and then to spend two years in exile.[2]

There was another form of revocation which greatly scandalized the Inquisition in consequence of the reflection cast upon its

[1] Bibl. nacional, MSS., V, 377, cap. 5, §§ 1–3.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I

methods. This was the assertion by penitents, subsequent to trial, that they were innocent and had only confessed through fear of the consequences of denial. It was sufficiently frequent to be included, in the Edicts of Faith, among the offences to be denounced by all cognizant of it. In the earliest Instructions of 1484 it is ordered that such offenders are to be held as impenitent and as fictitious converts and are to be prosecuted as such—which of course meant relaxation.[1] This severity was moderated in time, but the offence was still punished in a manner to discourage it. In 1578, Niccolò Salari, who had been reconciled by the tribunal of Sardinia, had the imprudence to present to the Suprema a petition revoking his confession; he was tried for this in Toledo and escaped with two years' exile from Sardinia and the royal court.[2]

A wholesale case of this kind, in Valencia, in 1540, aroused much excitement. A large number of prominent Conversos had been punished—some with relaxation—on the charge of holding conventicles in which Jewish fasts were observed and a crucifix was scourged. Subsequently they asserted that their confessions had been extorted by fear; popular feeling was excited and there was danger that the Inquisition would be seriously discredited, for ecclesiastics of high repute had recommended them to revoke their confessions and had joined in a letter on the subject to Inquisitor-general Tavera. The honor of the Inquisition was to be preserved at all hazards. Doctor Azeve was sent as a special commissioner to investigate, and his report increased the disquietude. To reinforce the Valencia tribunal, in May, 1541, Tavera urged Loazes of Barcelona to hasten thither and take charge of the matter, promising him support for his advancement. Then, in October, two members of the Suprema were sent there to assist and two additional inquisitors were put to work. The crisis was evidently alarming and there was ample for them all to do. Prosecutions were instituted against all who had revoked their confessions. They were kept segregated to prevent collusion and, as the secret prison of the tribunal was inadequate, the inquisitors and officials were turned out of their quarters and seven adjoining houses were hired and converted into gaols. What was the number involved does not appear, but a letter of November 26, 1543, mentions that twenty-two cases had been

[1] Instrucciones de 1484, § 13 (Arguello, fol. 5).

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

voted on, twenty more were in progress, on which they were working night and day and on feast days, and the remainder it was hoped to conclude so that all might be included in a single auto. The prisoners had no chance. A letter of the Suprema suggests that publication of evidence be omitted, because many of the witnesses had retracted their evidence and a knowledge of this would encourage the accused in their defence; the consultas de fe were to be packed, taking care to admit none who were favorable to them, and, under such conditions, the result was inevitable. Full details are lacking; we only know that autos de fe were held in which the culprits appeared for the second time, the sentences appear not to have been severe, but the honor of the Inquisition was vindicated.[1]

The *negativo*, who persistently denied his guilt, in the face of competent testimony, was universally held to be a pertinacious impenitent heretic, for whom there was no alternative save burning alive, although, as Simancas says, he might protest a thousand times that he was a Catholic and wished to live and die in the faith.[2] This was the inevitable logic of the situation, for otherwise the guilty could escape, at the mere cost of asserting innocence, and the effort to purify the land might as well be abandoned. There were, indeed, comparatively few who did not at first assert their orthodoxy, nor many who did not ultimately yield to the effective methods to obtain confession. Those who resisted to the end and went to the stake, asserting their Catholicism, were unquestionably good Christians who preferred the most frightful of deaths rather than admit that they had been heretics and confess and abjure heresies that they had never entertained, for if they were really guilty there was nothing more to be gained by denial than by the defiant avowal of their beliefs. Cases of this kind were by no means rare. There were five in Toledo between 1575 and 1606; there were three in a single auto in Granada in 1593; there was one in the great Madrid auto of 1680,

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 116–17, 120–1, 126, 130–4, 137, 139, 141, 161–2; Lib. 78, fol. 275, 282, 295, 322.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 385.

[2] Rojas de Hæret., P. I, n. 69, 72, 75–6.—Simancæ de Cath. Institt. Tit. XLVIII, n. 25.—Arnald. Albertin. de agnoscendis Assertt. Cathol. Q. 3, n. 16.—This was inherited from the medieval Inquisition. See Eymerici Direct. P. II, Q. XXXIV and Peña's comment.

and two in those of Majorca in 1691.[1] The inquisitors themselves admitted the danger of burning the good Catholic, whose conscience would not permit him of accusing himself of heresy, and Peña considers at some length the question whether, under the pressure of approaching death by fire, it is licit to make a false confession. He concludes that this is in no sense permissible and he comforts the victim by assuring him that his constancy will win him the palm of martyrdom.[2] The Church will never know how many martyrs of this kind the Inquisition furnished to its roll of uncanonized saints.

It required indeed persistent constancy for the true believer to persevere to the end in denial, for the Inquisition held open the door to repentance to the latest moment possible. If, at the auto de fe, a *negativo* asked for an audience, it was at once granted. He was removed from the staging, he had an opportunity to confess and profess conversion, his case was gone over, and such penance was imposed as was demanded by the gravity of the charges and the delay in the confession.[3] Such cases were by no means rare and bear witness to the awful strain on the weakness of average human nature.

When all other means failed to obtain a satisfactory confession, including the denunciation of accomplices, there was always in reserve the potent persuasive of torture.

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., G, 50, fol. 249.—Olmo, Relacion, etc., p. 255.—Garau, La Fee triunfante, pp. 75–8, 97.

[2] Pegnæ Comment. xlviii in Eymerici Director., P. iii.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

APPENDIX OF DOCUMENTS.

I.

Edict of Faith.

As Published in Mexico, November 3, 1571.

(MS. *penes me,* from General Vicente Riva Palacio).

(See p. 92).

Nos, el Doctor Don Pedro Moya de Contreras, Inquisidor Apostolico etc. A todos los vecinos y moradores estantes y residentes en toda las ciudades, villas y lugares de los dichos arzobispados, obispados y distrito de cualquier estado, condicion, preeminencia ó dignidad que sean, exentos y non exentos, y á cada uno y cualesquier de vos á cuya noticia viniere lo contenido en esta nuestra carta en cualquier manera, Salud en Jesu Cristo que es verdadera salud y á los nuestros mandamientos que mas verdaderamente son dichos Apostolicos, firmamente obedecer, guardar y cumplir. Sabed que . . . . por parte del promotor fiscal de este Santo Oficio nos ha sido hecha relacion diciendo que por no se haber publicado carta de Edicto ni hecho visita general por el Santo Oficio de la Inquisicion en esta ciudad y arzobispado y distrito no habria venido á nuestra noticia muchos delitos que se habran cometido y perpetrado contra nuestra Santa Fé catolica y ley evangelica y estaban por punir y castigar y que de ello se seguia deservicio á nuestro Señor y gran daño y perjuicio á la religion cristiana. Por ende que nos pedia mandasemos hacer y hiciesemos la dicha Inquisicion y visita general leyendo para ello edictos publicos y castigando á los que se hallaren culpados, de manera que nuestra Santa Fé catolica siempre fuese ensalzada y aumentada, y por nos visto ser justo su pedimento y quisiendo proveer y remediar acerca de ello lo que conviene al servicio de nuestro Señor mandamos dar y dimos la presente para vos en la dicha razon. Por lo qual vos exortamos y requirimos que si alguno de vos supieredes ó hubieredes visto ú oido decir que alguna ó algunas personas, vivas, presentes ó ausentes ó difuntas ayan hecho ó dicho alguna cosa contra nuestra Santa Fé

catolica y contra lo que está ordenado y establecido por la sagrada escritura y ley evangelica y por los sacros concilios y doctrina comun de los Santos y contra lo que tiene y enseña la Santa Iglesia catolica Romana, usos y ceremonias de ella, especialmente los que hubieren hecho ó dicho alguna cosa que sea contra los articulos de la fé, mandamientos de la ley y de la Iglesia, y de los santos sacramentos, ó si alguno hubiere hecho ó dicho alguna cosa en favor de la ley muerta de Moisen de los Judios ó hecho ceremonias de ella ó de la malvada secta de Mahoma ó de la secta de Martin Lutero y sus secuaces y de los otros hereges condenados por la Iglesia, y si saben que alguna ó algunas personas hayan tenido y tengan libros de la secta y opiniones del dicho Martin Lutero y sus secuaces, ó el Alcoran y otros libros de la secta de Mahoma, ó biblias en romance ó otros cualesquier libros de los reprobados por las censuras y catalogos dados y publicados por el santo oficio de la Inquisicion. Los cuales mandamos se traigan ante nos dentro del termino que de juso ira declarado. Y si saben que algunas personas no cumpliendo lo que son obligadas han dejado de decir y manifestar lo que saben, ó que hayan dicho y persuadido á otras personas que no vinieren á decir y manifestar lo que sabian tocante al Santo Oficio, ó que hayan subornado testigos para tachar falsamente lo que han depuesto en el Santo Oficio, ó si algunas personas hubiesen depuesto falsamente contra otras por hacerles mal y daño y macular su honra, ó que hayan encubierto, receptado ó favorecido algunos hereges dandoles favor y ayuda ú ocultando ó encubriendo sus personas ó sus bienes, ó que hayan impedido ó puesto impidimento por si ó por otros á la libre administracion del Santo Oficio de la Inquisicion para efecto que los tales hereges no pudiesen ser acusados ni castigados, ó hayan dicho palabras en desacato del Santo Oficio, oficiales y ministros, ó de lo que hayan quitado ó hecho quitar algunos Sambenitos de donde estaban puestos por el Santo Oficio, ó los que han sido reconciliados ó penitenciados por el Santo Oficio no han guardado ni cumplido las carcelerias y penitencias que les fueron impuestas, ó si han dejado de traer publicamente el habito de reconciliacion sobre sus vestiduras, ó si saben que alguno de los reconciliados ó penitenciados haya dicho publica ó secretamente que lo que confesó en el Santo Oficio ansi de si como de otras personas no fuere verdad, ni lo habia hecho ni cometido y que lo dijo por temor ó por otros respetos, ó que hayan descubierto el secreto que les fué encomendado, ó si saben que alguno haya dicho que los relajados por el Santo Oficio fueron condenados sin culpa y que murieron martires, ó si saben que algunos que hayan sido reconciliados ó hijos ó nietos de condenados por el crimen de la heregia hayan usado de las cosas que les son prohibidas por derecho comun, leyes y pregmaticas de los Reinos é instrucciones del Santo Oficio, asi como si han sido corregidores, alcaldes, jueces, notarios, regidores, jurados, mayordomos, alcaides, maestre

salas, fieles publicos, mercaderes, escribanos, abogados, procuradores, secretarios, contadores, concilleres, tesoreros, medicos, cirujanos, sangradores, boticarios, corredores, cambiadores, cogedores, arrendadores de rentas, alguaciles, ó hayan usado de otros oficios publicos ó de honra por si ó por interpositas personas, ó que se hayan hecho clerigos ó que tengan algun dignidad eclesiastica ó seglar ó insignias de ella, ó hayan traido armas, seda, oro, plata, corales, perlas, chamelotes, paño fino ó cabalgado á caballo, ó si alguno tubiere habilitacion para poder usar de los dichos oficios ó de las cosas prohividas, lo traiga y presente ante nos en el termino aqui contenido. Ansi mismo mandamos á cualesquier escribanos ó notarios ante quien hayan pasado ó esten cualesquier provanzas, dichos de testigos, autos y procesos de algunos de los dichos crimenes y delitos en esta nuestra carta referidos ó de otro alguno tocante á heregia, lo traigan exhiben y presenten ante nos originalmente, y á las personas que supieren ó hubieren oido decir en cuyo poder estan los tales procesos y denunciaciones lo vengan á decir y manifestar ante nos, y por la presente prohibimos y mandamos á todos los confesores y clerigos, presbiteros y religiosos y seglares no absuelvan á las personas que algunas cosas de lo en esta carte contenido supieren sino antes los remitan ante nos por cuanto la absolucion de los que ansi hubieren incurrido nos es reservada, y ansi la reservamos. Lo cual los unos y los otros ansi hagan y cumplan so pena de excomunion, y mandamos que para que mejor se sepa la verdad y se guarde el secreto, los que alguna cosa supieredes y entendieredes ó hayais visto ó entendido ú oido en cualquiera manera sabido de lo que en esta carta contenido, no lo comuniqueis con persona alguna eclesiastica ni seglar, sino solamente lo vengais diciendo y manifestando ante nos con todo el secreto que ser pueda, y por el mejor modo que os pareciere por que quando lo dijeredes y manifestaredes se vera y acordara si es caso que el Santo Oficio deba conocer. Por ende, por el tenor de la presente vos mandamos en virtud de Santa obediencia y so pena de excomunion mayor, trina canonica monitione premissa, que dentro de seis dias primeros siguientes despues que esta nuestra carta fuere leida y publicada y de ella supieredes en cualquier manera, los quales os damos y asignamos por tres plazos y termino, cada dos dias por un termino y todos seis dias por tres terminos y el ultimo perentorio, vengais y parezcais ante nos personalmente en la sala de nuestra audiencia á decir y manifestar lo que supieredes, hubieredes hecho, visto hacer ó decir cerca de las cosas arriba dichas y declaradas ó otras cualesquier cosas de cualquier calidad que sean tocantes á nuestra Santa Fé catolica y al Santo Oficio, ansi de vivos, presentes, ausentes como de difuntos, por manera que la verdad se sepa y los malos sean castigados y los buenos y fieles cristianos conocidos y honrados y nuestra Santa Fé catolica aumentada y ensalzada. Y por que lo susodicho venga á noticia de todos y

ninguno de ello pueda pretender ignorancia se manda publicar. Dado en Mexico, tres dias del mes de Noviembre de 1571 años. El Doctor Moya de Contreras. Por mandado del S. Inquisidor, Pedro de los Rios.

II.

Confessional Letter of Absolution Issued by the Papal Penitentiary, December 4, 1481. (See p. 105).

(Archivo General de Simancas, Patronato Real; Inquisicion, Legajo unico, fol. 19).

Julianus miseratione divina Episcopus Sabinensis dilectis in Christo Francisco Ferdinandi de Sevilla et Blancæ Ferdinandi ejus uxori ac Floræ Martin ejusdem Francisci matri, civibus Ispalensibus, Salutem in Domino. Sedes Apostolica pia mater de vestro et aliorum Christifidelium salute sollicita, libenter vobis illa concedit per quæ conscientiæ pacem et animæ salutem Deo propitio consequi valeatis. Nos igitur auctoritate domini Papæ cujus pœnitentiariæ curam gerimus, et de ejus speciali mandato super hoc vivæ vocis oraculo nobis facto, devotioni vestræ concedimus quatenus liceat vobis ydoneum et discretum presbyterum sæcularem vel cujusvis ordinis regularem in confessorem eligere qui vos et quemlibet vestrum, detestatis prius in ejus manibus secrete apostasiæ secta, superstitionibus et hæresis reatibus ac omnibus hæreticis reatibus, etiam si de præmissis diffamati, suspecti, convicti, probationibus superati, aut per hæreticæ pravitatis inquisitores seu loci ordinarium vocati et apprehensi ac post eorum monitiones deliqueritis, aut etiam quod alios hujusmodi criminum complices non manifestaveritis censuris ecclesiasticis illaqueati et ut tales publicati, ac in eisdem censuris per annum et ultra permanseritis, vel ut hæretici diffamati perseveraveritis, aut alias contra vos, præmissorum occasione, quomodolibet sit processum, a dictis sectæ superstitionibus reatibus et censuris ac excessibus hujusmodi, etiam si ritus et ceremonias judaicas observando et illos vel illas alios docendo, et ab orthodoxæ fidei credulitate recadendo alterius hæresis et apostasiæ notam incurreritis etiam a suis errorum [*sic*] anathematizationis et maledictionis æternæ censuris et pœnis in tales tam per processus apostolicos quam alias a jure etiam per inquisitores prædictos et suos assessores et ordinarios vel alias quomodolibet latis et promulgatis præter præmissa incursis, absolvat in forma ecclesiæ consueta et injungat vobis pro modo culpæ pœnam salutarem et secretam, ac a vobis omnem infamiæ maculam omnesque alias juris pœnas etiam corporis afflictivas absolvat et totaliter remittat, et vos ad cœtum christifidelium et sanctæ matris

ecclesiæ necnon unitatem catholicæ ecclesiæ, ac in pristinum et purum statum in quo eratis antequam in prædictos excessus prolapsi fuissetis auctoritate et mandato prædictis reponat, reintegrat, restituat et reducat, contradictores per censuras ecclesiasticas auctoritate et mandato prædictis compescat, et omnibus juris remediis opportunis vobis assistat. Datum Romæ apud Sanctum Petrum sub sigillo officii pœnitentiariæ, II. Non. Decembris, Pontificatus domini Sixti papa IIII. Anno duodecimo.

III.

Revocation of Letters of Absolution and of Exemptions, May 17, 1488.

(Archivio Vaticano, Reg. 686 (Innoc. VIII) fol. 103.—Bulario de la Orden de Santiago, Tom. I. fol. 94). (See pp. 31, 112).

Innocentius Episcopus Servus Servorum Dei dilectis filiis universis et singulis locorum ordinariis et inquisitoribus hæreticæ pravitatis in regnis et dominiis charissimi in Christo filii Ferdinandi Regis et charissimæ in Christo filiæ Helisabeth Reginæ Castiliæ et Legionis illustrium salutem et apostolicam benedictionem. Quia secut accepimus quamplurimi hæresis et fidei apostasiæ crimine polluti infra limites vestræ jurisdictionis degentes ut criminum hujusmodi publicam juxta sanctorum patrum decreta abjurationem vestramque jurisdictionem evitent, tam a fel. record. Sixto Papa iiii. quam a nobis super eorum exemptione a potestate et jurisdictione vestra necnon abjurationibus errorum suorum aliter quam in forma juris faciendis, ac alias diversimode literas obtinuerunt, quibus obstantibus quæ vestro incumbunt officio quo ad eos exequi hactenus non potuistis nec potestis non sine animarum eorundem periculo, orthodoxæ fidei detrimento, mali exempli pernicie et scandalo plurimorum. Ne igitur hac via tantæ pietatis officio tam grande impedimentum præstetur et ut commissi vobis officii debitum liberius et plenius exercere possitis felicis recordationis Clementis Papæ iiii. et aliorum prædecessorum nostrorum vestigiis inhærentes, motu proprio et ex certa scientia et mera deliberatione vobis committimus et mandamus ut quoscunque de hæresis et apostasiæ criminibus hujusmodi culpabiles suspectos vel diffamatos ac fautores receptatores et defensores eorum in Regnis et dominiis prædictis qui hactenus hujusmodi exemptionis privilegia et inquisitionis de eorum excessibus commissionem et super admittendis eorum abjurationibus aliter quam in forma juris literas hujusmodi a nobis seu Sixto prædecessore præfato obtinuerunt ad abjurandos errores

eorum publice servata forma juris etiam si quovismodo relapsi dici possent infra mensem postquam præsentes literæ fuerint in cathedrali et parrochiali ecclesia eorum publicatæ ita ut de illis nequeant ignorantiam allegare, recipiatis et admittatis perinde acsi relapsi non forent. Mense vero prædicto elapso, Deum præ oculis habentes contra eos et quoscunque alios ejusdem criminis reos, juxta sacrorum canonum instituta procedatis, commissionibus hujusmodi ac literis ad alios judices directis et quas dirigi contingat, necnon privilegiis quibuscunque personis cujusvis dignitatis, gradus, ordinis vel conditionis existant, etiam si Cistercientium Prædicatorum et Minorum aut alterius cujusvis ordinis et religionis fuerint, sub quacunque verborum expressione et cum quibusvis etiam motus proprii et certæ scientiæ ac plenitudinis potestatis aliisve fortioribus et efficacioribus clausulis etiam derogatoriorum derogatoriis concessis et concedendis, que omnia cum inde secutis pro infectis haberi volumus, necnon constitutionibus et ordinationibus apostolicis cæterisque contrariis nonobstantibus quibuscunque. Datum Romæ apud Sanctum Petrum, anno incarnationis Dominicæ millesimo quadringentesimo octuagesimo octavo, sexto decimo Kalendis Junii, pontificatus nostri anno quarto.

Gratis de mandato S. D. n. papæ. F. de VALENTIA.

IV.

PETITION OF GERONIMO ZURITA.

(Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 239). (See p. 194).

Ill^mo^ y Rr^mo^ Señor:

El contador Geronimo Zurita dice que va en veinte y quatro años que serbe en el sancto officio de la Inquisicion: los doce serbio en Consejo de la general Inquisicion de secretario y va en doce que tiene a su cargo la contaduria general de los Inquisiciones de la corona de Aragon y en este tiempo a rrecibido las quentas de la Inquisicion de Sicilia que avia veinte años que no se rrecibian y se fenecieron, harto beneficio de aquella Inquisicion por estar las quentas de los receptores passados muy ofuscados y en muy mala orden, como es notorio en aquella Inquisicion, y assimismo ha recibido y fenecido las otras quentas questan a su cargo con toda la justicia y cuidado posible y con menos salario que se dio al contador mosen Granada que no entendio en las quentas de la Inquisicion de Cecilia, y en todo esto se a ocupado con grande trabajo y fatiga de su persona y con gastar su patrimonio sin rrecibir merced ni remuneracion ninguna de sus servicios. Suplico a vuestra señoria Ill^ma^ que considerando que a enbe-

jecido en este oficio y no espera por ello otras mercedes y que a dejado otros caminos adonde se le ofrecian mayores esperanças y mas ciertos de poder medrar y todo lo pospuesto por acabar en servicio del sancto oficio se le haga merced de dalle por aljunto en el dicho oficio de contador á miguel çurita su hijo al qual aunques mozo de diez y ocho años es bien abil y muy bien dotrinado y inclinado con admitirle en el con mayor aficion se dispondra a exercitarse e yndustrarse en todo lo que concierne al dicho oficio y el dicho contador empleara lo que le queda de la vida en su cargo.

En la ciudad de toledo a dos de mayo de quinientos y sesenta años vista esta piticion presentado por geronimo çorita contador general por el rr^mo^ señor don fernando de baldes arçobispo de sebilla enquisidor general y por los señores don diego de los cobos obispo de avila y licenciado valtodano y doctores andres peres y simancas y hernan peres del consejo de la santa general Inquisicion dixeron que teniendo el dicho miguel çurita su hijo hedad y la abilidad que se rrequiere para serbir el dicho oficio de contador se terna consideracion a lo mucho y con el cuidado y fidelidad quel dicho geronimo çurita y juan garcia su suegro an serbido en el sancto oficio para le hazer la merced que suplica. Lo que paso ante mi pedro de tapia secretario del dicho consejo.— Pedro de Tapia.

V.

Details of the Organization of the Inquisition of Murcia, as Reported to the Suprema in 1746.

(Archivo de Simancas, Inquisicion de Corte, Legajo 359, vol. 3). (See pp. 216, 248, 268).

	(In reales vellon).	
	Salary.	Ayuda de costa.
Phelipe Muñoz, Inquisitor	7352.34	1470.20
Also, Juez de Bienes	1176.15	—
Antonio Silvestre Espinosa, Inquisitor	7352.34	1470.20
Andrés de Priego y Cabrejas, Fiscal [Salary not stated, but doubtless the same as that of the Inquisitor].		
Joseph de Buendia, Alguazil Mayor (Replaced the Conde del Valle de S. Juan in 1717).	2352.30	588.8
Salvador Hermosa y Espejo, Secretary (Commenced as receiver in 1713; secretaryship added in 1715, jubilated as receiver in 1723, with salary of 250 ducats in addition to salary as secretary). . .	2352.30	588.8
Pedro de Parraga y Bozaia, Secretary	2352.30	588.8
Antonio González Campurano, Secretary (Serves without salary in place of his father; will succeed at his death).	—	—

	Salary.	Ayuda de Costa.
Fernando Ayllon, Secretary. (Was a commissioner; in 1736 made Depositario de Pretendientes; in 1741 made secretary without salary).	—	—
Andrés García y Benito, Secretary (In 1739 made honorary secretary without salary; in 1745 made full secretary without salary, but with fees and emoluments).	—	—
Joseph González Campurano (Appointed secretary in 1692; jubilated in 1736 with full salary).	2352.30	588.8
Antonio de Elgueta Vigil (Appointed secretary in 1717; in 1732 made receiver with salary of —. Is also jubilated secretary without salary).	5955.30	588.8
Francisco de Guzman (Appointed secretary in 1699, jubilated in 1716 with salary of	2944	
Antonio Villafranca, Secretary (Appointed in 1744).	2352.30	588.8
Joseph Fernández de Lima, Abogado del Fisco	294.4	
Diego Fernández de Zengano, Secretary (Serving in Logroño by order of Suprema).	2352.30	588.8
Antonio de Arnuero, Secretary (Serving in Corte by order of Suprema).	2352.30	588.8
Mathias Rosique, Abogado del Fisco (In the absence and sickness of Fernández de Lima and draws his salary).	—	—
Miguel Morote, Advocate of prisoners (absent and sick).	294.4	—
Juan Ignacio Navarro, Advocate of prisoners (without salary).	—	—
Alejo Manrresa, Notary of sequestrations (Office sold by Sotomayor (1632–43) for four lives of which Manrresa is the last).	2205.29	—
Joseph de Egea Carreño, Notary of Juzgado (Appointed in 1733 with dispensation of making proofs of limpieza; serves without title, but has the salary. This office was sold by Sotomayor for four lives of which this is the third).	294.4	—
Balthasar Espin y Bienbengut, Auditor (Appointed by the king in 1745. Office served by his deputy, Pedro Carmeno with the salary. This office was sold by Sotomayor for four lives of which this is the third).	729.14	—
Antonio de Palazio, Alcaide of the secret prison (Since 1736. Since 1741, he serves as Depositario de Pretendientes, without salary, but with a fee of two per cent. on the deposits. This office of Depositario was sold by Sotomayor for three lives of which two have elapsed; the third belongs to Sebastian de Pineda, who is not qualified and has not the title, so the office is served as above).	2352.32	—
Alfonso Manrresa (Jubilado in 1720 as Alcaide of the secret prison).	330.—	
Joseph García Bentura, Notario de açotaziones	2491.5	
Juan Ximenes, Physician (Not having furnished proofs of limpieza he has not a title).	235.10	
Pedro Carmona y Vejar, Nuncio (Also serves as deputy auditor to Balthasar Espin above. Also as alcaide of the prison of Familiars, without salary, except the house).	1470.20	
Phelipe García Conde, Portero de camara	1470.20	
Joseph de Elizondo, Alcaide of the penitential prison	235.10	
Alexandro Rosique, Procurator of the fisc	235.10	
Antonio Roche, surgeon	235.10	

Antonio Fernando Alonso, Deputy of the portero.
Antonio Irles, Deputy of the notary of sequestrations (With salary of 550 reales, paid him by the proprietor, Manrresa).

Calificadores

In Murcia	Fray Pedro Pablo
	Fray Salvador Seron
	Fray Antonio Capestrano Rizo
	Fray Joseph Blanco
	Dr. Francisco López Oliver
	Fray Isidro de Murcia
	Fray Joachim Petrel
	Fray Francisco Pérez
	Fray Antonio Thomás
In Cartagena	Fray Balthasar de la Fuente
In Albacete	Fray Joseph Pedreno
In Villena	Dr. Juan Alfonso Mellinaz
In Monforte	Dr. Francisco Cremadez
In Cuenca	Alonso Camacho
	Fray Joseph Fernández Quevedo
	Fray Juan Calatrava
	Fray Nicolas Clarer.

Commissioners at the ports

In Alicante	Luis Canizia y Juan
	Juan Canizia Doria
	with Canon Carlos Campos as notary
In Cartagena	Salvador García Siles
	with Pedro de Tapia as notary
In Orihuela	Dr. Juan Timer, jubilado
	Francisco Roz de la Vallesta
	with Pedro Quiles as notary.

Familiars. In Murcia and other parts of the district, there are not only no supernumeraries, but there are many vacancies, so that in many places we have to avail ourselves of clerics and other competent persons to perform necessary duties.

Commissioners. It is the same with commissioners and notaries. In many places where there were formerly commissioners, there are no applicants. In other places there are many applicants and it has been found necessary to appoint from these to places where there are none. The tribunal finds itself without ministers to execute its commands in many places.

VI.

Commission of an Inquisitor.

(Archivo de Simancas, Inquisicion, Libro 8, fol. 108). (See p. 236).

Nos, Don Juan Tabera, por la miseracion divina Cardenal en la Sancta Iglesia de Roma, titulo de Sant Juan ante Portam Latinam,

Arzobispo de Toledo, primado de las Españas, Chanceller mayor de Castilla, gobernador de estos Reinos e inquisidor apostolico general contra la heretica pravedad y apostasia en todos los Reinos y señorios de sus magestades etcetera.

Confiando de las letras y recta consciencia de vos el Doctor Blas Ortiz, canonigo de la sancta Iglesia de Toledo, y que sois tal persona que bien y fielmente y diligentemente hareis lo que por nos vos fuere cometido y encomendado, por el tenor de la presente, por la auctoridad apostolica á nos concedida de que en esta presente usamos, vos facemos, constituimos, creamos e deputamos inquisidor apostolico contra la dicha heretica pravedad y apostasia en el Reino de Valencia y su distrito y jurisdiccion y os damos poder y facultad simul et in solidum con el venerable Doctor Juan Gonzalez, inquisidor del dicho partido para que podades inquirir e inquirades contra todas y qualesquiera personas ansi hombres como mugeres, vivos y defunctos, absentes e presentes de qualquier estado, condicion, prerrogativa, preeminencia y dignidad que sean, exentos y no sean exentos, vecinos y moradores que son ó han sido en las ciudades, villas y lugares del dicho Reino de Valencia y su distrito que se hallaren culpantes sospechosos e infamados en el dicho delito y crimen de heregia y apostasia y contra todos los fautores, defensores y receptatores de ellos y para que podais facer y fagais contra ellos y contra cada uno de ellos vuestros procesos en forma debida de derecho segun los sacros canones lo disponen y para que podais tomar y rescibir qualesquiera procesos y causas pendientes sobre los dichos crimenes ó qualquiera de ellos ante qualquiera inquisidor que haya sido en el dicho partido en el punto e estado en que estan y continuarlos y facer y determinar en ellos lo que fuere justicia y para que podades á los dichos culpantes encarcelar, penitenciar, punir y castigar y si de justicia fuere relaxarlos al brazo seglar y facer todos los otros casos al dicho oficio de inquisidor tocantes y pertenecientes, para lo qual todo lo que dicho es y cada una cosa y parte della con todas sus incidencias y dependencias, anexidades y conexidades vos damos poder cumplido y cometemos nuestras veces fasta que nos especial y expresamente las revoquemos. En testimonio de lo qual mandamos dar y dimos la presente firmada de nuestro nombre y refrendada del secretario infrascripto.

Dada en la villa de Madrid á cinco dias del mes de Abril de mil quinientos quarenta años.

J. Cardinalis.

Por mandado de su ilustrisima y reverendisima señoria.

Jeronimo Zurita, secretario.

Con señales de los señores Licenciado Aguirre y Obispo de Badajoz y Prior de Roncesvalles.

VII.

Personnel of the Inquisition in 1746.

(Condensed from Archivo de Simancas, Inquisicion de Corte, Legajo 359, fol. 1).

(See p. 248).

	Madrid	Seville	Cordova	Granada	Valladolid	Murcia	Llerena	Cuenca	Logroño	Barcelona	Santiago	Valencia	Saragossa	Majorca	Toledo	Canaries
Inquisitors and Fiscals	2	2	4	3	5	3	3	4	3	3	3	3	5	2	4	3
Secretaries	11	13	9	7	4	10	8	5	9	2	5	6	6	4	9	3
Auditors	2	2	1	1	1	2	1	1	2	} 1	1	2	2	1	1	1
Alcaides of Secret Prison	1	2	1	1	2	2	3	1	1		1	3	1	1	4	1
Porteros	1	–	1	2	1	2	1	2	1	–	1	1	1	1	1	1
Nuncios	1	1	1	1	1	1	1	1	1	1	1	1	1	1	–	1
Advocates of Prisoners and of the Fisc	3	–	3	1	1	4	1	3	1	–	1	–	2	5	1	2
Physicians	2	2	2	1	1	1	–	1	1	–	1	–	3	–	–	–
Surgeons	2	1	2	1	1	1	–	1	1	–	1	–	–	–	–	–
Alguaciles mayores	–	1	1	1	1	1	1	–	2	1	1	1	1	–	–	1
Receivers	–	2	1	1	–	1	1	1	1	1	1	1	1	2	1	2
Advocates of the Fisc	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Depositaries	–	1	1	–	1	1	1	1	1	1	1	–	–	–	1	–
Procurators of the Fisc	–	1	1	–	1	1	1	1	1	–	–	–	1	1	–	1
Chaplains	–	2	–	–	–	–	2	–	–	–	–	–	–	–	–	2
Commissioners	–	6	4	6	6	7	6	2	5	28	6	7	38	–	–	23
With Notaries	–	–	–	3	–	–	–	–	–	4	–	50	7	–	–	22
Calificadores	–	16	19	14	12	17	–	5	2	26	3	40	29	24	8	4
Notaries of Sequestrations	–	–	1	1	1	} 4		2	3	1	1	3	–	1	–	–
Notaries of the Juzgado	–	–	1	–	1		1						1	1	1	–
Alcaides of Penitential Prison	–	–	2	1	–	1	–	–	–	–	–	–	–	–	–	–
Assistants of Do.	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
Barbers	–	–	1	–	1	–	–	–	–	–	–	–	–	–	–	1
Proveedores	–	–	1	–	1	–	1	–	1	1	1	–	–	1	–	–
Consultors	–	–	3	4	1	–	–	1	–	–	1	–	–	8	–	–
Familiars	–	–	–	–	–	–	–	–	–	–	–	–	36	–	–	4
Juez de Bienes	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–
Alguaciles	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	11
Totals	25	53	61	49	43	59	32	32	36	70	30	118	135	54	31	83

VIII.

Certificate of Limpieza.

(Archivo de Simancas, Registro de Genealogias, No. 916, fol. 12). (See p. 312).

D. Cristóval de Cos y Vivero, Secretario etc. Certifico: Que por el Ex^mo^ Señor Obispo Inquisidor General se hizo gracia de pruebas para Ministro Oficial del Santo Oficio al Ex^mo^ Señor Don Carlos Miguel Fizt James Stuart, Silva, Stolberg y Palafox, Duque de Vervich y Alba, y la de que se le reciviesen en esta Corte por Patria comun con dispensa de la extrangería de su Padre y Abuela Paterna y teniendose por bastantes las partidas que acompaña legalizadas, en su consecuencia por mandado de los señores del expresado consejo se recivieron dichas ynformaciones al tenor de las Memorias de sus Padres y Abuelos que presentó y es del modo siguiente.—Arbol genealogico del Ex^mo^ Señor Duque de Vervich y Alba D. Carlos Miguel. El Ex^mo^ Senor Don Carlos Miguel Fizt James Stuart, Silva, Stolberg, Palafox, Duque de Vervich y Alba, Marques del Carpio, Alguacil mayor de la Santa Inquisicion de Córdova, nació en Madrid el año de 1794.—Padres. El Ex^mo^ Señor Don Jacobo Felipe Carlos María Fizt James Stuart y Stolberg, Duque de Vervich y Liria, Grande de España de primera clase, nació en Paris el año de 1773, Difunto. La Ex^ma^ Señora Doña María Teresa de Silva y Palafox nació en Madrid, año de 1772.—Abuelos Paternos. El Ex^mo^ Señor Don Carlos Fernández Fizt James Stuart, Duque de Vervich y Liria, Grande de España de primera clase, nació en Liria año de 1752, Difunto. La Ex^ma^ Señora Doña Carolina Augusta de Stolberg, Princesa de Stolberg nació en la Aldea de Geudem de Alemania año de 1755.—Abuelos Maternos. El Ex^mo^ Señor Don Pedro de Alcántara Fadrique Fernández de Hijar, Silva, Duque de Hijar, Grande de España de primera clase, Presidente del Real Consejo de las Ordenes, Difunto, nació en Villaruvia de los Ojos de Guadiana año de 1741. La Ex^ma^ Señora Doña Rafaela de Palafox Croy de Habre nació en Ariza año de 1744, Difunta.—Como agente de la casa de su Ex^ma^ presento testimoniadas las partidas de bautismo de los Señores comprehendidos en el arbol genealogico que antecede, cùya procedencia de Cristianos viejos, limpios de toda mala raza por notoriedad certifico y juro en Madrid á 26 de Junio de 1815.—Miguel Antonio Forrent.

Y executadas las referidas ynformaciones en esta Corte por patria comun con arreglo á las referidas gracias y segun practica del Santo Oficio; vistas por los Señores del mencionado Consejo, por su auto que proveyeron con fecha de este dia los aprovaron y dieron por bastantes para que el nominado Ex^mo^ Señor Don Carlos Miguel Fizt

James Stuart puede ser y sea Ministro oficial del Santo Oficio segun mas por menor resulta de dichas ynformaciones que por ahora quedan originales en la Secretaria de mi cargo á que me remito. Y para que conste donde convenga, en virtud de orden del propio consejo doy la presente al susodicho Ex^mo^ Señor Don Carlos Miguel Fizt James Stuart, sellada con el sello de la General Inquisicion en Madrid á veinte y quatro dias del mes de Mayo de mil ochocientos diez y seis.—D. Cristóval de Cos y Vivero.[1]

IX.

RECEIPT, MARCH 30, 1524, BY THE WIFE OF A RECONCILED HERETIC FOR HER DOWER, FROM THE CONFISCATED ESTATE.

(Archivo Histórico Nacional, Inquisicion de Valencia, Legajo 371.) (See p. 333).

Sea a todos manifiesto que yo Doña Beatriz Despuch y de Sant Boy, muger que soy de Pere Alcañiz y presente aquel y de voluntad de aquel de grado y de mi cierta ciencia otorgo haber habido y en poder mio recevido en la forma infrascrita de vos el magnifico Cristoval de Medina receptor de los bienes confiscados por el crimen de la heregia y apostasia en el Sancto Oficio de la Inq^n^ de Valencia que soys presente, es a saber treynta y dos libras siete sueldos moneda reales de Valencia, los quales me aveys dado y pagado á toda mi voluntad en paga rata de las cantidades que yo tengo de haber y cobrar por razon de mi dote in virtud de una sentencia dada por el muy R^do^ Doctor Micer

[1] Usually the oath as to the truth of the genealogy and the limpieza of the ancestry is taken by the applicant personally, and it varies according to his taste. A few specimens will show the different formulas adopted. Some are specific and in detail as Doctor Bernardino Martínez Palomino, prebendary of Toledo, September 7, 1816.—"Los contenidos en esta genealogia son mis Padres y Abuelos Paternos y Maternos de la naturaleza que queda referida, todos legítimos y de legítimo matrimonio, limpios y de limpia sangre, sin raza de Moros, Judíos, Luteranos, Calvinistas, ni otra secta, ni procesados ni castigados por el Santo Oficio segun mi saber y entender, pues asi lo juro in verbo sacerdotis."—Ibidem, fol. 24.

Mariano Blas Garoz for himself and his wife, March 7, 1816, is specially anxious to assert his gentility—"Todos los quales son descendientes de familias ylustres, distinguidas, limpias de toda mala raza de Negros, Moros, Judíos y recien convertidos, y no han exercido oficios viles ni mecanicos y de ser asi cierto no constandome cosa alguna en contrario lo juro y firmo."—Ibidem, fol. 28.

Ramon Nieto y Herrera, July 28, 1816 contents himself with "Todos los quales juro han sido mis Padres y Abuelos Paternos y Maternos."—Ibidem, fol. 33.

Melchior Esteve teniente de Inquisidor y Juez subdelegado de bienes confiscados en dicho Sancto Oficio, que dada fue en veynte y dos dias del mes de Decembre proximo pasado de mil quinientos veinte y tres que pasó ante el discreto Francisco Mudarra Notario Escribano de la Audiencia y Judicatura de dichos bienes confiscados y por las causas y razones en la dicha Sentencia contenidas.

El modo de la paga de las dichas treinta y dos libras siete sueldos de la dicha moneda es este, que de mi voluntad os las reteneys por consemblante cantidad que yo os debia de los precios y bienes muebles por mi comprados del inventario y secresto de dicho Pero Alcañiz mi marido como parece por acto recebido por el Notario infrascrito á treinta dias del mes de Junio del presente año (*sic*) la cual confesion y apoca otorgo y hago sin su perjuicio de mis derechos por quanto yo pretendo que los dichos bienes o parte de ellos que yo compré son mios propios y de los contenidos en el pagamiento que el dicho Pere Alcañiz mi marido me fizo, e porque es verdad por tanto renunciando toda excepcion de frao ó de engaño otorgo y fago vos la presente apoca en poder del Notario infrascrito que fecha fué en la Ciudad de Valencia á treinta dias del mes de Marzo del año del nacimiento de nuestro Salvador Jesu Cristo de mil quinientos veinte y quatro. + (se) ñal de mi la dicha Doña Beatriz Despuch y de Sant Boy que las dichas cosas otorgo y firmo.

Testimonio que fueron presentes á las dichas cosas los honrados Fran^{co} Mudarra Not^{o}, y Martin de Durango Scribiente y Visitadores de Valencia.

X.

Abstract of partial Statement of Receipts charged against the Canon Joan de Astorga, Receiver of Confiscations in Valencia for the Year 1493.[1]

(Archivo Historico Nacional, Inquisicion de Valencia, Legajo 383). (See p. 367)

February 6.	From Violant Domenega, for a loan made by her stepmother, Violant Domenega, relaxed, to— Jordi on a pair of gold bracelets, in which loan she had an interest of 3 ducats	200s.
	From the Mallorquin sempstress due to the said Domenega	8.8d.

[1] The document is incomplete and I have omitted a long enumeration of trivial debts collected.

February 6.	From Violant Domenega twenty gold coins hidden by her stepmother in a saddle, amounting in all to .	319.—
April 19.	Confiscation of Isabel Amorosa, relaxed.	
	Sale by auction of her effects, as per inventory .	2.10
May 2.	Confiscation of Master Anthony Tristan.	
	Sale by auction of his effects as per inventory .	137.—
	Confiscation of Master Johan Aragones and his wife.	
	Sale by auction of his effects as per inventory. (Sum not stated.)	
Sept. 10.	Sale by auction to Gaspar Ferroll of a house of said Juan Aragones	1100.—
	Sale by auction to Simon Sanchez of adjoining house	1200.—
	Valuation under commands of the king of three fields and two vineyards of Juan Aragones, after deducting incumbrances, the fields at 37 libras and the vineyards at 53, in all equivalent to . . .	1800.—
July 23	Confiscation of Luis Sarinyana.	
	A house valued by experts at 45 libras. As the king had made a grant to Joanot and Francisco Sarinyana of 50l. out of the estate, the house was made over to them.	
	Confiscation of Galceran Nadal, of Xativa.	
	Sale to Luis Costa of a house in Xativa, subject to a censo of 100 sueldos per annum	3.—
	Confiscation of Francisca Costa, of Xativa.	
	Sale to Guillen Murta of a mulberry plantation, Subject to a censo of 32 sueldos	10.—
Aug. 9.	Confiscation of Daniel Zapata.	
	In virtue of a royal provision, composition made with his wife, Leonor Zapata of his whole property for the sum of 5000 sueldos, of which 1500 are paid down, 1500 to be paid in six months, and 2000 in one year, the said Leonor having brought suit for her dower and other large sums, all of which she renounced	1500.—
	Confiscation of Manuel Zapata.	
	Received from the heirs of Blay de Comes and Maria Vizcaina a balance due to said Manuel . .	80.—
February 13.	Confiscation of Bernat Mancip relaxed.	
	Sold by auction to Juan Guillen Catalan a censal on the corporation of Valencia of 6000s. principal and 400 interest, payable Sept. 14 in each year. With accrued interest for 5 months and one day . .	6205.7—
	Sold to the heirs of Mosen Juan de Peñarosa a censal on the towns of Xerica, las Barraguas and Pina, of 15000 sueldos principal and 1000 interest, payable May 27. With accrued interest	15211.1
	Sold by auction to Violant Catalá, a censal on the corporation of Valencia, of 7500 sueldos principal and 500 interest, payable Oct. 2. With accrued interest for 4 months and 12 days.	7733.4
February 18.	Sold to Cristobal de Basurto two censales on the town of Xativa, one of 6000 s. principal and 375 interest, payable October 29, the other of 5000s. principal and 312s. 6d interest payable Nov. 8. with accrued interest	11251.10
February 23.	Sold by auction to the Caballero Johan Luis de Vilarasa three censales of the said Bernat Mancip, one on the city of Valencia, of 13,000 s. principal and 1056 s. 8d. interest, payable July 14. One on the kingdom of Valencia of 13,200 s. principal and 880 interest, payable March 30. Another on the same of 11,250 s.	

	principal and 650 interest, payable Sept. 7. Proceeds of all three, with accrued interest. . . .	700 libras, 5s.[1]
February 21.	Confiscation of Brigida, wife of Bernat Cortelles. Received of said Bernat on account of the 1200 sueldos which he has to pay for the dower of said Brigida	400s.
February 8.	Confiscation of Miguel de Prochita. Rented to Franchet Quach a house of said Miguel de Prochita for twelve years at 12 libras per annum and received 6 libras.	120s.
February 11.	Confiscation of Miguel Andreu Rosell relaxed. Received of Francisco Berdum a debt due to Rosell	32.—
September 5.	House sold to Gabriel Andreu Rosell, subject to a censal of 7000 sueldos, also to 500 and 400s. chargeable on it and to all other charges	10.—

XI.

King Ferdinand to Torquemada, March 30, 1498.

(Archivo General de Simancas, Consejo de la Inquisicion, Libro I). (See p. 374).

Venerable y devoto padre Prior. A causa de mi yda que en breves dias ha de ser para Zaragoza, Dios mediante, embie á mandar á mi Receptor Royz que diesse mucha priessa en acabar una escalera e las cavallerizas e otras cosas muy necesarias para mi aposentamiento en el palacio Real de la Aljaferia, y andando ya la obra quasi en acabamiento á causa de las excomunicaciones que le haveys embiado me escrive que ha parado la obra. E tambien diz que no pagare á los prior e frayles de Santa Engracia aquellos quatro mil sueldos que en cada un año les he yo mandado pagar en aquella receptoria fasta que yo les haya provehido en otra parte, lo qual fize por no les traspasar luego los censales de la Inquisicion, porque despues de remediado de otra parte los censales quedassen al Oficio. Cierto tengo desto algun enojo. E fuera razon que se mirara mejor en poner mas limitadas las excomunicaciones para que se salvara á lo menos lo que sea á mi servicio, ha respeto specialmente que en aquella receptoria, á Dios gracias, todos los oficiales stan bien pagados e á nadie se deve salario ni otra cosa alguna, y desto es razon que vos y estos perlados que con vos residen vos contenteys. E que no se ponga excomunicacion pues no hay necesidad para las poner porque seria forzado de otra manera

[1] There is an evident error of a copyist here. The principal and accrued interest of these three censales amount to 39, 230s. 4d., or 1961 l. 10s. 4d. The receiver, who permitted such a sacrifice would scarce have dared to report it to Ferdinand.

proverlo. E aunque sobre ello he aqui fablado con el Obispo de Lugo[1] para que lo remediase no lo ha querido fazer. Por ende he acordado de vos escrevir la presente por la qual vos ruego y encargo que sin dilacion alguna alceys y fagays alçar qualquiera excomunicacion con que se haya puesto a aquel receptor, pues todos los oficiales como dicho es, stan bien pagados en aquella Inquisicion, á Dios gracias, no deve nada á nadie. Y en esto no se ponga dilacion o dificultad alguna, porque havria enojo della, allende que no lo permitiera. Luego me respondet con este mensajero que por sola esta causa vos le embio. Dada en Alcalá de Henares á xxx dias de Marzo de xcviii.—Yo el Rey.

XII.

CEDULA OF KING FERDINAND, FEBRUARY 23, 1510, ON THE DIMINISHED RECEIPTS FROM CONFISCATIONS.

(Archivo General de Simancas, Inquisicion, Libro III, fol. 61). (See p. 376).

EL REY.

A todos los receptores que soys o fueredes de los bienes confiscados e aplicados a la camara e fisco por el delito de la heregia en todas las ynquisiciones destos reynos e señorios e a cada uno de vos a quien esta mi cedula fuese mostrada o su traslado señado de escrivano publico, por quanto yo soy informado que en las dichas inquisiciones tiene alguna necesidad a causa de los pocos bienes que se confiscan e si se cumpliesen primero las mercedes que yo he hecho e fago en los dichos bienes los oficiales e menistros de las dichas ynquisiciones no serian pagados de sus salarios e ahuiran dexar el oficio de lo qual seria dios muy deservido, por ende yo vos mando que agora ni de aqui adelante no cumplays ningunas mercedes que yo aya echo e hago de los dichos bienes confiscados hasta que primeramente sean pagados los ynquisidores e oficiales e menistros de las dichas ynquisiciones de sus salarios e ayudas de costa que yo les mandare dar, no embargante qualesquier cartas o mandamientos que yo o les ynquisidores generales ayamos hecho e hicieremos en contrario e sy algunas cedulas o provisiones de merced se vos presentasen las obedeced e quanto al cumplimiento consultareys conmigo e con los dichos generales ynquisidores que asi cumple al servicio de dios e mio e los unos ni los otros non

[1] Alonso Suárez de Fuentelsaz, one of the inquisitors-general.

fagades ende al por alguna manera so pena de la mi merced. Fecha en la villa de Madrid a 23 dias del mes de hebrero de quinientos e diez años. Y esto se entiende con tanto que primeramente se paguen las deudas que deva el oficio antes que salarios ni otra cosa alguna. Yo el Rey. Por mandado de su alteza Juan Roiz de Calcena. Va señalada por los del consejo de la ynquisicion.

XIII.

Recital of Edict of Grace in Ciudad Real, 1483.

(Archivo histórico nacional, Inquisicion de Toledo, Legajo 139, n. 145). (See p. 459).

Como sobre la fama publica e notoria que en este Ciudad Real avia que muchos de los que estavan con nombre de Cristianos e en posesion de tales hereticavan e guardavan la ley de Moyses, ovimos nuestra informacion de algunas personas, por do nos constó la dicha fama ser verdad y que muchos de los vezinos e moradores de la dicha ciudad seguian y solemnizaban e guardavan en quanto en ellos era e pudia la ley de Moyses, haciendo sus ceremonias, siguiendo sus antiquos ritos Judaycos, e queriendo usar con ellos e cada uno dellos de clemencia e piedad dimos e descernimos nuestra carta de cita e hedicto para que todas las personas desta dicha Ciudad e su tierra que en la dicha eregia de seguir la ley de Moyses ubiesen caido e incurrido, que dentro de, treynta dias primeras siguientes veniesen ante nos confesando sus herrores e abjurando e renunciando e partiendo de si la dicha eregia e abrasandose con nuestra santa madre la Iglesia e ayuntamiento de los fieles Cristianos, e que los recibiriamos usando con ellos de toda piedad e misericordia que pudieremos, e non solamente en el dicho termino de los treynte dias mas por otros treynta despues los esperamos e rescibimos todos los que quisieran venir a confesar y dezir sus pecados cerca de la dicha heregia, e pasado el dicho termino de los dichos sesenta dias e mas tiempo, contra los que non venieran ni parescieran, en especial contra los que huyeron por themor de la dicha nuestra Inquisicion, de los quales teniamos informacion e eran testiguados cerca de nos, e siendo requeridos por nuestro promotor fiscal, avida nuestra informacion sumaria de la fuga e ausentamiento dellos e de la dicha heregia que avian cometido, mandamos dar nuestra carta de llamamiento e hedicto contra las personas sospechosas e infamadas e que si se ausentaron. E porque entre ellas nos consta ser muy publico e notorio Sancho de Ciudad e Mari Dias su muger etc.

XIV.

CONFESSION UNDER EDICT OF GRACE, OCTOBER 9, 1483, OF MARIA GONSALES, SUBSEQUENTLY BURNT IN AUTO DE FE OF FEBRUARY 23, 1484.

(Archivo histórico nacional, Inquisicion de Toledo, Legajo 154, n. 375). (See p. 460).

Maria Gonsales, muger de Juan Panpano, vecino de la collacion de Santiago, con mi omill reverencia, paresco ante vos e mi encomiendo a vuestra merced, ante lo qual paresco con gran arrepentimiento e contricion de mis pecados, e digo que puede aver vjx o cinco (*sic*) años que yo case con el e al tiempo que con el case era buen xpristiano, e en este tiempo puede aver dies e seys años, poco mas o menos, quel tomo otra opinion de se mudar de bevir en la santa fe catolica e faser cerimonias judaicas, e de esta cabsa porque yo non queria seguir su ayuno malo quel levava me dio muchas feridas e muchas contra mi voluntad que non filase el sabado e guysase de comer el viernes para el sabado e algunas veces comia dello e otras non queria comerlo, porque mi padre syempre vivio e murio conmo buen xpristiano, loqual me duro faser seis o syete años, e porque yo sabia que non traya carne de la carniceria non la queria comer, e de esta cabsa por muchas feridas que me dio algunas ves me la fasia comer e yo ha dies años que bivo syn el porquel se fue desta cibdad e yo nunca quise yr con el, teniendo que me faria bevir en el error quel tenia, y vino aqui una noche, puede aver seys años, a me rogar que fuese con el e non le quise acoger en mi casa e se fue luego, e puede aver dos años, poco mas o menos, quel me fizo coser pan cenceno dos o tres veses e contra mi voltad me lo fiso comer, por non pasar mala vida que continuamente me dava, e despues quel se fue yo non filava algunos sabados e confeselo con el cura de Santiago e me mando que filase e yo despues aca syempre he filado e fago mis faciendas conmo buena xpristiana, e despues quel se fue la segunda ves me ha embiado a rogar que me fuese con el e vendiese esta facienda que aqui tenia, lo qual nunca quise faser ni fise por non bevir con el de cabsa de su mal bevir, el qual me vendio dos pares de casas que me dio mi padre e una posada de colmenas, e quisiera vender estas casas en que yo moro e una viña por me dexar pobre e yo nunca lo consenti. Desto mi arepiento de buen coraçon e de buena voluntad e pido a Dios misericordia e a vosotros señores me deys penetencia lo qual yo con buen coraçon esto para la recebir, e dixo que su marido se degollava los abes quel avia de comer.

XV.

Refusal of Request for a copy of the Instructions.

(Ms. of Royal Library of Copenhagen, 214 fol. Cédulas en favor).[1]
(See p. 475).

Muy Ill^res^ R^mos^ Señores:

El Licen^do^ Alonso de la Peña, promotor y abogado fiscal del S^to^ Off^io^ como de derecho mejor puedo, con protestacion que antes todas cosas hago de no consentir en contestacion de causa por este acto ó por otros que por escripto ó por palabra hago á la respuesta de cierta nulla peticion por parte del Doctor Blasco de Alagona ante VV. SS. presentada, cuyo thenor havido aqui por repetido, so la misma protestacion la digo nulla, de ningun valor y effecto, y como tal debe no ser por VV. SS. decretada ó justamente no admittida. Por lo siguiente. Lo uno por las razones generales. Lo otro por no ser presentada por parte ni contra parte, ni en tiempo ni forma. Lo otro por tratarse de dar copia de los statutos y instruciones y nuevas refformas deste S^to^ Off^io^ y su archivo secreto de donde xamas se acostumbra ni es cosa conveniente darse por los daños que se siguirian. Y, caso negado, que lo fuera de derecho esta cada uno obligado, para fundar la yntencion de su demanda, buscar cerca de si las cosas que le son nezesarias. Lo otro por no ser las dhas ynstruciones, statutos y nuevas refformas hechas ni dadas en juycio contencioso, ni en contradicion de partes, ni daño de ellas, sino solo para ynstrucion, orden y buen gobierno tanto de la una audiencia como de la otra. Lo otro porque si los dhos officiales y ministros de este S^to^ Off^io^ ubiessen de dar sus deposiciones sobre este particular como el dho Blasco de Alagona pretende se sigueria el mismo y mayor ynconveniente de que los estatutos ynstruciones y nuevas refformas dadas al S^to^ Off^io^, las quales solo se han de conocer y saver por los effectos de la Justicia que en el se administra, se supiessen patentamente por todos y alguno de mala yntencion quisiesse de redarguir de bueno ó malo stilo el que en el S^to^ Off^io^ ay.

Otrosi. Respondiendo á los meritos de su injusta demanda y peticion nulla, digo que quando en este S^to^ Tribunal no ubiera la obligacion que ay de tener en buena custodia y secreto sus ordenaciones, statutos y refformas, no se le debia dar tal copia por la yncertitud, confusion y daño que se seguiria a las demas personas cuyas causas en el mismo tiempo fueron por los dhos jueces ordinarios determinadas. Las quales todas fueron juridicas y dadas por personas que tenian entera jurisdic-

[1] In this collection there are two copies of this paper, one with many erasures and apparently a first draft, the other clean and final.

tion para ello, que quando no la tubieran, la buena fe y comun opinion en que estaban de derecho se la daba. Lo otro y mas principal que ciera la puerta á que no se le ay de dar á lo dho Blasco de Alagona las dhas copias que pretende es que caso que la dha refforma fuesse como el dize que quitase los jueces ordinarios, aquella se debe y ha de intender seria quanto al conocimiento y difinicion de las causas que despues de ella se comenzasen y no de aquellas que ya estaban comenzadas y su jurisdiction perpetuada y las dhas causas quasi conclusas para diffinitiva.

Por las quales razones y otras muchas y mas eficaces que al savio parecer de VV. SS. reservo, cuyo auxilio para este efecto ynvoco, parece claro no debe se le dar al dho Blasco de Alagona las dhas copias de las ynstruciones de los officiales y ministros del S^to^ Off^o^, antes ponerlos de nuevo perpetuo silencio para que cumplan y guarden el secreto de las cosas que en este S^to^ Off^io^ tienen jurado y prometido. Sobre que demando justicia y el officio de VV. SS. imploro.

XVI.

Carta Acordada of February 26, 1607, Enforcing Secrecy.

(Archivo de Simancas, Inquisicion, Libro 942, fol. 62).
(See p. 477).

Como en el secreto del Sancto Oficio consista todo su poder y autoridad y la rreputacion de las personas que en el sirven, assi la falta que de el ha havido y hay generalmente en todas las Inquisiciones y su publicidad nos ha causado grandisimo sentimiento y obligado a proveer del remedio necesario para que cesen los grandes daños y quiebras que se han seguido del rompimiento que ha habido en cossas tan importantes á la estimacion y respeto que siempre se ha tenido á las cosas de la Sancta Inquisicion y á sus ministros, pues quanto mas secretas son las materias que se tratan tanto mas son tenidas por sagradas y estimadas de los que no tienen noticia de ellas, y habiendo platicado sobre el remedio de este abuso introducido en estos tiempos en los tribunales, y considerando con el Ilustri^mo^ Señor Patriarca Inquisidor general, ha parecido estender y aumentar por via de declaracion el juramento que todos hacen antes de ser admitidos á sus oficios con todas las fuerzas, vinculos y estrechezas que el derecho requiere y dispone para que sea avido y caiga en pena de perjuro y de infidelidad quien fuere contra el tal juramento, y siendo convencido por indicios ó testigos aunque sean singulares por la primera bez sea

suspendido de su officio por un año yrremisiblemente y pague cincuenta ducados de pena, y por la segunda privado perpetuamente y que lo contrario haciendo aunque no sea deducido en juicio el exceso no pueda en el fuero de la conciencia hacer suyo ni recibir los salarios de su plaza, declarando que la observancia del dicho secreto, demas de las cosas de la fee ó en qualquiera manera dependientes de ella sea y se entienda asi mismo de los votos, ordenes, determinaciones, cartas del Consejo en todas partes y materias sin dar noticia de ellas á las partes ni á personas fuera del secreto como se ha entendido que algunos indebidamente lo han hecho, y de las informaciones de la limpieza que se hubieren hecho ó hicieren para Inquisidores, Officiales, Comisarios, Notarios y familiares, y de todas las cosas tocantes á ellas y de todos los votos y determinaciones de los Inquisidores de qualesquiera cosas y causas aunque sean publicas, pues en todas hay precisa obligacion de guardar el secreto de lo que cada uno vota. Y assimismo mandamos so pena de excomunion mayor y de la dicha pena de suspension y privacion de su officio á todos los que supieren ó entendieren que qualquiera persona que sirve en el Sancto Officio de la Inquisicion quebrantare en qualquiera manera el dicho secreto directa ó indirectamente lo manifieste secretamente al Ilustrisimo Señor Inquisidor General ó al Consejo por que asi conviene para que no quede sin castigo tan grande delito. Y para que en todo tiempo todos tengan noticia de esto y nadie se excuse con su ignorancia, queremos que esta nuestra carta acordada y provision se ponga con las instruciones y cartas acordadas que se acostumbran á leer en el principio de cada año en la sala del secreto á todos los Ministros del Sancto Officio de la Inquisicion quando se presentaren ó se les de su titulo en el ingreso de sus Officios, y en recibiendo esta mandareis juntar á todos los Officiales en la sala del secreto donde se les leera.—En Madrid, 26 de hebrero de 1607 años.

El ylustrisimo Señor Patriarca Inquisidor General estando en el Consejo de su Magestad en la Sancta General Inquisicion, haviendose leido en presencia de su Señoria Ilustrisima y de los Señores de el la carta acordada de arriva tocante al secreto del Sancto Officio de la Inquisicion, dixo que su intencion y voluntad y de los dichos Señores era que obligue y se entendienda desde la persona de su Ilustrisima y señores del dicho Consejo hasta los officiales de el, y mando que asi se pusiese por auto y que se notificase á todos y a los dichos Officiales de los dichos secretos y al nuncio y porteros, lo qual yo el presente secretario cumpli, de que doy fee.—Hernando de Villegas. Secretario del Consejo.

XVII.

Finances of the Inquisition in 1731.

(From Archivo de Alcalá de Henares, Hacienda, Legajo 544² (Libro 8).

(See p. 440).

Estado de las rentas, salarios y gastos de el consexo y tribunales de inquisicion de estos reynos.

	Rentas corrientes.					Salarios y Gastos.					
Inquisiciones	Rentas de canongias y dos Pensiones.	Consignaciones para el Consejo.	Renta de Juros corrientes.	Censos y Haciendas confiscadas.	Total en Reales Vellon.	Salarios.	Gastos y Alimentos de Reos.	Consignaziones que pagan al Consejo.	Total de Cargas.	Lo que falta á cada Tribunal.	Lo que se está deviendo á sus Ministros.
Consejo y Tribunal de Corte .	—	213,000.—	95,695.9	92,596.	401,291.29	678,816.4	107,500.—	—	786,316.4	385,024.9	546,437.5
La de Toledo . . .	42,348.7	—	1,719.18	4,506.	48,573.25	66,351.2	9,330.	—	75,681.2	27,107.11	255,108.23
La de Logroño . . .	41,646.3	—	—	8,619.15	50,265.18	51,224.14	9,000.	—	60,224.14	9,958.30	122,930.
La de Cuenca . . .	32,700.	—	174.	22,373.9	55,247.9	50,587.	8,500.	—	59,087.	3,839.25	55,057.
La de Canarias . . .	12,750.	—	1,879.	22,531.26	37,160.26	52,512.	7,500.	—	60,012.	22,851.8	45,625.
La de Zaragoza . . .	44,613.22	—	4,259.26	30,969.14	79,842.28	92,782.17	25,454.4	—	118,236.21	38,393.27	165,554.6
La de Barcelona . .	29,403.	—	—	18,952.8	48,355.8	50,430.	8,699.	—	59,129.	10,773.26	45,636.
La de Santiago . . .	87,861.18	—	—	5,236.8	93,097.26	57,709.3	13,687.	18,000.	89,396.3	—	—
La de Llerena . . .	30,283.26	—	266.2	30,600.	61,149.28	55,158.	9,900.	—	65,058.	3,948.6	48,692.
La de Valladolid . .	48,724.5	—	6,000.	16,839.	71,573.5	66,543.	15,400.	—	81,943.	10,379.29	37,875.
La de Granada . . .	15,530.18	—	—	77,879.	93,409.18	82,184.20	25,000.	—	107,184.20	13,775.2	75,528.
La de Córdova . . .	35,167.27	—	1,035.30	50,997.	87,200.23	69,485.	17,500.	10,000.	96,985.	9,784.12	25,842.
La de Sevilla . . .	43,976.23	—	5,846.	68,000.	117,822.23	73,650.	20,000.	20,000.	113,650.	—	—
La de Murcia . . .	42,783.9	—	—	90,580.	133,363.9	74,073.12	17,980.	45,000.	137,053.12	3,690.3	—
La de Mallorca . . .	25,449.24	—	—	96,829.14	122,279.4	104,694.12	12,163.	20,000.	136,857.12	14,578.8	30,336.
La de Valencia . . .	46,974.4	—	—	56,185.20	103,159.24	85,545	17,614.24	—	103,159.24	—	—
	580,212.16	213,000.—	116,876.3	693,694.12	1,603,782.31	1,711,745.16	325,227.28	113,000.	2,149,973.10	554,064.25	1,454,621.

Por manera que importan las rentas del Consejo y Tribunales, 1, 603,782 rs. y 31 mrs de vellon, y necessitando para los salarios de sus Ministros y cargas precisas 2,149,973 rs. y 10 mrs. faltan en cada año 546, 190 rs. y 13 mrs. segun ba demostrado. Previniendose que aunque el resumen se allan 554,064 rs. 25 mrs. consiste la diferencia en el corto sobrante de las Inquisiciones de Santiago y Sevilla, lo que se hace presente; y tambien que el mas cargo de 100,000 rs. que resulta al Consexo de consignaciones de los Tribunales es por la que se considera en el de Mexico. Asimismo se advierte que por haver quedado la de Zaragoza sin el palacio de la Aljaferia que ocupaba y buscando casa de alquiler la concedió el Señor Don Phelipe 5, el año de 1708, 5.200 ducados de plata sobre bienes confiscados y habiendo cesado por la paz de Viena; haviendo sido preciso fabricar casa se ha empeñado en 24,000 libras y necesita para acabarla mas de otras 20,000. Madrid 8 de Noviembre de 1731.

Felix Garcia del Pulgar.

To face p. 608]

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A HISTORY

OF THE

INQUISITION OF SPAIN

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IN FOUR VOLUMES

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BOOK VI. (Continued).

CHAPTER VII.

TORTURE

To the modern mind the judicial use of torture, as a means of ascertaining truth, is so repellant and illogical that we are apt to forget that it has, from the most ancient times, been practised by nearly all civilized nations. With us the device of the jury has relieved the judge of the responsibility resting upon him in other systems of jurisprudence. That responsibility had to be met; a decision had to be reached, even in the most doubtful cases and, where evidence was defective and conflicting, the use of torture as an expedient to obtain a confession, or, by its endurance, to indicate innocence, has seemed, until modern times, after the disuse of compurgation and the judgements of God, to be the only means of relieving the judicial conscience. It was admitted to be dangerous and fallacious, to be employed only with circumspection, but there was nothing to take its place.[1]

That it should be used by the Inquisition was a matter of course, for the crime of heresy was often one peculiarly difficult to prove; confession was sought in all cases and, from the middle of the thirteenth century, the habitual employment of torture by the Holy Office had been the most efficient factor in spreading its use throughout Christendom, at the expense of the obsolescent Barbarian customs. It is true that Spain was loath to admit the innovation. In Castile, which rejected the Inquisition, Alfonso X, notwithstanding his admiration of the Roman law,

[1] "Res est fragilis et periculosa et quæ veritatem fallit."—L. 1, § 23, Dig. XLVIII, xviii.

required that confession must be voluntary and insisted that, if obtained by torture, it must subsequently be freely ratified, without threats or pressure.[1] In the kingdoms of Aragon, which admitted the Inquisition, torture remained illegal, and it was only by the positive commands of Clement V that it was employed, in 1311, on the Templars.[2] By the time that the Spanish Inquisition was organized, however, torture in Castile was in daily use by the criminal courts, and there could be no question as to the propriety of its employment by the Holy Office. In Aragon, Peña tells us that, although it was forbidden in secular jurisprudence, it was freely permitted in matters of faith. Yet its use was jealously watched, for when the aid of torture was sought in the case of a prisoner accused of the murder of a familiar, the Córtes of 1646 complained of it as an unprecedented innovation, which was only prevented by the active intervention of the diputados and viceroy.[3] Valencia had been less rigid in excluding torture from its courts, but so limited its use that, in 1684, the tribunal reported that, in cases of unnatural crime (of which it had cognizance, subject to the condition of trial by secular process), it no longer used torture, because the methods permitted by the fueros were so light that the accused felt no fear of them, and they were useless in extracting confession.[4]

We shall see that occasionally tribunals abused the use of torture, but the popular impression that the inquisitorial torture-chamber was the scene of exceptional refinement in cruelty, of specially ingenious modes of inflicting agony, and of peculiar persistence in extorting confessions, is an error due to sensational writers who have exploited credulity. The system was evil in conception and in execution, but the Spanish Inquisition, at least, was not responsible for its introduction and, as a rule, was less cruel than the secular courts in its application, and confined itself more strictly to a few well-known methods. In fact, we may reasonably assume that its use of torture was less frequent, for its scientific system of breaking down resistance, in its long-drawn procedure, was more effective than the ruder and speedier practice of the secular courts where, as we are told by

[1] Partidas, P. III, Tit. xiii, leyes 4, 5.

[2] See "History of the Inquisition of the Middle Ages," III, 313, 315.

[3] Pegnæ Comment. 110 in Eymerici Director. P. III.—Bibl. nacional, MSS., Mm., 122.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.

Archbishop Pedro de Castro of Granada, it was notorious that no one confessed except when overcome by torture.[1]

In this respect, the comparison between the Spanish and the Roman Inquisition is also eminently in favor of the former. We shall have occasion presently to see the limitations which it placed on the use of torture, while in Rome it was the rule that all who confessed or were convicted in matters of faith were tortured for the further discovery of the truth and the revelation of accomplices. In addition to this there were many classes of cases in which torture was employed by Rome to extort confession and in which it was forbidden in Spain—those involving mere presumption of heresy, such as solicitation, sorcery, blasphemy etc. Moreover in Rome the *in arbitrio judicum* applied not only to the kind and duration of the torture but also to its repetition.[2] Spanish writers on practice, therefore, were justified in claiming for their own tribunals a sparing use of torture unknown in Italy, while, as regards its severity, the frequency with which in the trials we find that the accused overcame the torture would indicate that habitually it was not carried to extremity, as it so frequently was in the secular courts. No torture-chamber in the Inquisition possessed the resources of the corregidor who labored for three hours, in 1612, to obtain from Diego Duke of Estrada confession of a homicide—the water torture, the mancuerda, the potro, hot irons for the feet, hot bricks for the stomach and buttocks, garrotillos known as bone-breakers, the trampa to tear the legs and the bostezo to distend the mouth—and all this was an every-day matter of criminal justice.[3]

---

[1] Pedraza, Hist. eccles. de Granada, fol. 275 (Granada, 1638).

[2] Collectio Decretor. S. Congr. Sti Officii, p. 407 (MS. *penes me*).—Decreta Sac. Congr. Sti Officii, p. 569 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, vol. 3).—Ristretto cerca li Delitti più frequenti nel S. Officio, p. 18, 148 (MS. *penes me*).—Praxis procedendi, Cap. 18, n. 2, 3, 5 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Vida de Don Diego Duque de Estrada (Mem. hist. español, XIII, 55–60. Estrada relates that, after the torture, he paid the executioner two hundred ducats to preserve him from being crippled. The process was very painful, consisting of stretching the limbs and rubbing with an ointment composed of equal parts of fat of man, snake, bear, lion, viper and frog, melted over a slow fire with oil of sweet almonds, of pericon, camomile, rosado and balsam of the East. The treatment was successful.

For a frightful case of torture in Antwerp, as late as 1792, extending at intervals over more than a year, see Eugène Hubert, La Torture dans les Pays-Bas Autrichiens, pp. 124–9 (Bruxelles, 1897).

The indirect torture of especially harsh imprisonment was not unknown to the Inquisition, and was occasionally employed for the purpose of breaking down obstinacy. It was not, as in the medieval Inquisition, prescribed as an ordinary resource, but it was at the discretion of the tribunal and could at any time be brought into play, as in the case of a pertinacious heretic, in 1512, who was consigned to the most noisome part of the prison, and afflicted in various ways, in the hope of enlightening his understanding.[1] In the later period of leisurely action, protracted imprisonment was frequently resorted to, in the hope of inducing repentance and conversion, when wearing anxiety and despair weakened the will as effectually as the sharper agonies of the pulley and rack. There was also the ingenious device, frequently effective, by which the fiscal concluded his formal accusation with a demand that, if necessary, the accused should be tortured until he confessed. This was unknown in the earlier period, but the Instructions of 1561 recommend it, giving as a reason its good results, and also that torture requires a demand from the prosecutor and a notification to the defendant, who is unprepared for it at this stage of the trial.[2] After this it became the universal custom in all cases admitting of torture, and the profound impression produced on the unfortunate prisoner can be readily conceived.

Torture itself, however, was regarded as too serious to be left to the arbitrary temper of a baffled or angry inquisitor, and was preceded by formalities designed to prevent its abuse. It was the last resort when the result of a trial left doubts to be satisfied. After the prosecution and defence had closed, and the consulta de fe had assembled to consider the sentence, if the evidence was too weak for condemnation while the innocence of the accused was not clear, it could adopt a vote to torture and postpone the decision to await the outcome. Even in the ferocity of the early period this deliberateness was frequently observed, although in the reckless haste of procedure it was often omitted. Thus, in the case of Diego García, a priest accused of having said twenty years before, when a boy, that the sacrament was bread, the consulta held two meetings, January 18 and 19, 1490, and finally voted torture. There was no haste however and it was

[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 121.

[2] Instrucciones de 1561, § 21 (Arguello, fol. 30)

not until February 11th that García was exposed to the very moderate water-torture of about a quart of water. No confession was obtained and he was untied, with the protest that he had not been sufficiently tortured, but it was not repeated and, on February 26th, he was acquitted and restored to his fame and honor, though, with the curiously perverse inquisitorial logic, he was made to abjure *de vehementi* and forbidden to celebrate mass for six months.[1] The vote of the consulta however was not universal and, in 1518, the Suprema ordered it to be always observed, but a clause in the Instructions of 1561, reminding inquisitors that they must not inflict torture until after hearing the defence shows how difficult it was to restrain their arbitrary action.[2] Even in the early eighteenth century, in reviewing a summary of cases of Valencia, from 1705 to 1726, the Suprema rebuked the tribunal for torturing Sebastian Antonio Rodríguez without previous consultation, but at this period the consulta de fe was becoming obsolete and everything was centering in the Suprema.[3]

The vote of the consulta was still only preliminary. After it, the accused was brought into the audience-chamber, where all the inquisitors and the episcopal Ordinary were required to be present. He was notified of the decision of the consulta; if he was a *diminuto*, the points in which his confession had failed to satisfy the evidence were pointed out; if a *negativo*, no explanations were necessary; if it was on intention or *in caput alienum* he was made to understand it. He was adjured, in the name of God and the Blessed Virgin, to confess fully, without false evidence as to himself or others and, if this failed to move him, a formal sentence of torture was signed by all the judges and read to him. It recited that, in view of the suspicions arising against him from the evidence, they condemned him to be tortured for such length of time as they should see fit, in order that he might tell the truth of what had been testified against him, protesting that, if in the torture he should die or suffer effusion of blood or mutilation, it should not be attributed to them, but to him for not telling the truth. If the torture was to discover accomplices, care was taken to make no allusion to him and to give him no

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.

[2] Ibidem, Leg. 54, n. 356.—Boletin, XXIII, 335–7.—Instrucciones de 1561, § 50 (Arguello, fol. 34).

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 393.

chance of clearing himself, for he was assumed to be already convicted.[1]

Even this sentence was not necessarily a finality for, if the accused offered a new defence, it had to be considered and acted upon before proceeding further.[2] Moreover he had theoretically a right to appeal to the inquisitor-general from this, as from all other interlocutory sentences. This right varied at different times. A ruling by the Suprema, in 1538, appears to indicate that it was granted as a matter of right, but the Instructions of 1561 tell inquisitors that, if they feel scruple, they should grant it, but if satisfied that the sentence is justified they should refuse the appeal as frivolous and dilatory.[3] Still the right to ask it was so fully recognized that, if the accused was not twenty-five years of age and thus a minor, his *curador* or guardian was required to be present, in order to interject an appeal if he saw fit, and I have met with an instance of this in the case of Angela Pérez, a Morisco slave, before the Toledo tribunal in 1575, where it was as usual unsuccessful, for the Suprema confirmed the sentence.[4] Tribunals seem not infrequently to have allowed appeals, but, with the growing centralization in the Suprema, they became superfluous and a formula, drawn up in 1690, directs that no attention be paid to them.[5]

When the indications of guilt were too slender to justify torture, the consulta de fe sometimes voted to threaten torture.[6] Then the sentence was formally drawn up and read to the accused, he was taken to the torture-chamber, stripped and perhaps tied on the *potro* or *escalera*, without proceeding further. A curious case of this was that of Leonor Pérez who, at the age of seventy, was sentenced, May 3, 1634, in Valladolid, to be placed *in conspectu tormentorum*. When stripped, on May 10th, the executioner reported marks of previous torture; the proceedings were suspended and, on May 13th, she admitted that, twenty years before, she had been tortured in Coimbra. On June 14th

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[1] Pablo García, Orden de Processar, fol. 27–8.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[3] Archivo de Simancas, Inquisicion, Leg, 939. fol. 113.—Instrucciones de 1561, § 50 (Arguello, fol. 34).

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[5] Archivo de Simancas, Inquisicion, Lib 934.

[6] Simancæ Enchirid., Tit. LII, n. 33.

the sentence was again executed, but, before being stripped, she confessed to some Jewish beliefs and then fainted. A postponement was necessary and two days later she revoked her confession. The case dragged on and it was not until August 1, 1637 that she was condemned to abjure *de vehementi*, to six years of exile, a fine of two hundred ducats and to be paraded in *vergüenza*, but we still hear of her as in prison, early in 1639.[1] It required strong nerves to endure this threat of torture, with its terrifying formalities and adjurations, and it was frequently effective.

The conditions held to justify torture were that the offence charged was of sufficient gravity, and that the evidence, while not wholly decisive, was such that the accused should have the opportunity of "purging" it, by endurance proportionate to its strength. From the inquisitor's point of view, it was a favor to the accused, as it gave him a chance which was denied to those whose condemnation was resolved upon. This is illustrated by a highly significant case in the Toledo tribunal in 1488. Juan del Rio had lived long in Rome, where he was present in the jubilee of 1475; by the arts of the courtier he won the favor of Sixtus IV and returned to Spain about 1483, loaded with benefices—among them a prebend in the Toledo cathedral—which excited cupidity and enmity. He was an Old Christian, of pure Biscayan descent, who could not be suspected of Judaism, but he was a loose and inconsiderate chatterer; in the Spain which he had left there was much licence, in the Rome where he had so long sojourned there was more; he could not, on his return, accommodate himself to the new order of things, and his reckless talk gave the opportunity of making vacancies of his numerous preferments. The evidence against him was of the flimsiest; the most serious charge was that, when a tenant had been unable to pay rent on account of the Inquisition, he had petulantly wished it at the devil. At a later period he would have had a chance to purge the evidence by the water-torture, but this was not permitted him; he was hurried to the stake as a pertinacious *negativo*, leaving his spoils to those who could grasp them.[2]

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[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17, 22, 23.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 176, n. 679.

It was a well-accepted maxim of the civil law that torture should not be employed when the penalty of the crime charged was less severe than the infliction of torture—an equation of suffering which afforded to the doctors ample opportunity of defining the unknown quantity. This was fully accepted by the Inquisition and we are told that torture is not indicated for propositions merely offensive, rash, scandalous or blasphemous, or for the assertion that simple fornication is not a mortal sin, or for heretical blasphemy, or sorcery, or for propositions arising from ignorance, or for bigamy or solicitation in the confessional, or for lying under excommunication for a year, or for other matters which infer only light suspicion of heresy, even though for some of these offences the punishment was scourging and the galleys. Torture is freely alluded to as an irreparable injury the use of which would be unjustifiable in such matters.[1]

This, however, was, like everything else in this nebulous region, open to considerable laxity in application. When Francisco de Tornamira, a boy of eighteen and page of the Duke of Pastrana, was tried in 1592, on the charge of having said that Jews and Moors could be saved if they had faith in their respective beliefs, he denied and was tortured till he confessed, and then the triviality of his offence was admitted by subjecting him only to abjuration *de levi*, to hearing a mass as a penitent in the audience-chamber, and to a reprimand. The same tribunal in 1579, tried Stefano Grillen, an Italian, who, in a discussion with some chance fellow-travellers, maintained that the miracles at the shrines of Our Lady of Atocha and of la Caridad were wrought by the Virgin herself and not by her images. He freely confessed but was tortured—apparently on intention—and was dismissed with the same trivial punishment as Tornamira.[2] Even more suggestive is the case of Juan Pereira, a boy of fifteen, tried, in 1646, for Judaism at Valladolid. The proceedings were dilatory and he gradually became demented; nothing could be done with him and opinions were divided as to the reality of his insanity. The Suprema was applied to and sagely ordered torture to find out. It was administered, April 22, 1648, but the method of diagnosis was not as successful as its ingenuity deserved and, in August, he was sent to a hospital

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 299, fol. 80; Leg. 61.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 342

[2] MSS. of Library of Univ. of Halle, YC, 20. T. I

for six months, with instructions to observe him carefully. As his name after this disappears from the records, he probably died in the hospital.[1] It is evident that the Inquisition did not take to heart the warning issued by the Suprema, in 1533, that torture was a very delicate matter.[2]

When we come to inquire as to the character of evidence requiring torture for its elucidation, we find how illusory were all the attempts of the legists to lay down absolute rules, and how it all ended in leaving the matter to the discretion of the tribunal. As confession, though desired, was not essential to conviction, the *negativo* who was convicted on sufficient evidence was not to be tortured, but was to be relaxed. Even this rule, however, could be set aside at the caprice of the judge, though he was warned, in such cases, to put on record a protest that he did not direct the torture against the matters that had been proved, for the very good reason that endurance of torture might purge them and nullify the proof.[3] It was impossible to reduce to a logical formula that which in its essence was illogical, or to frame an accurate definition of evidence that was insufficient for conviction yet sufficient for torture. It was easy to say that *semiplena* evidence suffices, but what was semiplena? One authority will tell us that a single witness, even an accomplice, justifies torture, another that three accomplice witnesses are requisite. One impartial and unexceptionable witness, again, is sometimes held to require public fame as an adjuvant, but the records are full of cases in which torture was employed on the unsupported testimony of a single witness. The weight of other more or less confirmatory evidence was also keenly debated, without reaching substantial agreement—whether flight before arrest, or breaking gaol, or vacillation and equivocation when examined, or even pallor, was sufficient justification.[4] It is not surprising, therefore, that, as a practical result, we are told that

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[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 36

[2] Ibidem, Lib. 939, fol 110

Lib. 4).

[3] Elucidationes Sti Officii, § 21 (Archivo de Alcalá, Hacienda, Leg. 244.[2]

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Elucidationes Sancti Officii, § 22 (*ubi sup.*).—Bibl. nacional, MSS., V, 377, Cap. ii, §§ 3, 4; Cap. v, § 4.—Pegnæ Comment. 110 in Eymerici Direct. P. III.—Simancæ de Cath. Institt. Tit. LXV, n. 23–34; Ejusd. Enchirid. Tit. LIII, n. 17, 19.—Archivo de Simancas, Inquisicion, Lib. 933.

all these questions must be left to the discretion of the judge, to be decided in each individual case.[1] Under such conditions it would be useless to expect consistency of practice in all tribunals and at all periods. We have seen above that cases were sometimes suspended because evidence had not been ratified, yet the Toledo tribunal, in 1584, tortured Lope el Gordo for that very reason, because the chief witness against him had not ratified his testimony, and it is satisfactory to add that Lope endured the torments and thus earned suspension of his case.[2]

The *diminuto*, whose confession did not cover all the adverse evidence, was, according to rule, to be tortured in order to account for the deficiency. If he endured without further admission, he was to be punished on the basis of what he had confessed, but if he did not thus purge the evidence, he was to be sent to the galleys. This was sometimes done in mere surplusage, apparently to gratify the curiosity of the tribunal, as in the Toledo case of Antonio de Andrada, in 1585, who confessed what was amply sufficient for his punishment, but, as there were some omissions, was tortured to elucidate them. In the seventeenth century, however, we are assured that there was much caution used in torturing diminutos, and that it was not done unless the omitted matters were such as to call for relaxation. If they concerned accomplices, however, whom the culprit was suspected of shielding, he was tortured *in caput alienum*. Retraction or vacillation of confession necessarily required torture to reconcile the contradiction; this occurred chiefly with timid persons, frightened by the demand of the fiscal for torture, and thus led to make admissions which they subsequently recalled, thus bringing upon themselves what they had sought to avoid.[3] The question of intention, in the performance of acts in themselves indifferent, was, as we have seen, the frequent occasion of torture, as there was no other means known to the jurisprudence of the period, which was bent on ascertaining the secrets of the offender's mind.

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—Pegnæ, *loc. cit.*—Simancæ de Cath. Institt., *loc. cit.*

[2] MSS. of Library of Univ. of Halle, Yc, 20. T. I.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., Pp, 28; Ibidem, V, 377, Cap. ii, §§ 6, 7; Cap. v.

Yet it is possible that in some cases, when torture appears to be pure surplusage, there may have been the kindly intention of contributing to the salvation of the sufferer, by inducing or confirming his conversion; for habitual persecution for the greater glory of God induced a state of mind precluding all rational intellectual processes, where the faith was concerned. Thus Rojas tells us that there should be no hesitation in the use of torture, when the salvation of the culprit's soul was involved, so that he might be reconciled to the Church and undergo penance through which he might be saved.[1] This reasoning was urged in the case of Réné Perrault, in 1624, by some of the consultores of the tribunal of Toledo. His crime of maltreating the Host was public and unquestionable, but he had varied in his statements as to his faith; the consulta de fe was unanimous in ordering torture to discover possible accomplices, but some of the members desired a special additional torture in order to confirm him in the faith and save his soul.[2]

That witnesses should be tortured, in order to obtain or confirm their testimony, is an abuse which, repulsive as it may seem to us, has been, with more or less disguise, a practice wherever torture has been used. It is true that the Roman law prohibited that one who had admitted his own guilt should be examined as to that of another, and this principle, adopted in the False Decretals, became a part of the early canon law.[3] The Inquisition, however, regarded the conviction of a heretic as only the preliminary to forcing him to denounce his associates; the earliest papal utterance, in 1252, authorizing its use of torture, prescribed the employment of this means to discover accomplices and finally Paul IV and Pius V decreed that all who were convicted and confessed should, at the discretion of the inquisitors, be tortured for this purpose.[4] The *question préalable* or *définitive*, in which the convict was tortured to make him reveal his associates, became, through the influence of the Inquisition, a part of the criminal jurisprudence of all lands in which torture was

[1] Rojas de Hæret., P. I, n. 374.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. VI.

[3] Const. 17, Cod. IX, ii.—Pseudo-Julii Epist. II, Cap. xviii.—Gratiani Decret. P. II, Caus. v, q. 3, c. 5.

[4] Innocent. P P. IV Bull. *Ad extirpanda*, § 26 (Bullar. Roman. I, 91).—Locati Opus judiciale Inquisitor. p. 477 (Romæ, 1570).

employed. It was, in reality, the torture of witnesses, for the criminal's fate had been decided, and he was thus used only to give testimony against others.

The Spanish Inquisition was, therefore, only following a general practice when it tortured, *in caput alienum*, those who had confessed their guilt. No confession was accepted as complete unless it revealed the names of those whom the penitent knew to be guilty of heretical acts, if there was reason to suspect that he was not fully discharging his conscience in this respect, torture was the natural resort. Even the impenitent or the relapsed, who was doomed to relaxation, was thus to be tortured and was to be given clearly to understand that it was as a witness and not as a party, and that his endurance of torture would not save him from the stake. The Instructions of 1561, however, warn inquisitors that in these cases much consideration should be exercised and torture *in caput alienum* was rather the exception in Spain, than the rule as in Rome.[1] In the case of the *negativo*, against whom conclusive evidence was had, and who thus was to be condemned without torture, the device of torturing him against his presumable accomplices afforded an opportunity of endeavoring to secure his own confession and conversion. We have seen this fail, in 1596, in the Mexican case of Manuel Diaz, nor was it more successful in Lima, in 1639, with Enrique de Paz y Mello, although the final outcome was different. He persistently denied through five successive publications of evidence, as testimony against him accumulated in the trials of his associates. He was sentenced to relaxation and torture *in caput alienum;* it was administered with great severity without overcoming his fortitude, and he persisted through five other publications as fresh evidence was gathered. Yet at midnight before the auto de fe, in which he was to be burnt, he weakened. He confessed as to himself and others and his sentence was modified to reconciliation and the galleys, while good use was made of his revelations against thirty of his accomplices.[2]

The torture of witnesses who were not themselves under trial was permitted when they varied or retracted, or so contradicted other witnesses that it was deemed necessary thus to ascertain

[1] Praxis procedendi, Cap, 18, n. 16–21 (Archivo hist. nacional, Inquisicion de Valencia).—Simancæ Enchirid. Tit. LII, n. 31.—Instrucciones de 1561, § 45 (Arguello, fol. 33).

[2] Archivo de Simancas, Inquisicion, Lib. 812, Lima, fol. 20–24.

the truth; but whether clerical witnesses could be so treated was a subject of debate. As a rule torture in such cases was directed to be moderate, neither light nor excessive, but when testimony was revoked it could be repeated up to three inflictions.[1] As we have seen above (Vol. II, p. 537) slaves testifying in the cases of their masters could always be tortured if necessary to confirm their evidence. In the prosecution of Juan de la Caballería, in 1488, as accessory to the murder of San Pedro Arbués, his slave-girl Lucía gave compromising evidence which she was persuaded to retract, with the result that she was twice tortured and confirmed it.[2]

Like *majestas*, in heresy there were no privileged classes exempt from torture. Nobles were subject to it and so were ecclesiastics of all ranks, but the latter were to be tortured less severely than laymen, unless the case was very grave, and they were entitled to a clerical torturer if one could be found to perform the office. As in their arrest, so in torture the sentence, by a carta acordada of 1633, had to be submitted to the Suprema for confirmation.[3]

As regards age, there seems to have been none that conferred exemption. Llorente, indeed, in describing a case in which a woman of ninety was tortured at Cuenca, says that this was contrary to the orders of the Suprema which prescribed that the aged should only be placed *in conspectu tormentorum*,[4] but I have never met with such a rule. In 1540 the Suprema ordered that consideration should be given to the quality and age of the accused and, if advisable, the torture should be very moderate, while the Instructions of 1561, which are very full, impose no limit of age and leave everything to the discretion of the tribunal.[5] Cases are by no means infrequent in which age combined with infirmity is given as a reason for omitting torture or inflicting it with moderation, but age alone offered no exemption. At a Toledo auto de fe we find Isabel Canese, aged seventy-eight,

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 61.—Praxis procedendi, Cap. 18, n. 13 (Ibidem).

[2] Bibl. nationale de France, fonds espagnol, n. 81.

[3] Pegnæ Comment. 110 in Eymerici Director. P. III.—Simancæ de Cath. Institt. Tit. LXV, n. 50.—MSS. of Royal Library of Copenhagen, 218b, p. 269.

[4] Llorente, Hist. crít., Cap. XVIII, Art. 1, n. 24.

[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 110.—Instrucciones de 1561, §§ 48–55 (Arguello, fol. 33–4).

who promptly confessed before the torture had proceeded very far, and Isabel de Jaen, aged eighty who, at the fifth turn of the cords fainted and was revived with difficulty.[1] In 1607, at Valencia, Jaime Chuleyla, aged seventy-six, after confessing certain matters, was accused by a new witness of being an alfaquí; this he denied and was duly tortured.[2]

Not much more respect was paid to youth. In 1607, at Valencia, Isabel Madalena, a girl of thirteen, who was vaguely accused of Moorish practices, was tortured, overcame the torture and was penanced with a hundred lashes. In the same year that tribunal showed more consideration for Joan de Heredia, a boy of ten or eleven, whom a lying witness accused of going to a house where Moorish doctrines were taught. On his steadfast denial, he was sentenced to be placed *in conspectu tormentorum*, which was carried out in spite of an appeal by his procurator, but he persisted in asserting his innocence and the case was suspended.[3] Mental incapacity, short of insanity, was not often allowed exemption and it is creditable to the Valencia tribunal that when, about 1710, the Suprema ordered the torture of Joseph Felix, for intention with regard to certain propositions, it remonstrated and represented that he was too ignorant to comprehend the object of the torture.[4]

It was a universal law that torture should not endanger life or limb and, although this was often disregarded when the work was under way, it called for a certain amount of preliminary caution to see that the patient was in condition promising endurance—caution admitted in theory but not always observed in practice. When there was doubt, the physician of the Inquisition was sometimes called in, as in the case of Rodrigo Pérez, at Toledo, in 1600, who was sick and weak, and the medical certificate that torture would endanger health and life sufficed to save him, but the Suprema was not so considerate when, in 1636, it ordered the Valencia tribunal to torture Joseph Pujal before transferring him to the hospital, as was done afterwards on account

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 74.

[3] Ibidem, Leg. 2, n. 7, fol. 5; n. 10, fol. 37. 79.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 346.

of his illness.[1] Pregnancy has always been deemed a sufficient reason for at least postponing the infliction, but the Madrid tribunal, in instructions of 1690, only makes the concession of placing pregnant women on a seat, in place of binding them on the rack, while applying the exceedingly severe torture of the *garrote*—sharp cords, two on each arm and two on each leg, bound around the limb and twisted with a short lever.[2] Hernia was regarded, at least in the earlier time, as precluding torture, and I have met with several cases in which it served to exempt the patient but, in 1662, the official instructions of the Suprema order that no exceptions be made on that account, save the omission of the *trampazo vigoroso*, which causes downward strain; in the other tortures a good strong truss suffices to avert danger and it should always be kept on hand in readiness for such subjects.[3] In accordance with this the Madrid tribunal in 1690, orders for hernia cases the use of the seat provided for pregnant women. As regards women who were suckling, there seems to have been no established rule. In 1575, when the Valencia tribunal proposed to torture María Gilo, the physician who was called in reported that it would expose the child to imminent risk and the purpose was abandoned. In 1608, however, at Toledo, when the same question arose in the case of Luisa de Narvaez, the consulta voted in discordia and the Suprema ordered her to be tortured.[4]

Besides these generalities, there were occasional special cases in which torture was abandoned in consequence of the condition of the patient—heart disease, excessive debility, repeated faintings during the administration and other causes. The physician and the surgeon were always called in, when the prisoner was stripped, to examine him and they were kept at hand to be summoned in case of accident. The tribunals seem to have been more tender-hearted than the Suprema which, in its instructions of 1662, reproved inquisitors who avoid sentencing to torture on account of weakness or of a broken arm. This, it says, is not proper, because it forfeits the opportunity of obtaining con-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 1, fol. 102, 148.

[2] Archivo de Simancas, Inquisicion, Lib. 934.

[3] Ibidem, Lib. 977, fol. 267.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 396.—MSS. of Library of Univ. of Halle, Yc, 20. T. I.

fession in the various preliminaries of reading the sentence, carrying to the torture-chamber, stripping him and tying him to the trestle; besides, after commencing, the torture is always to be stopped when the physician so orders.[1] There was another salutary precaution—that there should be a proper interval between the last meal and the torture. About 1560, Inquisitor Cervantes says that the patient is not to have food or drink on the evening before or on the morning of the infliction and, in 1722, a writer specifies eight hours for the preliminary fasting.[2]

In the administration of torture, all the inquisitors and the episcopal representative were required to be present, with a notary or secretary to record the proceedings. No one else save the executioner was allowed to be present, except when the physician or surgeon was called in. In the earlier period, there was some trouble in providing an official to perform the repulsive work. An effort seems to have been made to compel the minor employees to do it but with doubtful success. Ferdinand, in a letter of July 22, 1486, to Torquemada, complains that the inquisitors of Saragossa had employed a torturer because the messengers had refused to do the work, and he suggests that a messenger be discharged and the torturer serve in his place without increase of salary; if this cannot be done the salary should be reduced. No salaried torturer appears in the pay-rolls; the duties were not constant and doubtless when wanted proper functionaries were called in and paid—but there is suggestiveness in a letter of Ferdinand, in 1498, ordering the restoration of a certain Pedro de Moros, who had been dropped, to serve as messenger and "for such other duties as the inquisitors might order" at five hundred sueldos a year.[3] At one time the alcaide of the prison seems to have been the official torturer for, in 1536, the Suprema writes to the inquisitors of Navarre that, if their alcaide is not skilled in the business, they must find some one who is, and not work the implements themselves, as they seem to have done, for it is not befitting the dignity of their persons or office.[4] In

[1] Archivo de Simancas, Inquisicion, Lib. 934.

[2] Ibidem, *loc. cit.*—Praxis procedendi, Cap. 18, n. 29 (Archivo hist. nacional, Inquisicion de Valencia).

[3] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 102.—Archivo de Simancas, Inquisicion, Lib. I.

[4] Archivo de Simancas, Inquisicion, Lib. 78, fol. 56.

1587, at Valencia, we hear that the messenger and portero served as assistants and the Suprema ordered the work to be entrusted to a confidential familiar.[1] Eventually however the tribunals employed the public executioner of the town, who was skilled in his vocation. When, in 1646, at Valladolid, Isabel López was ordered to be tortured on November 23d, the alcaide reported that the public functionary was absent and the time of his return was uncertain; the torture was necessarily postponed and, on the 27th, Isabel took it into her head to confess and thus escaped the infliction.[2] In Madrid, from March to August, 1681, Alonso de Alcalá, the city executioner, was paid by the tribunal forty-four ducats, for eleven torturings, at four ducats apiece.[3] It seems strange that objection should be made to the torturer being disguised but, in 1524, the Suprema forbade him to wear a mask or to be wrapped in a sheet; subsequently he was permitted to wear a hood and to change his garments and, in the seventeenth century, a mask and other disguise were permissible, if it were thought best that he should not be recognized.[4]

At every stage in the preliminaries, after reading the sentence, taking the prisoner down to the torture-chamber, calling in the executioner, stripping the prisoner and tying him to the trestle, there was a pause in which he was solemnly adjured to tell the truth for the love of God, as the inquisitors did not desire to see him suffer.[5] The exposure of stripping was not a mere wanton aggravation but was necessary, for the cords around the thighs and arms, the belt at the waist with cords passing from it over the shoulders from front to back, required access to every portion of the body and, at the end of the torture, there was little of the surface that had not had its due share of agony. Women as well as men were subjected to this, the slight concession to decency being the *zaragüelles* or *paños de la vergüenza*, a kind of abbreviated bathing-trunks, but the denudation seems to have been complete before these were put on.[6] The patient

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 3, fol. 143.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 35.

[3] Ibidem, Leg. 1480, fol. 13. In the accounts these are mostly described discreetly as "diligencias secretas."

[4] Ibidem, Lib. 939, fol. 110.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[5] Archivo de Simancas, Inquisicion, Lib. 934.

[6] Thus in the trial of Isabel de Montoya, after she is stripped "luego se le mandaron poner los paños de la vergüenza" (MS. *penes me*).

was admonished not to tell falsehoods about himself or others and, during the torture, the only words to be addressed to him were "Tell the truth." No questions were to be put and no names mentioned to him, for the reason, as we are told, that the sufferers in their agonies were ready to say anything that was in any way suggested, and to bear false-witness against themselves and others. The executioner was not to speak to the patient, or make faces at him, or threaten him, and the inquisitors should see that he so arranged the cords and other devices as not to cause permanent crippling or breaking of the bones. The work was to proceed slowly with due intervals between each turn of the *garrotes* or hoist in the *garrucha*, or otherwise the effect was lost, and the patient was apt to overcome the torture.

It was a universal rule that torture could be applied only once, unless new evidence supervened which required purging, but this restriction was easily evaded. Though torture could not be repeated, it could be continued and, when it was over, the patient was told that the inquisitors were not satisfied, but were obliged to suspend it for the present, and that it would be resumed at another time, if he did not tell the whole truth. Thus it could be repeated from time to time as often as the consulta de fe might deem expedient.[1] The secretary faithfully recorded all that passed, even to the shrieks of the victim, his despairing ejaculations and his piteous appeals for mercy or to be put to death, nor would it be easy to conceive anything more fitted to excite the deepest compassion than these cold-blooded, matter-of-fact reports.

As for the varieties of torture currently employed, it must be borne in mind that the Inquisition largely depended on the public executioners, and its methods thus were necessarily identical with those of the secular courts; while even when its own officials performed the duty, they would naturally follow the customary routine. The Inquisition thus had no special refinements of torture and indeed, so far as I have had opportunity of investigation, it confined itself to a few methods out of the abundant repertory of the public functionaries.

In the earlier period only two tortures were generally in vogue—the *garrucha* or pulleys and the water-torture. These are the

[1] Instrucciones de 1561, § 49 (Arguello, fol. 34).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

only ones alluded to by Pablo García and both of them were old and well-established forms.[1] The former, known in Italy as the *strappado*, consisted in tying the patient's hands behind his back and then, with a cord around his wrists, hoisting him from the floor, with or without weights to his feet, keeping him suspended as long as was desired and perhaps occasionally letting him fall a short distance with a jerk. About 1620 a writer prescribes that the elevating movement should be slow, for if it is rapid the pain is not lasting; for a time the patient should be kept at tiptoe, so that his feet scarce touch the floor; when hoisted he should be held there while the psalm Miserere is thrice repeated slowly in silence, and he is to be repeatedly admonished to tell the truth. If this fail he is to be lowered, one of the weights is to be attached to his feet and he is to be hoisted for the space of two Misereres, the process being repeated with increasing weights as often and as long as may be judged expedient.[2]

The water-torture was more complicated. The patient was placed on an *escalera* or *potro*—a kind of trestle, with sharp-edged rungs across it like a ladder. It slanted so that the head was lower than the feet and, at the lower end was a depression in which the head sank, while an iron band around the forehead or throat kept it immovable. Sharp cords, called *cordeles*, which cut into the flesh, attached the arms and legs to the side of the trestle and others, known as *garrotes*, from sticks thrust in them and twisted around like a tourniquet till the cords cut more or less deeply into the flesh, were twined around the upper and lower arms, the thighs and the calves; a *bostezo*, or iron prong, distended the mouth, a *toca*, or strip of linen, was thrust down the throat to conduct water trickling slowly from a *jarra* or jar, holding usually a little more than a quart. The patient strangled and gasped and suffocated and, at intervals, the toca was withdrawn and he was adjured to tell the truth. The severity of the infliction was measured by the number of jars consumed, sometimes reaching to six or eight. In 1490, in the case of the priest Diego García, a single quart satisfied the inquisitors and he was acquitted.[3] In the Mexican case of Manuel Díaz, in 1596,

[1] Pablo García, Orden de Processar, fol. 29.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.—In the record there is on the margin a rude outline of the *escalera*, thus

the cordeles were applied; then seven garrotes were twisted around arms and legs, the toca was thrust down his throat and twelve jarras of a pint each were allowed to drip through it, the toca being drawn up four times during the operation. In the Toledo case of Marí Rodríguez, in 1592, the operation was divided, the cordeles being applied while she was seated on the *banquillo*, and were given eight turns; she was then transferred to the trestle, and the garrotes were used, followed by the water; at the second jarra she vomited profusely; she was untied and fell to the floor. The executioner lifted her up and put on her chemise; she was told that if she would not tell the truth the torture would be continued; she protested that she had told the truth and it was suspended. For nine months she was left in her cell, then the consulta de fe voted to suspend the case and she was told to be gone in God's name.[1]

It was probably not long after this that these forms of torture gradually fell into disuse and were replaced by others which apparently were regarded as more merciful. In 1646 the Suprema applied to the tribunal of Córdova for information concerning the garrucha and silla and for a description of the *trampa* and *trampazo* which it used, with an estimate of their severity. The tribunal replied that the silla had been abandoned because it could scarce be called a torture and the garrucha on account of the danger of causing dislocations. For more than thirty years the tribunal, as well as the secular courts, had discontinued its use as also the brazier of coals, heated plates of metal, hot bricks, the toca with seven pints of water, the *depiñoncillo*, *escarabajo*, *tablillas*, *sueño* and others. The methods in use were the cordeles and garrotes, of which there were three kinds, the *vuelta de trampa*, the *mancuerda* and stretching the accused in the *potro* or rack.

The letter proceeds to describe at great length and in much detail these somewhat complicated processes. In abandoning the pulleys and the water-jar, the patient gained little. He was adjusted for torment by a belt or girdle with which he was swung from the ground; his arms were tied together across his breast and were attached by cords to rings in the wall. For the trampa or trampazo the ladder in the potro had one of its rungs removed

[1] Proceso contra Manuel Diaz; Proceso contra Marí Rodríguez (MSS. *penes me*).

so as to enable the legs to pass through; another bar with a sharp edge was set below it and through this narrow opening the legs were forcibly pulled by means of a cord fastened around the toes with a turn around the ankle. Each *vuelta*, or turn given to the cord, gained about three inches; five vueltas were reckoned a most rigorous torture, and three were the ordinary practice, even with the most robust. Leaving him stretched in this position, the next step was the mancuerda, in which a cord was passed around the arms, which the executioner wound around himself and threw himself backward, casting his whole weight and pushing with his foot against the potro. The cord, we are told, would cut through skin and muscle to the bone, while the body of the patient was stretched as in a rack, between it and the cords at the feet. The belt or girdle at the waist, subjected to these alternate forces was forced back and forth and contributed further to the suffering. This was repeated six or eight times with the mancuerda, on different parts of the arms, and the patients usually fainted, especially if they were women.

After this the potro came in play. The patient was released from the trampa and mancuerda and placed on the eleven sharp rungs of the potro, his ankles rigidly tied to the sides and his head sinking into a depression where it was held immovable by a cord across the forehead. The belt was loosened so that it would slip around. Three cords were passed around each upper arm, the ends being carried into rings on the sides of the potro and furnished with garrotes or sticks to twist them tight; two similar ones were put on each thigh and one on each calf, making twelve in all. The ends were carried to a *maestra garrote* by which the executioner could control all at once. These worked not only by compression but by travelling around the limbs, carrying away skin and flesh. Each half round was reckoned a *vuelta* or turn, six or seven of which was the maximum, but it was usual not to exceed five, even with strong men. Formerly the same was done with the cord around the forehead, but this was abandoned as it was apt to start the eyes from their sockets. All this, the Cordova tribunal concludes, is very violent, but it is less so and less dangerous than the abandoned methods.

These remained practically the tortures in use. In 1662 the Suprema, in ordering the tribunal of Galicia to "continue" the torture of Antonio Méndez, called upon it to report as to its manner of administering torture. Its answer of May 13th shows

that it was using the mancuerda and potro, though after a somewhat primitive fashion. To this, by order of the Suprema, Gonzalo Bravo replied, May 22d with elaborate instructions, especially as to the trampazo, indicating that substantially the methods described by Córdova were recognized officially. Galicia appears to have puzzled over this until September 19th, when it apologized for its lack of experience and asked for detailed plans and drawings of the form of potro required. It is fairly presumable from all this that thenceforward these new methods were adopted in all the tribunals.[1]

There was and could be no absolute limitation on the severity of torture. The Instructions of 1561 say that the law recognizes it as uncertain and dangerous in view of the difference in bodily and mental strength among men, wherefore no certain rule can be given, but it must be left to the discretion of judges, to be governed by law, reason and conscience.[2] All that Gonzalo Bravo can say, in the Instructions of 1662, is that its proper regulation determines the just decision of cases, and the verification of truth; the discretion and prudence of the judges must look to this, tempered by the customary compassion of the Holy Office, in such way that it shall neither exceed nor fall short. How this discretion was exercised depended wholly on the temper of the tribunal. One authority tells us that torture should never be prolonged more than half an hour, but the cases are numerous in which it lasted for two and even three hours. In that of Antonio López, at Valladolid, in 1648, it commenced at eight o'clock and continued until eleven, leaving him with a crippled arm; in a fortnight he endeavored to strangle himself, and he died within a month.[3] Such cases were by no means rare. Gabriel Rodríguez, at Valencia, about 1710, was tor-

[1] I owe a copy of the Córdova letter and Galicia correspondence to the kindness of the late General Don Vicente Riva Palacio of Mexico. Their existence there would indicate that they were sent to all the tribunals. The 1662 instructions of the Suprema are in the Simancas archives, Inquisicion, Lib. 934; Lib. 977, fol. 267.

[2] Instrucciones de 1561, § 48 (Arguello, fol. 33).

[3] Praxis procedendi, Cap. 18, n. 29 (Archivo hist. nacional, Inquisicion de Valencia).—Archivo de Simancas, Inquisicion, Leg. 552, fol. 36.

Paul III when regulating, in 1548, criminal practice in Rome forbade torture prolonged for an hour or more, or that it should be interrupted for dinner or supper.—Pauli PP. III Const. *Ad onus Apostolicæ*, § 6 (Bullar. I. 776).

tured thrice and condemned to the galleys, but this was commuted on finding that he was crippled "por la violencia de la tortura."[1] Nor was death by any means unknown. In 1623, Diego Enríquez, at Valladolid, was tortured December 13th. In the process an "accident" occurred and he was carried to his cell. On the 15th the physician reported that he should be removed to a hospital, which was done with the greatest secrecy and he died there. There is something hideously suggestive in such a matter of fact record as that of Blanca Rodríguez Matos, at Valladolid, which simply says that she was voted to torture, May 21, 1655, and it having been executed she died the same day; the case was continued against her fame and memory and, in due course, was suspended, November 19th.[2]

The very large number of cases recorded in which the accused overcame the torture without confession would argue that it was frequently light. This is doubtless true to a great extent, but the surprising endurance sometimes displayed shows that this was not always the case. Thus Tomás de Leon, at Valladolid, November 5, 1638, was subjected to all the successive varieties and overcame them, although at the end it was found that his left arm was broken. So, in 1643, in the same tribunal, Engracia Rodríguez, a woman sixty years of age, had a toe wrenched off while in the *balestilla*. Nevertheless the torture proceeded until, in the first turn of the mancuerda, an arm was broken. It then was stopped without having extorted a confession, but her fortitude availed her little, for fresh evidence supervened against her and, some ten months later, she confessed to Jewish practices. Another of the same group, Florencia de Leon, endured the balestilla, three turns of the mancuerda and the potro without confessing, but she did not escape without reconciliation and prison.[3]

The process and its effects on the patient can best be understood from the passionless business-like reports of the secretary, in which the incidents are recorded to enable the consulta de fe to vote intelligently. They are of various degrees of horror and I select one which omits the screams and cries of the victim that are usually set forth. It is a very moderate case of water-torture,

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 436.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 2, 40.

[3] Ibidem, Leg. 552, fol. 23, 31.

carried only to a single jarra, administered in 1568 by the tribunal of Toledo to Elvira del Campo, accused of not eating pork and of putting on clean linen on Saturdays. She admitted the acts but denied heretical intent and was tortured on intention. On April 6th she was brought before the inquisitors and episcopal vicar and, after some preliminaries, was told that it was determined to torture her, and in view of this peril she should tell the truth, to which she replied that she had done so. The sentence of torture was then read, when she fell on her knees and begged to know what they wanted her to say. The report proceeds:

She was carried to the torture-chamber and told to tell the truth, when she said that she had nothing to say. She was ordered to be stripped and again admonished, but was silent. When stripped, she said "Señores, I have done all that is said of me and I bear false-witness against myself, for I do not want to see myself in such trouble; please God, I have done nothing." She was told not to bring false testimony against herself but to tell the truth. The tying of the arms was commenced; she said "I have told the truth; what have I to tell?" She was told to tell the truth and replied "I have told the truth and have nothing to tell." One cord was applied to the arms and twisted and she was admonished to tell the truth but said she had nothing to tell. Then she screamed and said "I have done all they say." Told to tell in detail what she had done she replied "I have already told the truth." Then she screamed and said "Tell me what you want for I don't know what to say." She was told to tell what she had done, for she was tortured because she had not done so, and another turn of the cord was ordered. She cried "Loosen me, Señores and tell me what I have to say: I do not know what I have done, O Lord have mercy on me, a sinner!" Another turn was given and she said "Loosen me a little that I may remember what I have to tell; I don't know what I have done; I did not eat pork for it made me sick; I have done everything; loosen me and I will tell the truth." Another turn of the cord was ordered, when she said "Loosen me and I will tell the truth; I don't know what I have to tell—loosen me for the sake of God—tell me what I have to say—I did it, I did it—they hurt me Señor—loosen me, loosen me and I will tell it." She was told to tell it and said "I don't know what I have to tell—Señor I did it—I have nothing to tell—Oh my arms! release me and I will tell it." She was asked to tell what she did and said "I don't know, I did not eat because I did not wish to." She was asked why she did not wish to and replied "Ay! loosen me, loosen me—take me from here and I will tell it when I am taken away—I say that I did not eat it." She was told to speak and said "I did not eat it, I don't know why." Another turn was ordered and she said "Señor I did not eat it because I did not wish to—release me and I will tell it." She was told to tell what she had done contrary to our holy Catholic faith. She said "Take me from here and tell me what I have to say—they hurt me—Oh my arms, my arms!" which she repeated

many times and went on "I don't remember—tell me what I have to say —O wretched me!—I will tell all that is wanted, Señores—they are breaking my arms—loosen me a little—I did everything that is said of me." She was told to tell in detail truly what she did. She said "What am I wanted to tell? I did everything—loosen me for I don't remember what I have to tell—don't you see what a weak woman I am?—Oh! Oh! my arms are breaking." More turns were ordered and as they were given she cried "Oh! Oh! loosen me for I don't know what I have to say—Oh my arms!—I don't know what I have to say—if I did I would tell it." The cords were ordered to be tightened when she said "Señores have you no pity on a sinful woman?" She was told, yes, if she would tell the truth. She said, "Señor tell me, tell me it." The cords were tightened again, and she said "I have already said that I did it." She was ordered to tell it in detail, to which she said "I don't know how to tell it señor, I don't know." Then the cords were separated and counted, and there were sixteen turns, and in giving the last turn the cord broke.

She was then ordered to be placed on the potro. She said "Señores, why will you not tell me what I have to say? Señor, put me on the ground —have I not said that I did it all?" She was told to tell it. She said "I don't remember—take me away—I did what the witnesses say." She was told to tell in detail what the witnesses said. She said "Señor, as I have told you, I do not know for certain. I have said that I did all that the witnesses say. Señores release me, for I do not remember it." She was told to tell it. She said "I do not know it. Oh! Oh! they are tearing me to pieces—I have said that I did it—let me go." She was told to tell it. She said "Señores, it does not help me to say that I did it and I have admitted that what I have done has brought me to this suffering —Señor, you know the truth—Señores, for God's sake have mercy on me. Oh Señor, take these things from my arms—Señor release me, they are killing me." She was tied on the potro with the cords, she was admonished to tell the truth and the garrotes were ordered to be tightened. She said "Señor do you not see how these people are killing me? Señor, I did it—for God's sake let me go." She was told to tell it. She said "Señor, remind me of what I did not know—Señores have mercy upon me —let me go for God's sake—they have no pity on me—I did it—take me from here and I will remember what I cannot here." She was told to tell the truth,or the cords would be tightened. She said "Remind me of what I have to say for I don't know it—I said that I did not want to eat it—I know only that I did not want to eat it," and this she repeated many times. She was told to tell why she did not want to eat it. She said, "For the reason that the witnesses say—I don't know how to tell it— miserable that I am that I don't know how to tell it—I say I did it and my God how can I tell it?" Then she said that, as she did not do it, how could she tell it—"They will not listen to me—these people want to kill me—release me and I will tell the truth." She was again admonished to tell the truth. She said, "I did it, I don't know how I did it—I did it for what the witnesses say—let me go—I have lost my senses and I don't know how to tell it—loosen me and I will tell the truth." Then she said "Señor, I did it, I don't know how I have to tell it, but I tell it as the witnesses say—I wish to tell it—take me from here—Señor as the wit-

nesses say, so I say and confess it." She was told to declare it. She said "I don't know how to say it—I have no memory—Lord, you are witness that if I knew how to say anything else I would say it. I know nothing more to say than that I did it and God knows it." She said many times, "Señores, Señores, nothing helps me. You, Lord, hear that I tell the truth and can say no more—they are tearing out my soul—order them to loosen me." Then she said, "I do not say that I did it—I said no more." Then she said, "Señor, I did it to observe that Law." She was asked what Law. She said, "The Law that the witnesses say—I declare it all Señor, and don't remember what Law it was—O, wretched was the mother that bore me." She was asked what was the Law she meant and what was the Law that she said the witnesses say. This was asked repeatedly, but she was silent and at last said that she did not know. She was told to tell the truth or the garrotes would be tightened but she did not answer. Another turn was ordered on the garrotes and she was admonished to say what Law it was. She said "If I knew what to say I would say it. Oh Señor, I don't know what I have to say—Oh! Oh! they are killing me—if they would tell me what—Oh, Señores! Oh, my heart!" Then she asked why they wished her to tell what she could not tell and cried repeatedly "O, miserable me!" Then she said "Lord bear witness that they are killing me without my being able to confess." She was told that if she wished to tell the truth before the water was poured she should do so and discharge her conscience. She said that she could not speak and that she was a sinner. Then the linen toca was placed [in her throat] and she said "Take it away, I am strangling and am sick in the stomach." A jar of water was then poured down, after which she was told to tell the truth. She clamored for confession, saying that she was dying. She was told that the torture would be continued till she told the truth and was admonished to tell it, but though she was questioned repeatedly she remained silent. Then the inquisitor, seeing her exhausted by the torture, ordered it to be suspended.

It is scarce worth while to continue this pitiful detail. Four days were allowed to elapse, for experience showed that an interval, by stiffening the limbs, rendered repetition more painful. She was again brought to the torture-chamber but she broke down when stripped and piteously begged to have her nakedness covered. The interrogatory went on, when her replies under torture were more rambling and incoherent than before, but her limit of endurance was reached and the inquisitors finally had the satisfaction of eliciting a confession of Judaism and a prayer for mercy and penance.[1]

It is impossible to read these melancholy records without amazement that the incoherent and contradictory admissions

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.

through which the victim, in his increasing agonies, sought to devise some statement in satisfaction of the monotonous command to tell the truth, should have been regarded by statesmen and lawgivers as possessed of intrinsic value. The result was a test of endurance and not of veracity. In one case we find a man of such fibres and nerves that all the efforts of the torturer fail to elicit aught but denial—the cords may rasp through the flesh to the bone and limbs be wrenched to the breaking without affecting his constancy. In another, when a few turns of the garrote have twisted a single cord into his arm—or even at the mere aspect of the torture-chamber, with its grimly suggestive machinery—he will yield and confess all that is wanted as to himself and all the comrades whose names he can recall in the dizziness of his suffering. Yet, with full knowledge of this, for centuries the secular and ecclesiastical courts of the greater part of Christendom persisted in the use of a system which, in the name of justice, perpetrated an infinite series of atrocities.

Yet, as though still more effectually to deprive the system of all excuse, the confession obtained at such cost was practically admitted to be in itself worthless. To legalize it, a ratification was required, after an interval of at least twenty-four hours, to be freely made, without threats and apart from the torture-chamber. This was essential in all jurisdictions, and the formula in the Inquisition was to bring the prisoner into the audience-chamber, where his confession was read to him as it had been written down. He was asked whether it was true or whether he had anything to add or to omit and, under his oath, he was expected to declare that it was properly recorded, that he had no change to make and that he ratified it, not through fear of torture, or from any other cause, but solely because it was the truth. Such ratification was required even when the confession was made on hearing the sentence of torture read or when placed *in conspectu tormentorum*.[1] This was customarily done on the afternoon of the next day, to allow the full twenty-four hours to expire, but there was sometimes a longer interval. Thus, in the case of Catalina Hernández, at Toledo, who confessed on being stripped, July 13, 1541, it was not until the 27th that her

[1] Pablo García, Orden de Processar, fol. 30.

ratification was taken, the inquisitors explaining that press of business had prevented it earlier.[1]

The declaration in the ratification, that it was not made through fear of torture was a falsehood, for, in all jurisdictions, a retraction of the confession called for a repetition of torment, and in fact we sometimes find that when the confession was made the prisoner was warned not to retract for, if he did so, the torture would be "continued."[2] This was possibly to evade a singularly humane provision in the Instructions of 1484, to the effect that, if the confession is ratified, the accused is to be duly punished, but if he retracts, in view of the infamy resulting from the trial, he is to abjure publicly the heresy of which he is suspect and be subjected to such penance as the inquisitors may compassionately assign. The mercy of this, however, is considerably modified by a succeeding clause that it is not to deprive them of the right to repeat the torture in cases where by law they can and ought to do so.[3] Still, it was probably the first portion of the provision that guided the Toledo tribunal, in 1528, in the case of Diego de Uceda, on trial for Lutheranism. At the sight of the torture-chamber he broke down and admitted all that the witnesses had testified, but could not remember what it was. As this was evidently inspired by fear, the torture went on when, at the first turn of the garrote, he inculpated himself so eagerly that he was warned not to bear false-witness against himself. He declared it to be the truth and was untied. Before he was called upon to ratify, he asked for an audience in which he ascribed his confession to fear and declared himself ready to die for the faith of the Church, and a week later he ratified this revocation, saying that he was out of his senses under the torture. He was not tortured again and his sentence, some months later, was in accordance with the Instructions of 1484—to appear in an auto de fe, to abjure *de vehementi* and to be fined at the discretion of the inquisitors.[4]

Such cases, however, were exceptional and the regular practice was to repeat the torture, when a confession followed by another

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[1] Proceso contra Marí López la Salzeda, fol. 7 (MS. *penes me*).

[2] See the case of Manuel González, at Guadalupe, in 1485 (Boletin, XXIII, 337).

[3] Instrucciones de 1484, § 15 (Arguello, fol. 6).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 82–5.

revocation, subjected the victim to a third torture.[1] Whether the process could be carried on indefinitely was a doubtful question which some legists answered in the negative on the general philosophic assumption that nature and justice abhorred infinity, but this reasoning, however, academically conclusive, was not respected in practice when a conviction was desired. There was one dissuasive from revocation, which was brought to bear when culprits gave unreasonable trouble, which was the penalty incurred by *revocantes*. This is illustrated, as also the troublesome questions which sometimes perplexed the tribunals, by the case of Miguel de Castro, tried for Judaism, at Valladolid, in 1644. As a negativo, he was tortured and confessed, after which he ratified, revoked and ratified again. A process was commenced against him for revoking; he was tortured again, until an arm was dislocated and he lost two fingers, during which he confessed and then revoked the confession. He would have been tortured a third time had not the physician and surgeon declared him to be unable to endure it. The Suprema ordered him to be relaxed to the secular arm, if he could not be induced to repent and return to the Church, when, under the persuasion of two calificadores, he begged for mercy and confessed as to himself and others. Finally he was sentenced to reconciliation and irremissible prison and sanbenito, with a hundred lashes as a special punishment for revocation, which was executed January 21, 1646.[2]

Some culprits, we are told, cunningly took advantage of the opportunity of retraction, by confessing at once, as soon as subjected to torture, then recanting and repeating this process indefinitely, to the no small disgust of the inquisitors. A writer of the close of the seventeenth century, who mentions this, shows that the subject was then in an indeterminate condition, by suggesting as a remedy that they should be subjected to extraordinary penalties.[3] A case at Cuenca, in 1725, in which these tactics were successful, indicates that by that time a third torture was not recognized as lawful. Dr. Diego Matheo López

[1] Simancas (De Cath. Instt. Tit. LXV, n. 81) pronounces decidedly against a third torture, though he says that many authorities favor it and I have met with such cases, *e. g.*, Manuel Henríquez at Toledo in 1585 (MSS. of Library of Univ. of Halle, Yc, 20, T. I.).

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.

[3] Elucidationes S^{ti} Officii, § 22 (Archivo hist. nacional, Leg. 544^{2}, Lib. 4).

Zapata, as soon as the torturer was ready to begin, exclaimed that he was ready to confess, and made a detailed confession of Judaic practices followed for nearly fifty years. The next day he revoked and, when the torture was resumed, he repeated his confession, only to revoke it as before. The tribunal appears to have been powerless and contented itself with making him appear in an auto de fe as a penitent, with a sanbenito to be immediately removed, abjuration *de vehementi* and twenty years' exile from Cuenca, Murcia and Madrid.[1] At an earlier period he would scarce have escaped without scourging, galleys and irremissible prison.

When torture was administered, without eliciting a confession, the logical conclusion, if torture proved anything, was that the accused was innocent. In legal phrase, he had purged the evidence and was entitled to acquittal.[2] Such, indeed, was the law, but there was a natural repugnance to being baffled, or to admit that innocence had been so cruelly persecuted, and excuses were readily found to evade the law. On such a subject there could be no definite line of practice prescribed, and the situation is reflected by the Instructions of 1561, which tell the inquisitor that, in such cases, he must consider the nature of the evidence, the degree of torture employed, and the age and disposition of the accused; if it appears that he has fully purged the evidence, he should be fully acquitted, but if it seems that he has not been sufficiently tortured he can be required to abjure either for light or vehement suspicion, or some pecuniary penalty can be imposed, although this should be done only with great consideration.[3] Thus the matter was practically left to the discretion of the tribunal, with the implied admission that, when torture proved unsuccessful, it was merely surplusage.

The authorities naturally are not wholly at one with regard to the practical applications of these principles—except that acquittal should rarely be granted and, in fact, while the records are full of cases in which torture was overcome, it is somewhat unusual to find the parties acquitted, or their cases even sus-

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[1] Bibl. nacional, MSS., Kk, 53.

[2] Simancæ de Cath. Instt. Tit. LXV, n. 74–75.—Elucidationes S^u^ Officii, § 22 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4)

[3] Instrucciones de 1561, § 54 (Arguello, fol. 34).

pended. About 1600 a writer tells us that these cases are to be treated with some extraordinary penalty or with acquittal or suspension, according to the degree of suspicion that remains, but that Moriscos, however light the suspicion, must appear in an auto de fe and abjure *de vehementi* and, if there has been evidence by single witnesses, they must be sent to the galleys for three years or more; with other culprits, if the suspicion is light, there may be acquittal or suspension, but suspension is the more usual. It all depends upon the degree in which the evidence has been purged by the torture.[1] As this degree was a matter purely conjectural, inquisitorial discretion was unlimited.

The rule as to Moriscos is borne out by the Valencia auto de fe of 1607, in which there appeared sixteen who had overcome the torture, most of whom were visited with imprisonment, scourging or fines.[2] With their expulsion in 1609–10, there was no further call for discrimination, and the general practice is expressed about 1640, by an experienced inquisitor, who tells us that, when there have been several single witnesses, the accused who overcomes the torture should be subjected to some severe extraordinary punishment, such as abjuring *de vehementi*, with confiscation of half his property, or a heavy fine—the latter being preferable as it is more easily collected and the culprit endures it better in order to preserve his credit.[3] That this reflects the current practice would appear from a Cuenca auto de fe, June 29, 1654. Don Andrés de Fonseca had been required to abjure *de vehementi*, at Valladolid in 1628; the evidence of his relapse was strong, but insufficient for conviction; he endured torture without confessing; then further evidence supervened and he was again tortured with the same ill-success; he appeared in the auto as a penitent, abjured *de levi*, with ten years' exile and a fine of five hundred ducats. Doña Theodora Paula had overcome the torture and had abjuration de levi, six years' exile and a fine of three hundred ducats. Doña Isabel de Miranda had been unsuccessfully tortured and was sentenced to two years' exile and three hundred ducats. So, after fruitless torture, Doña Isabel Henríquez had the same punishment, and Manuel Lorenzo Madureyra was sentenced to abjuration *de vehementi*,

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 13, 14, 16, 28, 38, 39, 79.

[3] Bibl. nacional, MSS., V, 377, Cap. 4, § 5.

ten years' exile and five hundred ducats fine.[1] It is to the credit of the Valladolid tribunal that, in 1624, it showed itself more lenient and suspended six cases in which torture proved fruitless, inflicting no punishment except six years of exile on María Pérez, who was charged with false-witness.[2]

Perhaps the frequency with which torture was overcome may be partially explained by bribery of the executioner. This was rendered difficult by the secrecy surrounding all the operations of the tribunals, yet it was possible, and the kindred of one who was arrested would naturally seek to propitiate the minister of justice in case the prisoner should fall into his hands. At a Valencia auto de fe, in 1594, there appeared ninety-six Morisco penitents of whom fifty-three had been tortured without extracting confessions.[3] It may possibly be only a coincidence that, in 1604, Luis de Jesus, the torturer of the tribunal was prosecuted for receiving money from Moriscos, but we may readily imagine that communities, living in perpetual dread of the Inquisition, might tax themselves to subsidize the executioner regularly.[4] A similar case occurs in the Córdova auto of June 13, 1723, in which appeared the executioner, Carlos Felipe, whose offence is discreetly described as fautorship of heretics and unfaithfulness in their favor, in the discharge of his office.[5]

It is a little remarkable that, although the use of torture was so frequent and must have been generally known, there appears to have been a shrinking from admitting it in the sentences publicly read in the autos de fe, which habitually recited the details of the trials—possibly attributable, in part at least, to a desire to preserve secrecy, although it is particularly marked in the early period when secrecy had not become so rigid as it was subsequently. Indeed, in the sentence of Juan González Daza, who confessed under torture in 1484, at Ciudad Real, it is mendaciously asserted that he pertinaciously denied until he learned that his accomplice, Fernando de Theba, had confessed, when he did so freely.[6] This continued as a rule, though occa-

[1] Bibl. nacional, MSS., S. 294, fol. 375.
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 2, 6.
[3] Danvila y Collado, Expulsion de los Moriscos, p. 227.
[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 387.
[5] Royal Library of Berlin, Qt. 9548.
[6] Archivo hist. nacional, Inquisicion de Toledo, Leg. 154, n. 356.

sionally there is less reticence. In one sentence I have found it alluded to—that of Mari Gómez, at Toledo, in 1551.[1] Sometimes there is a veiled allusion to it, as though the inquisitors could not conceal it wholly, but felt a certain shame in admitting it openly. Thus in the sentence of Elvira del Campo (see p. 24), which gives a very detailed account of the incidents of the trial, it is stated that, on using "mas diligencias," with her she admitted the charges, and in the sentence of Doctor Zapata, in 1725, "cierta diligencia" is alluded to as having been employed.[2]

It would of course be impossible to compile statistics of the torture-chamber, or to form a reasonably accurate estimate of the number of cases in which it was employed during the career of the Inquisition. Some fragmentary data, however, can be had, as in the record of the Toledo tribunal between 1575 and 1610. During this period it tried four hundred and eleven persons for heretical offences admitting of the use of torture, and in these it was used once on one hundred and nine, and twice on eight, besides two cases in which it had to be stopped on account of the fainting of the patient, and seven in which confession was obtained before it commenced. There were also five cases in which the accused was placed *in conspectu tormentorum*.[3] In all, we may say that here its agency was invoked in about thirty-two per cent. of heretical prosecutions. This is probably less than the average. In a number of cases tried by the tribunal of Lima between 1635 and 1639, nearly all the accused appear to have been tortured, while the report of the tribunal of Valladolid for 1624 shows that of eleven cases of Judaism and one of Protestantism, eleven were tortured and, in 1655, every case of Judaism, nine in number, was subjected to torture.[4]

After all, numbers, however they may impress the imagination, are not supremely important. They are simply a measure of the greater or less activity of the tribunals and not of the principles involved. Whenever there was a doubt to solve, whether as

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[1] Proceso contra Mari Gómez (MS. *penes me*).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 138.—Bibl. nacional, MSS., Kk, 53.

[3] MSS. of Library of University of Halle, Yc, 20, T. I.

[4] Archivo de Simancas, Inquisicion, Libro 812, Lima, fol. 20–1; Leg. 552.

to the sufficiency of the evidence, the intention of the accused, the completeness with which he had denounced his associates, or other inscrutable matter, recourse to torture was a thing of course. In not a few cases, indeed, there seems to have been an almost infantile confidence in its power as a universal solvent. About 1710, Fernando Castellon, on trial at Valencia for Judaism, claimed not to be baptized and was promptly tortured to find out, but without success.[1] In 1579 the Toledo tribunal had to deal with Anton Moreno, an aged peasant, accused of entertaining views too liberal as to salvation; torture seemed the only means of definition and, between the turns of the garrote, he was made to express his opinions as to the saving effects of death-bed repentance and the viaticum on a sinner who had been duly baptized with the water of the Holy Ghost. There was ghastly ludicrousness in the attempt, under such persuasion, to ascertain the beliefs of an untutored old man, on these subtle questions of scholastic theology, ending with the result that he was adjudged to be worthy only of abjuration *de levi*, with a reprimand and hearing of a mass in the audience-chamber.[2]

As the activity of the Inquisition diminished, in the latter half of the eighteenth century, the use of torture naturally decreased but, until the suppression in 1813, the formal demand for it was preserved in the accusation presented by the fiscal. One of the early acts of Fernando VII, on his restoration in 1814, was the issue of a cédula, July 25th, addressed to all officers of justice, reciting that, in 1798, when the Royal Council learned that, in the courts of Madrid, the accused were subjected to the severest pressure to extort confessions, it investigated the matter and found that thumb-screws and other methods more or less rigorous were employed, and that this was without authority of law: consequently on February 5, 1803, the discontinuance of these was ordered, except fetters to the feet, and at the same time inquiries made of all courts in the kingdom showed that various kinds of compulsion were used whereby the innocent were sometimes compelled to convict themselves falsely. In view of all of this Fernando now ordered that in future no judge should use any kind of pressure or torment to obtain confession from the accused or testimony from witnesses, all usages to the contrary being abol-

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 3, n. 7, fol. 443.
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

ished.[1] This can scarce have applied to the Inquisition but, under the Restoration, it had little to do with actual heresy and, before it was thoroughly reorganized, all doubts were removed by Pius VII. Llorente tells us that the *Gazette de France* of April 14, 1816, contained a letter from Rome of March 31st, stating that the pope had forbidden the use of torture in all tribunals of the Inquisition, and had ordered that this be communicated to the ambassadors of France and Portugal.[2] I see no reason for doubting this, although no such brief appears in the Bullarium of Pius VII, and we may assume that at last the Spanish Holy Office closed its career relieved of this disgrace.

According to an *arancel*, or fee-list, of 1553, the executioner was entitled to one real for administering torture, or to half a real if the infliction was only threatened. In the lay courts the sufferer was obliged to pay his tormentor, for there is a provision that, if he is poor, the executioner is to receive nothing and is not allowed to take his garments in lieu of the money.[3] In the Inquisition where, for offences justifying torture, arrest was accompanied with sequestration, the tribunal necessarily took upon itself the payment and, as we have seen, in 1681, the fee had increased to four ducats. In cases which did not end with confiscation, the outlay was undoubtedly included among the costs of the trial charged against the sequestrated estate. In the Roman Inquisition, where torture was used so much more indiscriminately, a decision of the Congregation, in 1614, relieved the accused from payment of the fee.[4]

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[1] Cédulas de Fernando VII, n. 78, p. 99 (Valencia, 1814)

[2] Llorente, Hist. crít. Cap. XLIV, Art. 1, n. 38.

[3] Ordenanzas del concejo Real de su Magestad y los Aranzeles que han de guardar los Relatores, etc., fol. xxv (Valladolid, 1556).

[4] Decr. Sac. Cong. S^{ti} Officii, p. 508 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3.

CHAPTER VIII.

THE TRIAL

THE procedure of the Inquisition was directed to procuring conviction rather than justice, and in some respects it bore a resemblance to that of the confessional. The guilt of the accused was assumed, and he was treated as a sinner who was expected to seek salvation by unburdening his conscience and contritely accepting whatever penance might in mercy be imposed on him. Pressure of all kinds, mental and bodily, was scientifically brought to bear upon him to induce confession, and his refusal to confess, in the face of what was considered sufficient evidence, was treated as hardened and pertinacious impenitence, aggravating his guilt and rendering him worthy of the severest penalty.

The arrest, as we have seen, was preceded by careful preliminaries. Evidence was accumulated, in some cases for years, and, when the accused was thrown into the secret prison, he was to a great extent prejudged. It was the business of the tribunal, while preserving outward forms of justice, to bring about either confession or conviction; the defence was limited and embarrassed in every way and, when the outcome of all this was doubt, it was settled in the torture-chamber, always with the reservation that, if suspicion remained, that in itself was a crime deserving due punishment.

In the earliest period there were few formalities and no absolute *estilo*, or recognized method of procedure. In the enormous work crowded upon the inexperienced tribunals, the main object was the despatch of business, and the success attained in this is seen in the frequent and enormous autos de fe. The records of the trials are hasty and imperfect, showing that little attention was paid to forms that might cause delay. The Instructions of 1484 are crude, merely meant to supplement the traditional system of inquisitorial procedure with such regulations as should adapt it to the needs of the situation and to the intentions of Ferdinand

and Isabella. They are largely devoted to the questions of confiscation and the fines accruing under the Edicts of Grace and, for the rest, they conclude by saying that, as all circumstances cannot be foreseen and provided for, everything is left to the discretion of the inquisitors who, in all that is not especially prescribed, must conform themselves to the law and act according to the dictates of their consciences for the service of God and the sovereigns.[1] The result of this discretion was that, in the assembly of the inquisitors in 1488, a long debate was required to reach the conclusion that there should be uniformity in the procedure and acts of all the tribunals, the existing diversity having led to many embarrassments.[2]

It is therefore scarce worth while to examine in detail the simple and varying forms of this period, except as we shall find them interesting in comparison with later practice. The desired uniformity was gradually attained by the Suprema which, under the independent organization of the Spanish Holy Office, developed an elaborate system of procedure, set forth in the Instructions of 1561 and furnished, in 1568, with all necessary formulas in the *Orden de Processar* of Pablo García. Subject to such changes as subsequent experience demanded, this remained the standard to the last and was followed, with more or less exactitude by the tribunals.

When the accused was thrown into the secret prison his case, in the hurry of the earlier period, was heard and despatched with promptitude, but subsequently it became the custom for the inquisitors to exercise their discretion as to when they would call him before them, and we shall see what exasperating and calculated delays they sometimes interposed. He could, however, ask for an audience at any time, and it was an invariable rule to grant such requests, for the reason that he might have an impulse to repent and confess which might be transitory. Such audiences, however, did not count in the progress of the case. When summoned to his first regular audience, he was sworn to tell the truth in this and all future hearings and to keep silence as to all that he might see or hear, and as to everything connected with his

[1] Instrucciones de 1484, § 28 (Arguello, fol. 8). Substantially repeated in the supplementary Instructions of 1485, with the addition that, in important matters, inquisitors shall apply to the sovereigns for orders.—Arguello, fol. 11–12.

[2] Instrucciones de 1488, § 2 (Arguello, fol. 9).

own affair. He was made to declare his name, his age, his birthplace, his occupation and the length of time since his arrest. After these formalities, if the case was one of heresy, there came an investigation into his genealogy. This, which accumulated a mass of information as to all infected families, and facilitated greatly researches into limpieza, was not a feature of the early trials; in those of from 1530 to 1540, it was still very informal, but by the middle of the century it had become minute, extending back to two generations and including all uncles, aunts and cousins, describing of what race they were, whether any of them had been tried by the Inquisition and, if so, how punished. The punctilious observance of this takes a somewhat ludicrous aspect in the trial at Lima, in 1763, of a Mandingo negro slave for superstitious cures. He was seventy years of age and had been brought from Guinea when a child, but was interrogated minutely as to parents and grandparents, uncles and aunts, and was made to declare that they were all of the race and caste of negroes, and that none of them had been penanced, reconciled or punished by the Inquisition.[1] The accused was then interrogated as to his baptism, confirmation and observance of the rites of religion; he was made to sign and cross himself, repeat the creed and usual prayers, and finally to give an account of his past life.

After these preliminaries, of which the results were carefully recorded, he was asked whether he knew, presumed or suspected the cause of his arrest. With rare exceptions, the reply was in the negative and then followed what was known as the first of three monitions. There is no trace of these in the earliest trials, but toward 1490 an informal monition makes its appearance and the Instructions of 1498, in requiring the formal accusation to be presented within ten days after arrest, prescribed that within that time the necessary admonitions shall be given.[2] In 1525 a letter of Manrique shows that these monitions then were three, but they still were negligently observed, and in trials from that time until 1550 they vary from none to three.[3]

After the Instructions of 1561, the three monitions became the established rule in cases of heresy, while one sufficed in lighter

[1] Pablo García, Orden de Processar, fol. 9.—MSS. of Bibl. nacional de Lima.

[2] Instrucciones de 1498, § 3 (Arguello, fol. 12).

[3] Archivo de Simancas, Inquisicion, Lib. 933.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 231, n. 72, fol. 46.—Procesos contra María de Paredes y Mari Serrana (MSS. *penes me*).

matters. The formula was formidable. The accused was told that, in the Holy Office, no one was arrested without sufficient evidence of his having done or witnessed something contrary to the faith or to the free exercise of the Inquisition, so that he must believe that he has been brought hither on such information. Therefore, by the reverence due to God and his glorious and blessed Mother, he was admonished and charged to search his memory and confess the whole truth as to what he feels himself inculpated, or knows of other persons, without concealment or false-witness, for in so doing he will discharge his conscience as a Catholic Christian, he will save his soul and his case will be despatched with all speed and befitting mercy, but otherwise justice will be done. At intervals a second and a third monition were given, the last one ending with the warning that the fiscal desired to present an accusation against him, and it would be for his benefit, both for the relief of his conscience and for the favorable and speedy despatch of his case, if he would tell the truth before its presentation, as thus he could be treated with the mercy which the Holy Office was wont to show to good confessors; otherwise he was warned that the fiscal would be heard and justice would be done.[1]

This brought an exceedingly effectual pressure to bear upon the anxious prisoner, especially when the system of delay, whether calculated or merely procrastinating, left him for months, and perhaps years, to lie in his cell, shut out from the world, brooding over his fate, and torturing himself with conjectures as to the evidence so confidently assumed to be conclusive against him. He was simply admonished to discharge his conscience, being kept in the dark as to the crimes of which he was accused, and left to search his heart and guess as to what he had done to bring him before the terrible tribunal. This had the further utility that in many cases it led to confession of derelictions unknown to the prosecution, his impassible judges coldly accepting his revelations and remanding him to his cell with fresh adjurations to search his memory and clear his conscience.

This cruel device of withholding all knowledge of the charge appears to have been introduced gradually. In some cases, of about 1530, slight intimations of the nature of the accusation are given, but by 1540 complete reticence seems to be general. There

[1] Pablo García, Orden de Processar, fol. 10, 15.

was no formal instruction prescribing it, but it became the universal custom, based perhaps on the principle that the confession, like that to a priest, to be trustworthy must be spontaneous, showing the change of heart and conversion which alone could render the culprit worthy of mercy. Yet, towards the end of its career, under Carlos III and after the Restoration, the Inquisition occasionally granted an *audiencia de cargos*, in which the accused was apprized of the charges against him and, in trivial matters, this frequently took the shape of summoning him under some pretext that would save his reputation, informing him of the alleged offences and, after hearing his explanations, determining what course to pursue. Even in so serious a matter as the celebration of mass by a married layman, the Santiago tribunal, in 1816, after throwing Angel Sampayo into the secret prison, gave him an audiencia de cargos before proceeding further.[1]

How systematic reticence sometimes succeeded is indicated by the case of Angela Pérez, before the Toledo tribunal in 1680. After lying in prison for eleven months she asked an audience, May 19th, to inquire why she had been brought to Toledo. She was admonished that she had already been told that no one was arrested who had not said or done something contrary to the faith; if she wished to discharge her conscience she would be heard, and, on her asserting that she had nothing to confess, she was sent back to her cell with an admonition to think it over and discharge her conscience. On June 13th she sought another audience, for the same purpose and with the same result. Then, on June 22d she was transferred from the *carceles medias* to the secret prison and, on the 25th, she obtained another audience in which she entreated the inquisitors, in the name of the Virgin, to bring the charges, but all that she obtained was to have her genealogy taken and to receive the first monition. To this she replied that she had nothing to confess and wanted her case despatched as she had been thirteen months in prison. The implacable methods of the Inquisition triumphed, however, for the next day she sought an audience in which she confessed that for eight years she had observed the Law of Moses.[2]

Even more suggestive, though in a different way, is the Mexican case of the priest Joseph Brunon de Vertiz, who was one of the

[1] Llorente, Hist. crít. Cap. XLII, Art. 1, n. 2.—Archivo de Simancas, Inquisicion, Lib. 890.

[2] Proceso contra Angela Pérez, fol. 24–31 (MS. *penes me*).

dupes of some women pretending to have revelations. They were all arrested and he was thrown in prison September 9, 1649. In repeated audiences he vainly sought to learn the charges against him; he fairly grovelled at the feet of the inquisitors; he made profuse statements of everything concerning himself and his accomplices; he submitted himself humbly to the Church and was ready to confess whatever was required of him, but all to no purpose. The strain proved too great for a mind not overly well-balanced, and it began to give way. The first symptoms were complaints of demoniacal possession, followed, after an incarceration of two years and a half, by his writing a paper full of the wild imaginings of a disordered brain, in which he denounced the Inquisition as a congregation of demons and the Jesuits as the most detestable enemies of God. Then he lay in his cell for more than two years, until, July 23, 1654, he presented another incoherent paper. Finally he died, April 30, 1656, after more than six and a half years of imprisonment, without ever learning of what he was accused. His body was thrust into unconsecrated ground and the prosecution was continued against his fame and memory. On May 11, 1657, the fiscal at last presented an informal accusation for the purpose of summoning the kindred to defend the case; on October 22, 1659, more than ten years after the arrest, the formal accusation was presented and, as defence was impracticable, Brunon de Vertiz was condemned and his effigy was burnt in the auto de fe of November of the same year.[1]

When, in the third monition, the accused was warned that, if he did not confess, the fiscal would present an accusation, there was implied deceit for, whether he confessed or not, the trial went on in its inevitable course. It was usually in the same audience, after he had replied to the monition, that the fiscal was introduced with the accusation, to which he swore and then retired. This formidable document was framed so as to be as terrifying as possible. In cases of heresy it represented that the accused, being a Christian baptized and confirmed, disregarding the fear of the justice of God and of the Inquisition, with great contempt for religion, scandal of the people and condemnation of his own soul, had been and was a heretic, an impenitent, perjured negativo and

[1] This case, from the MSS. of Daniel Fergusson Esq., is given in greater detail in "Chapters from the Religious History of Spain," pp. 362–73.

feigned confessor; that he had committed many and most grievous crimes against the divine majesty and the free exercise of the Inquisition, and was a fautor and receiver of heretics. Then followed the recital of the acts developed by the evidence, arranged in articles, reduplicated and exaggerated and presented in the most odious light. Besides this he was a perjurer, by refusing to confess in the audiences, after swearing to tell the truth, from which it was presumable that he was guilty of other and greater crimes, of which he was now accused generally and would be specifically in due time. Wherefore the fiscal prayed that the accused should be found guilty of the crimes recited, condemning him to confiscation and relaxing his person to the secular arm and declaring him to have incurred all the other penalties and disabilities provided by papal letters, instructions of the Holy Office, and pragmáticas of the kingdoms, executing them with all rigor so as to serve as a punishment for him and an example to others. After this followed the terrible clause, known as the *Otrosi*, demanding that he be tortured as long and as often as might be necessary to force him to confess the whole truth.

One thoroughly unjustifiable feature of the accusation was that, if there was evidence of other misdoings of the accused, wholly outside of the jurisdiction of the Inquisition, they were inserted because, as the Instructions of 1561 remark, they serve as an aggravation of his heresies and show his unchristian life, whence may be derived indications as to matters of faith.[1]

As soon as the accusation was read, it was gone over again, article by article, and the accused, while still confused by its menaces, taken at advantage, wholly unprepared and without assistance of any kind, was required to answer each on the spot, his replies or explanations being taken down by the secretary as part of the record of the case. After this he was told to choose an advocate to aid in his defence.

The custom of allowing counsel in criminal cases is so comparatively recent in English law that their admission by the Inquisition may be regarded as an evidence of desire to render justice. In Spain, however, it was customary, and defendants too poor to retain them were supplied at the public expense. In the royal

[1] Instrucciones de 1561, § 18 (Arguello, fol. 29)

chancellería, as organized by Ferdinand and Isabella, there were two *abogados de los pobres*.[1] In the mediæval Inquisition, during its earlier centuries, counsel were not allowed to the accused and it became a settled principle of the canon law that advocates who undertook the defence of heretics were suspended from their functions and were perpetually infamous.[2] Towards the close of the fifteenth century, however, in witchcraft trials, we find advocates admitted, but under the strict limitations that we shall see in Spain, and those who showed themselves too zealous in defence of their clients were subject to excommunication as fautors of heresy.[3]

When the Spanish Inquisition was founded, it was therefore a matter of course that the accused should be allowed the assistance of trained lawyers and not only this but of procurators, who attended to the business of the defence, performing the functions, in some sort, of the English solicitor, while the *letrado* represented the barrister and drew up the argument. In a number of trials at Ciudad Real, in 1483, there appears to have been considerable freedom of choice, the accused selecting both advocates and procurators. During the persecution at Guadalupe, in 1485, the defendants were mostly represented by Doctor de Villaescusa as advocate and by Juan de Texeda as procurator, and the arguments in defence were well and forcibly presented.[4] This was in accordance with the Instructions of 1484, which order that if the accused shall ask for an advocate and procurator, the inquisitors shall grant the request, receiving from the advocate an oath to assist him faithfully, without cavils or malicious delays, but that if, at any stage of the case, he finds that his client has not justice on his side, he will help him no longer and report to the inquisitors; if the accused has property, they shall be paid from it, but if he has none they shall be paid out of other confiscations, for such are the orders of the sovereigns.[5] Yet this liberality was nullified by the clause requiring advocates to

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[1] Fuero Real de España, Lib. I, Tit. ix, ley 1.—Colmeiro, Córtes de Leon y de Castilla, II, 55.

[2] Angeli de Clavasio Summa Angelica, s. v. *Hæreticus*, § 20.

[3] Malleus Maleficarum, P. III, Q. 10, 11, 35.—Prierias de Strigimag., Lib. iii, cap. 3.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 133, n. 46; Leg. 140, n. 162; Leg. 148, n. 262; Leg. 154, n. 356, 375.—Boletin, XXIII, 295, 306.

[5] Instrucciones de 1484, § 16 (Arguello, fol. 6).

betray their clients, thus destroying all confidence between them and fatally crippling the defence. It was, however, in accordance with the ethics of the age, and we shall see how it developed in a manner to render illusory the services of the advocate.

It would seem that the tribunals sometimes chafed under these rules and asserted discretion to disregard them for, in the case of the priest, Diego García, in 1488, when he was told to select an advocate and a procurator, the fiscal refused consent, and he had to conduct his own defence, though, at a subsequent stage of the trial, Diego Tellez appeared for him.[1] It was possibly in consequence of such cases and of other impediments to the defence, that the Suprema issued a provision that all prisoners should be allowed to take a procurator and advocate, provided they were fitting persons. Also that the children and kindred of the accused should not be prohibited from consulting as freely as they pleased with the counsel, and that he should have copies of the accusation, the depositions of the witnesses and other papers in conformity with the Instructions.[2] All this, which was demanded by the simplest demands of justice, became, as we shall see, a dead letter.

That the danger awaiting a too zealous advocate was not purely hypothetical is seen in the case of Casafranca, deputy of Ferdinand's treasurer-general of Catalonia, who was burnt in the auto de fe of January 17, 1505, and his wife in that of June 23d; his father-in-law had been reconciled and his mother, after condemnation, died in the secret prison. Francisco Franch, the royal advocate-fiscal, had defended Casafranca, and the Inquisition prosecuted him for his unsuccessful attempt to avert his client's fate, although at that time he had risen to the position of Regent of the royal Chancellery. Ferdinand, who felt much interest in his behalf, made Inquisitor-general Deza write in his favor to Francisco Pays de Sotomayor, an inquisitor specially deputed to hear the case, but this did not save him from bitter humiliation and dishonor. February 28, 1505, Sotomayor pronounced sentence in which his offence was described as endeavoring to induce a witness to revoke his testimony, and as impeding the Inquisition by useless and procrastinating delays, by which he had incurred excommunication, and moreover he was guilty

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.
[2] Archivo de Simancas, Inquisicion, Lib. 933, p. 259.

of perjury by asserting a false and erroneous conclusion, for all of which he had humbly begged pardon and mercy. After obtaining absolution from a priest he was to stand the next day before the high altar of Santa María de Jesu during mass, with a lighted candle, in penitential guise, and forfeit all payment for his services—which would have come out of Casafranca's confiscated estate. Both he and the fiscal accepted the sentence, but there was delay in his public penance, for he refused to utter certain words interlined in the sentence, which he asserted had been inserted since it was read to him. The fiscal threatened to appeal to the inquisitor-general and demanded that Franch be detained in prison until the appeal was decided, whereupon he yielded and the ceremony was performed on March 1st.[1]

When the efforts of counsel in behalf of their clients were thus effectually discouraged, nothing but the most perfunctory services could be expected from them, and the inquisitors need apprehend little trouble. Even this, however, was thought to give the accused too much chance, and all risk of inconvenient zeal was averted by depriving him of the right to select his defender and confining the function to one or two appointees of the tribunal, who could be relied upon to favor the faith. The first intimation of this policy comes in the memorials of Jaen and Llerena in 1506, which complain bitterly that the inquisitors refuse to allow the accused to select their advocates and procurators, forcing them to take such as they appoint who will do their bidding. The Jaen memorial describes them as enemies of the people, who desire arrests to be multiplied, as they charge three thousand maravedís in every case which, for the two hundred prisoners, amounts to six hundred thousand.[2] This abuse, probably originating with Lucero, was so conformable to the tendencies of the Holy Office that it gradually became the rule. In 1533, one of the petitions of the Córtes of Monzon was that prisoners should be allowed to select their advocates and procurators, and to this no direct answer was made.[3] In 1537 the *abogados de los presos* were already recognized as officials appointed by the tribunals. They were exclusively entitled to conduct the defence and, in

[1] Carbonell de Gestis Hæret. (Coll. de Doc. de la C. de Aragon, XXVIII, 167, 169, 171, 213).

[2] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43, 44.

[3] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.

1540, the Suprema, in reply to a petition, said that, if the party desired a different advocate, it could only be on condition that he should act in consultation with the official one. Even this poor privilege was withdrawn for, in 1562, Valdés decreed that the official counsel should communicate with no other advocate.[1] It is true that, in 1551, the Suprema had admitted that, if the tribunal had not been able to find a fitting lawyer for appointment, the accused could select one, but this was merely yielding to necessity.[2]

The chief qualification for an *abogado de los presos* was his limpieza and that of his wife; his subservience to the tribunal was assured by his dependent position, but, to render this more absolute, about 1580 the Suprema ordered the Lima tribunal—and probably all others—to make its advocates familiars, an office which bound them to the strictest obedience.[3] Allowing for natural exaggeration, there is probably truth in the description given, in 1559, by Antonio Nieto, a prisoner in Valencia, to his cell-mate Pedro Luis Verga, who, after his first audience, was felicitating himself on Inquisitor Arteaga's promise to give him an advocate and a procurator. Nieto told him not to count upon it for, though the inquisitor might give him an advocate he would give him nothing good, but a fellow who would do only what the inquisitor wanted and, if by chance he asked for an advocate or a procurator not of the Inquisition, they would not serve for, if they went contrary to the inquisitor's wishes, he would get up some charge of false belief or want of respect and cast them into prison.[4]

The advocate thus became one of the officials of the tribunal, duly salaried and working in full accord with the inquisitors. In 1584, we find him of Valencia petitioning to have a place assigned to him in the autos de fe, where he could be recognized as such and, at his ease, see his clients sentenced. The petition was granted and he was allotted the last place among the salaried and commissioned officers.[5] This became the established rule, but in time professional dignity was wounded at thus being relegated to a position inferior to the messengers and apparitors and gaolers.

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98.

[2] Ibidem, fol. 19.

[3] MSS. of Bibl. nacional de Lima, Protocolo 223, Expediente 5270.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 377.

[5] Ibidem, Leg. 5, n. 1, fol. 81.

In Valladolid and Granada the advocates obtained promotion to outrank the physicians and surgeons and, in 1670, the Licentiate Juan Márquez, advocate in the Seville tribunal, addressed to the Suprema a formidable memorial of seventy-five quarto pages of text and fifteen of index, representing the slight thus put upon them, and setting forth the dignity of the legal profession, the respect due to its learning and, as regards the advocates of prisoners, the confidential position occupied and the fidelity with which they served the tribunals. It seems never to have occurred to him to put forward a claim based upon fidelity to their clients.[1]

In fact, the so-called advocate was simply an official instrument for securing confession and conviction, for which his ostensible position of friendly adviser gave him peculiar opportunity. No communication between him and his client was allowed, except in presence of the inquisitors and of the secretary, who made record of all that passed between them, thus keeping watch to see that he performed his duty. It is true that he was sworn to defend the prisoner with all care and diligence and fidelity, if there was ground for it, and if not to undeceive him, but his real duty is described as urging the prisoner to confess fully as to himself and others, and to throw himself upon the mercy of the tribunal, for by denial he would only prejudice his case and suffer in the end.[2] How any deviation from this was treated, appears in the case of Benito Ferrer, in 1621, before the Toledo tribunal. In the consultation, his advocate Argendona suggested some points of defence displeasing to the inquisitors, who promptly ordered him out of the audience-chamber and sent Benito back to his cell to refresh his memory and discharge his conscience, and two days later Argendona had to put in the written defence without further opportunity of conference. The Licentiate Egas had a more accurate conception of his duty, when serving as advocate for Isabel Reynier, tried, in 1571, for Protestantism in Toledo. The official record states that, after unavailing efforts to induce her to confess, he asked whether she had any enemies to disable, on which he could frame a defence, when she named several, but, as the Señores Inquisidores wanted to despatch the case, he told her that this would avail her nothing, for there was

[1] Memorial jurídico que por los Abogados de Presos, etc. (Bodleian Library, Arch Seld, I. 23).

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6)

no presumption that enmity had caused false-witness, and he went on to persuade her that she had already confessed enough to render her case hopeless. The impatience of the inquisitors was gratified, for the unfortunate woman was sent to the stake without Egas troubling them by putting in a written defence.[1]

The old rule remained in force forbidding the advocate to defend an impenitent heretic. It made no difference of course in the result, but still permission to do so would have saved appearances. Such cases occasionally occurred, like that of Benito Peñas at Toledo in 1641, a harmless lunatic with some vague speculative heresies. His advocate, Juan Díaz Suelto, after a conference in which his client obstinately rejected his advice to forsake his errors and beg for mercy, reported that his efforts had been in vain, so that it was necessary for him to abandon the defence, in order not to incur the censures and other penalties imposed by the papal briefs, and also for the speedier despatch of the case.[2] Even as late as 1753, at Valencia, the same occurred in the trial of a swindling German named Horstmann.[3]

If, even under these shackles, an advocate desired really to defend his client, he was deprived of the means to do so. Originally, as we have seen, the kindred and children were allowed freely to communicate with him, to furnish indispensable assistance and information, and to gather witnesses, and he was also supplied with copies of the depositions of the witnesses and other necessary papers. It seems to have been Lucero, the evil inquisitor of Córdova, who changed all this, for the memorials of Jaen and Llerena complain bitterly of such denial of justice, rendering nugatory all the means of defence, and depriving the kindred of all knowledge of the nature of the accusation.[4] It expedited business however and facilitated conviction, and its usefulness overcame all scruples. In 1522 Cardinal Adrian forbade all communication between the advocate and the children or kinsmen of the accused, and this prohibition was repeated until it became the invariable rule. In the same spirit, the only document, that he was allowed to have, was a copy of the publication of evidence, which was a very different thing from the original

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. III, X.—Cf. Schäfer, Beiträge, II, 231.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. VI.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 30, fol. 38.

[4] Archivo de Simancas, Patronato Real, Inquisicion, Leg. único, fol. 43, 44.

depositions. To repress all initiative on his part he was prohibited from putting forward any defence save what the accused might suggest, in their open consultations in the audience-chamber, or to call for any witnesses whom the latter did not name, and the inquisitors were instructed to punish any infractions of this rule because they were troublesome and impeded the course of business.[1] If an advocate was suspected of undue zeal, the inquisitors had a right to interrogate him as to the measures taken for the defence, the sources of his information and other details; the defence in every way was obliged to play *cartes sur table*, while the fiscal's hand was carefully guarded, and only such knowledge was permitted as served to confuse and mislead. It would seem scarce likely, under such regulations, that advocates would be guilty of really assisting their clients, but to guard against such possible derelictions of duty, inspectors were ordered, when visiting tribunals, to inquire whether they defend the accused "maliciously" and employ cavils for delay and finally, whether or not they are necessary.[2]

At the same time, in its affectation of fairness, the Inquisition insisted on the accused having counsel. When, in 1565, Pedro Hernández was tried at Toledo for Calvinism, he confessed at once, professed conversion and begged for mercy. When told to select an advocate he refused, until informed that it was imperative for him to have one to conduct his defence. Of course this was a mere formality for he was duly burnt in the auto de fe of June 17th.[3] Inquisitors, moreover, were required to admit all documents offered to them, and to listen to any one who might have the hardihood to appear in favor of a prisoner.[4]

Simultaneously with the development of restrictions on the advocate, the disappearance of the procurator completed the system of enabling the inquisitor to control the defence as well as the prosecution. One of the latest references to the procurator is a regulation of 1545, which infers that, if the accused made application, the tribunal would grant him one, with the reservation that this did not entitle the kindred to aid in the defence.[5]

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98, 103.—Pablo García, Orden de Processar, fol. 24.

[2] Archivo de Simancas, Inquisicion de Canarias, Exptes de Visitas, Leg. 250, Lib. I, fol. 8; Lib. III, fol. 3.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. VIII.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 98, 99.

[5] Ibid. fol. 98.

This jealousy of outside assistance constantly increased and some tribunals, such as Seville and Córdova, commenced to refuse admission to procurators, except in prosecutions of the absent and dead; the kindred might suggest the names of witnesses to the inquisitor, who would summon and examine them. Finally Inquisitor Cervantes, when in 1560 he made a report on Barcelona, took the opportunity of pointing out the disadvantages of such representatives of the accused; through them, he argued, the case became known, they anticipate the witnesses before they give evidence, they are able to identify them and furnish to the accused reasons for disabling them. The Bishop of Avila, a member of the Suprema, promptly admitted the force of this, and declared that procurators ought no longer to be allowed. This opinion prevailed and, in the Instructions of 1561, their admission was forbidden, although in case of necessity, special powers might be given to the advocate.[1] They continued, however, to be appointed in trials of the absent and dead, where it was unavoidable. The Roman Inquisition did not follow this example of the Spanish and allowed the employment of procurators.[2]

Besides the advocate there appears in many trials a personage known as the *curador*, or guardian, a living evidence of the fatherly care of the Inquisition toward the helpless. Following the traditions of the Roman law, Spanish jurisprudence provided that, in suits and actions involving those who had not attained the full age of twenty-five years, the assent of a curador, either permanent or temporary *ad hoc*, was necessary to validate the legal acts of the minor.[3] This provision, intended for the protection of the youthful and incapable, was retained in the practice of the Inquisition, because it was necessary to render valid the various compulsory acts of the accused in the successive steps of his trial, but in order that it might not by any chance be of value to him, and to preserve the secrecy of the Holy Office, the custom was adopted of appointing the advocate or preferably the gaoler, or messenger, or some other underling of the tribunal to serve as curador. As it was thus wholly subversive of the object for which the function was created,

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[1] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 2.—Instrucciones de 1561, § 35 (Arguello, fol. 31-2).

[2] Decret. Sac. Congr. Sti Officii, p. 496 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

[3] Partidas, P. vi, Tit. xvi, leyes 12, 13, 14.—Hugo de Celso, Reportorio de las Leyes, s. v. *Curador* (Alcalá, 1540).

there is grotesque cynicism in the pompous formalities through which the curador was interjected into the proceedings. He took a solemn oath that he would diligently and faithfully defend his ward, alleging all that was to his advantage and preventing all that was injurious, advising with his advocate and doing all that a good guardian could do for a ward. And, if the latter, through his negligence, suffered injury, he pledged his person and property to make it good, giving as security another person (a fellow subordinate) who united with him in the liability, jointly and severally, renouncing all legal defence and placing themselves and all their possessions in the hands of the inquisitors.[1] Being thus a mere formality, or rather a deception, involving the perjury of those who took the formidable oath, it may be dismissed from further consideration, except to cite a case illustrative of the rigid formalism of procedure. In 1638, at Valladolid, Blanca Enríquez, on trial for Judaism, represented herself as twenty-two years of age and as usual was given a curador. She confessed to having been reconciled at Córdova, nine or ten years before; a vote in discordia carried the case to the Suprema, which discovered that her previous trial had occurred in 1623, when she was fifteen and consequently she was now thirty. The curador therefore had rendered the trial irregular, and the Suprema ordered it to be repeated from the beginning.[2]

There was another form of assistance allowed to the accused, when the questions at issue involved nice theological points, beyond the capacity of the ordinary advocates. Learned doctors were called in as *patrones teólogos*, to aid the accused, after he had been heard in defence of his incriminated propositions. In ordinary practice, the propositions and his answers were read to them; to each one they said whether he had satisfactorily explained

[1] Pablo García, Orden de Processar, fol. 19.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 23.

For the custom of appointing as curador the advocate or a subordinate official see *Praxis procedendi* cap. 9, n. 4 (Arch. hist. nacional, Inq. de Valencia).—Arch. de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).—Arch. hist. nacional, Inq. de Toledo, Leg. 110, n. 31; Leg. 112, n. 64.—The object of the appointment of the curador is frankly admitted by Pablo García (Orden de Processar, fol. 14).

Yet it is of this travesty of justice that a recent apologist tells us that, if the accused was less than 25 years of age, the tribunal selected for him, from among the most eminent advocates of the city, one to assist him throughout the trial.—L'Abbé L.-A. Gaffre, Inquisition et Inquisitions p. 105 (Paris, 1905)

it or not; or whether he ought to retract, or whatever other conclusion they might reach; then the whole was submitted to the calificadores, who pronounced their final censure.[1] Nominally the patrones were selected by the accused but in this, as in everything else, the Inquisition sought to control the defence. When, in 1574, Fray Luis de Leon was told that he could have patrones, he named four from various places. The Valladolid tribunal referred the nominations to the Suprema, which replied by asking whom it was accustomed to give from among its calificadores and, on being informed, ordered that the routine custom should be followed. Fray Luis's protest that he did not want calificadores, who had already pronounced against him, was set aside; patrones were not meant to defend the accused in his heresies, but to undeceive him and tell him what he should believe. It is true that the Suprema finally receded from this position but, by a juggle continued for months, Fray Luis was forced to take a man whom he did not want, and who was only a new and disguised calificador; conference between them was denied, and the opinion which the patron rendered was withheld from him.[2] The wisest course for a theologian, in the hands of the Inquisition, was that adopted by Fray Thomas de Nieba, in 1642, when on trial at Valladolid for certain conclusions defended by him in scholastic debate. He refused both advocate and patrones, saying that he was subject to correction by the Church and by learned theologians, and he did not propose to defend the inculpated propositions.[3]

We have seen that, after the accusation was read and answered, the prisoner was told to choose an advocate. Possibly two names were mentioned to him, both equally unknown; more often only a single name. He was not at liberty to refuse and, on his giving assent, the advocate, who had been kept in readiness in the antechamber, was called in. The proceedings up to that point were read to him, and he at once performed the duty of urging his client to confess. Whether successful or not in this, he stated that the next thing in order was to conclude; the fiscal was called in, who similarly announced that he concluded, and the inquisitors

[1] Pablo García, Orden de Processar, fol. 77-8.

[2] Proceso contra Fray Luis de Leon (Col. de Documentos, X. 564–5; XI. 12-49).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 29.

notified both parties of the conclusion. These formalities being over, the case was formally received to proof. The fiscal asked that his witnesses be ratified and publication of evidence be made.

Ratification, as we have seen, frequently caused considerable delay, until the device was invented of ratifying at the time of deposition. When the evidence was thus in proper shape, the next move was its so-called publication. This might or might not be the final step of the prosecution, for it never was precluded from bringing in new evidence, and there might be half a dozen or more successive publications, especially when a group of Judaizers were on trial and they broke down one by one and told what they knew about their associates. The effectiveness of this is illustrated by the case of Engracia Rodríguez at Valladolid, in 1643. After her case had apparently reached its end, the consulta de fe voted her to torture, which was duly administered, without eliciting a confession. Then from time to time came new publications of evidence, until her resolution gave way and, at the seventh publication, eleven months after her torture, she confessed to Judaism. She probably recognized that her kindred and friends were yielding, one after another and incriminating her, and that it was useless to resist longer, with the certainty —of which her advocate doubtless informed her—that persistence would indubitably end in her burning alive as an impenitent *negativa*.[1]

As this publication of evidence was the only inkling afforded to the accused of what was the case against him, and as it was assumed to give him ample opportunity of defence, it is worth a little special consideration. We have seen that the pretext of protecting witnesses was held as justifying the suppression of their names and of all circumstances that might lead to their identification. Even under the most rigid construction, this crippled greatly the defence, but rigid construction of their powers was not common among the tribunals. When once it was admitted that portions of the evidence could lawfully be suppressed, the selection of what should be made known became largely discretional.

The endeavor to lay down rules for guidance as to this led to an infinity of instructions, more or less rigid or lax. In 1498, the Suprema called attention to the evils that had hitherto followed publication, wherefore in future care must be taken to omit all

[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 31.

circumstances giving a clue to the identity of the witnesses, and this was repeated in 1499.[1] Yet the glaring injustice of withholding from the accused a knowledge of details that might enable him to disprove the charges was recognized, but all instructions forbidding this were framed with an "if" that virtually authorized the wrong. For instance, the specification of time and place at which an act was said to have been performed was indispensable, if the accused were to have a chance of detecting false swearing, yet such details might possibly lead him to identify the witness, and these opposing reasons gave rise to a series of varying orders which indicate how the Suprema vacillated between the desire to secure the advantage and the consciousness of the wrong. In 1525 it condemned the practice of the Toledo tribunal in omitting time and place. It was difficult to make the inquisitors observe this and, in 1527, a general order was issued to state the evidence as the witnesses had given it, neither more nor less. In 1530 it made a concession by ordering that it should be consulted when there was "inconvenience" in stating the month or year. Then, in 1532, it laid down the positive rule that place and time and persons must be stated, for the principle that the witness must be protected was to be construed as preventing only direct recognition and not inferential. This was again modified, in 1537, when, while again ordering that all the evidence must be given, this was qualified by the old injunction to suppress all circumstances by which the witnesses could be identified. About 1560, some instructions to Barcelona order that the time should be stated, while place is to be indicated in such general terms as shall not betray the witness. Finally, in the definitive Instructions of 1561, time and place are ordered to be given, but at the same the omission is prescribed of all that may betray the witness. A caution that no evidence is to be used that is not in the publication gives a hint of other irregularities of even a more serious nature.[2]

The publication being a matter of supreme importance, it was the duty of the inquisitors personally to draw it up, and not entrust it to subordinates, least of all to the fiscal, who was technically the prosecutor. Orders to this effect were issued in 1529;

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 100, 101, 102; Visitas de Barcelona, Leg. 15, fol. 2.—Llorente, Añales, II. 303.—Instrucciones de 1561, §§ 31, 32, 34 (Arguello, fol. 31).

they were repeated in the Instructions of 1561 but, in 1568, the Suprema was obliged to take the Barcelona tribunal to task for allowing the fiscal to do it, and a later writer informs us that inquisitors continued to shirk the labor and threw it upon the secretaries.[1]

The labor was doubtless great, when the witnesses were numerous and loquacious, and the delicate duty was apt to be recklessly performed by subordinates, fearful of rebuke if they allowed too much to be known. The custom was to give the evidence of each witness separately, as deposed by "a certain person" and, when practicable, to divide it up into articles, each covering a separate charge or fact. In this process the elimination of all circumstances that might give a clue to the identity of the witnesses was easy, and there was little scruple in misleading the defendant or in omitting whatever might be thought to weaken the case. In the publication read to Marí Gómez la Sazeda, when on trial at Toledo in 1544, the evidence of one witness is divided and represented as given by two, with the object, as noted on the margin, of preventing her from identifying him.[2] In the case of Gaspar de Torralva, before the same tribunal in 1531, the publication bears such notes as "the evidence of the seventh witness omitted," "the evidence of the eighth witness omitted."[3] There was no possible supervision or control over this; the discretion of the inquisitors was absolute and the prisoner was at their mercy.

In many cases the publication was scarce more than a slovenly repetition of the fiscal's accusation and afforded to the accused no possible aid in his defence, as in that given to Juan de la Barra, tried for Lutheranism at Toledo, in 1656.[4] When it was drawn up more elaborately, it became confusing in the highest degree. One reads the long array of the assertions, or the conjectures, or the gossip retailed by twenty-five or thirty witnesses, vaguely set forth as what a "certain person" said or thought about another certain person, with no specifications of time or place, and one wonders how the prisoner could even grasp it sufficiently to form any definite conception of the character and weight of the evidence

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 101; Visitas de Barcelona, Leg. 15, fol. 20.—Instrucciones de 1561, § 32 (Arguello, fol. 31).—MSS. of Royal Library of Copenhagen, 218[b], p. 376.

[2] Proceso contra Marí Gómez la Sazeda, fol. 55 (MS. *penes me*).

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 71, fol. 52.

[4] Ibidem, Leg. 111, fol. 47.

against him. And, with his life perhaps hanging in the balance, he was required to answer all this on the spot, article by article, and was closely cross-examined on his replies. That even an innocent man should compromise himself in the pitfalls thus cunningly laid for him was not unlikely, and yet this publication of evidence was represented as a special favor granted in view of the other restrictions imposed on the defence—a favor not always conceded in the secular courts.[1]

After this ordeal was passed the advocate was called in and furnished with the publication and the answers of the accused. The two conferred together, under the eye of the inquisitor and pen of the secretary; if the accused rejected the renewed advice of the advocate to confess and discharge his conscience, the plan of defence was concerted. What this was, as a rule, made little difference. When, in 1499, the inquisitors-general felt it necessary to instruct inquisitors that they must pay attention to the defences and exceptions alleged by the accused, it indicates how they were recognized as prosecutors rather than judges. Yet it was freely admitted that, in view of the limitations of the defence, they should be most zealous in considering whatever it presented.[2]

The defence was so perfunctory a routine that the systematic writers mostly dismiss it with the curt observation that its witnesses must be zealous Christians and in no way connected with the defendant. Simancas, however, treats it at greater length, and his enumeration of its possibilities shows how restricted they were. He admits at the start the legal maxim that it is impossible to

[1] Praxis procedendi, cap. 15, n. 1 (Archivo hist. nacional, Inquisicion de Valencia).

When, in 1601, Maximilian I of Bavaria consulted the legal faculty of Padua concerning witchcraft trials, one of his questions was whether a copy of the evidence should be given to the accused, or whether it should be stated to him by the judge and he be required to answer on the spot, as thus the truth might be better discovered. To this the answer was emphatic. All authorities unanimously required the accused to be furnished with a copy and to be allowed a competent time to answer. Nowhere in the law was to be found an exception to this, even in the most atrocious crimes; the right of defence was a natural right of which the accused could not be deprived. The force of this, however, was somewhat weakened by an admission that it was in the power of a monarch to limit the defence.—Marc. Anton. Peregrini Consilium de Sagis, n. 144–50 (Diversi Tractatus, Colon. Agripp. 1629).

[2] Archivo de Simancas, Inquisicion, Lib. 933.—Praxis procedendi, Cap. 16, n. 1 (*ubi sup.*).

prove a negative, which was virtually, in most cases, the task imposed on the accused. Then he proceeds to define what the defendant can do. He can call on witnesses to prove his religious character or to disable for enmity the opposing witnesses, or to show that at a certain time or place he did not say what was attributed to him. Then there are general pleas in abatement, extreme youth, second childishness, insanity, drunkenness, thoughtless speech, ignorance, jocularity, the pressure of fear under threats, or intense grief. Or he may recuse the judge, which should be referred to the Suprema and not to arbiters, who cause much delay.[1]

Recusation of a judge was a right recognized in the traditional legislation of Spain.[2] It was admitted in the Inquisition and we have seen, in the cases of Carranza and Villanueva, how little the accused profited thereby, even when nominally successful. It was a recourse practically open only to the powerful or to the trained, at best but a dangerous expedient, and of necessity had to be done at the commencement of a trial. It evidently was not employed often enough for a definite form of procedure to have been provided. The Instructions of 1561 require that, if an inquisitor be recused, he must abandon the case to his colleague; if he has none, or if both are recused, the matter must await the decision of the Suprema.[3] This would indicate that the recused judge retired as a matter of course, but the Carranza and Villanueva cases prove that the objections of the prisoner had to be demonstrated as legitimate and this is further indicated when the troublesome Jesuit, Padre Juan Bautista Poza's extravagant Mariolatry was condemned at Rome and approved in Spain. It took seven years after his *Elucidarium Deiparæ* had been placed on the Roman Index, in 1628, before the Spanish Inquisition could be compelled by the nuncio to prosecute him for his rebellious defiance. When on trial by the Toledo tribunal, he recused the Inquisitor Cienfuegos; his reasons were examined by the Suprema, which consulted the other inquisitors and the recusation was sustained. How unusual was this proceeding is indicated by the boast of his triumphant brethren that this was

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[1] Simancæ Enchirid. Tit. XLVII.

[2] Fuero Juzgo, Lib. II, Tit. i, ley 22.—Fuero Real, Lib. I, Tit. vii, ley 9.—Partidas, P. III, Tit. iv, ley 22.

[3] Instrucciones de 1561, § 52 (Arguello, fol. 34).

one of the remarkable events that had occurred in Spain.[1] Yet an incident in the trial of Fray Luis de Leon shows the advantage taken of any obstacle to prevent recusation. After two and a half years of seclusion in prison from the world, he asked to know the names of the existing inquisitor-general and members of the Suprema, in order that he might recuse any whom he regarded as inimical, yet this elementary piece of information was denied, in spite of repeated applications, in which his counsel joined, showing that the latter was debarred from telling him what was of public notoriety.[2] Strictly speaking, recusation was not a defence but merely a preliminary to it, and its rarity renders it of minor importance.

Of the pleas in abatement enumerated by Simancas, that of youth amounted to little for, as we have seen, as soon as the age of responsibility was reached, the offender was liable to punishment, and there was little mercy shown. In fact, there was a device, when the culprit was below the age of fourteen, of postponing the sentence until he had attained that age.[3]

Insanity was of much greater moment. The insane were recognized as irresponsible and were sent to hospitals. It was not infrequently pleaded, and the tribunals were constantly on the watch to protect themselves against deception, yet it was long before definite rules were adopted with regard to the matter. In the enlightened view taken by the Inquisition regarding witchcraft, instructions of 1537 indicate a disposition to regard reputed witches as insane; whenever the inquisitors considered this to be the case, all acts and words leading to such conclusion were to be scrupulously detailed in the records. Barcelona at the time had on hand a witch named Juana Rosquells, whom the physician and consultors considered to be out of her mind; not knowing what to do they referred to the Suprema, which ordered her discharge and somewhat inconsistently required her to be put under bail.[4] Even more tentative was the case of Toledo, in 1541, of Juan García, a day-laborer, favored with revelations of the wildest kind. In his audiences he replied unintelligibly to the questions asked and, when the case came before the consulta de fe, it summoned him and asked whether he would take a

[1] Cartas de Jesuitas (Mem. hist. español, XV, 112).

[2] Proceso contra Fr. Luis de Leon (Col. de Documentos, X, 567; XI, 23, 29).

[3] Arch. hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80

[4] Archivo de Simancas, Lib. 78, fol. 145, 146.

hundred lashes or confinement in a hospital. He very sensibly declined both, and the session terminated with a vote that his sanity be investigated. This was done in the most superficial way, the consulta de fe when reassembled voted to acquit him, with a warning that if he persisted in his wild talk he should have a hundred lashes, whether insane or not. He was accordingly told to be gone in God's name.[1]

There evidently was as yet no method prescribed for dealing with such cases and it is somewhat remarkable that the Instructions of 1561 allude only to those, by no means infrequent, in which prisoners became demented during trial, and in these it is only ordered that they be provided with a curador, which infers that the trial was to be continued.[2] In conformity with this, at Granada, in 1665, a prisoner who had become insane after confessing, was furnished with a curador under whose auspices the case was carried to conclusion. He was condemned as a heretic and his property was confiscated; as he had confessed and begged for mercy while still in his senses, he was absolved from censures so that he might enjoy the suffrages of the Church, while as to the penances requiring sanity for their performance, such as reconciliation, abjuration, exile, etc., their determination was postponed till he should regain his reason.[3] When madness occurred after conviction and sentence, Peña tells us that the execution should be postponed until the reason is restored, for perhaps the culprit may repent and he is sufficiently punished by the madness. Even when it is feigned this should be done, for it is a less evil that the crime should be unpunished than to destroy his soul by putting him to death impenitent. In any event confiscation is to be enforced.[4]

When the accused was decided to be insane the plan adopted was to transfer him to a hospital, but in 1570 the Suprema required to be consulted before this was done. Hospitals were not always willing to receive such patients, but they were constrained to do so, as appears by an order of the Suprema in 1574, in such a case.[5]

The diagnosis of insanity is sufficiently obscure to modern

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 114, n. 14.

[2] Instrucciones de 1561, § 60 (Arguello, fol. 35).

[3] Elucidationes Sti Officii, § 57 (Archivo de Alcalá, Hacienda, Leg. 544², Lib 4).

[4] Pegnæ Comment. 22 in Eymerici Director. P. III.

[5] Archivo de Simancas, Inquisicion, Lib. 939, fol 92.

science, and it is not surprising that the Inquisition experienced difficulty in protecting itself against attempts at imposition, which were regarded as frequent. Peña informs us that insanity was always looked upon with suspicion, as probably fictitious, but he can only suggest that the gaolers should keep careful watch, and the inquisitors threaten or employ torture, to which there was no objection, unless there was risk of death, and which was an effective means of detecting imposture.[1] There was, in fact, as we have seen, no hesitation in having recourse to it when other means failed, but it is to the credit of the Inquisition that it was ready to exhaust all its resources in doubtful cases, to determine the question of sanity, however much its ultimate conclusions might be warped by prejudice or preconceptions.

An exceedingly illustrative case was that of Benito Ferrer, a wandering beggar, wearing priestly garments, arrested in Madrid, August 24, 1621, by the archiepiscopal police and confined in the spiritual prison. He was about to be discharged when, on September 20th, while mass was being celebrated in the oratory, he sprang forward at the elevation of the Host, snatched it from the hands of the celebrant, crushed it and cast part of it on the floor, exclaiming "O traitor God, now you shall pay me!" The sacrilege of course caused the greatest excitement and indignation. The archiepiscopal court took cognizance of the matter and was about to discharge Benito as crazy, when the Inquisition claimed him and sent him to Toledo for trial, with orders to push the case. Before leaving Madrid he was examined by the commissioner, when he asserted his entire sanity and explained his act by asserting that the Host was not consecrated, for the priest and everyone else whom he saw were enchanted demons.

Benito was undoubtedly a monomaniac for, in his subsequent audiences, he stated that, in 1609, he had been bewitched, since when everyone he met was a demon, with much other wild talk. His advocate asked for an investigation into his sanity, which was performed somewhat perfunctorily with the result that his extravagance was pronounced to be feigned. Still the consulta de fe, on November 23d, voted in discordia and the Suprema ordered further examination into his record and antecedents. Twenty years before, in his native Catalonia, he had endeavored to enter religion; two convents had refused to receive him and two

[1] Pegna, *loc. cit.*

others had expelled him after a few months. The tribunals of Valencia and Barcelona were set to work on these faint traces; the friars of that time were dead or scattered, but, after six months of search, two or three were found who vaguely remembered him as a melancholy person of little sense, who seemed to be possessed. Then followed further examinations of fellow-prisoners and physicians, concurring in the belief that his insanity was a fiction, and fruitless efforts were made to induce him to admit it. Another consulta de fe, held September 10, 1622, voted unanimously for relaxation, but the Suprema was not yet satisfied and ordered torture as a last resort. When the sentence was read to him he simply said that he was ready for what the Divine Majesty might be pleased to do with him. Then for three hours he was exposed to the extremity of torment, the blood dripping to the floor from his lacerated flesh, but, amid his shrieks and groans, nothing more could be extracted from him than "God suffered more; I am here to serve his pleasure" and an offer that, if they would give him a Bible, he would prove them all to be demons. If torture meant anything as a test, this proved his insanity to be real, but two days later a consulta de fe unanimously voted his relaxation as an *impenitente negativo*. Still the Suprema was not satisfied; it thought that the torture had been insufficient and it ordered him to be confined with persons of confidence, who should keep strict watch over him. Accordingly, on November 23d, his cell was changed and he was given as companions two friars and a physician awaiting trial, duly sworn and instructed. February 8, 1623, they were examined and pronounced him sane, but Dr. Antonio Gómez, who examined him, thought him liable to delusions; many persons, he said were sane in everything but one topic, on which they were insane. Still the Suprema hesitated and ordered continued observations, which were prolonged until November 4th, with the same result, when another consulta de fe unanimously voted for relaxation. The Suprema could hold out no longer against these repeated convictions; it confirmed the sentence and he was burnt alive as an impenitent, January 21, 1624.[1] Erroneous as the conclusion may seem to us, it was not reached without a prolonged and conscientious investigation, such as no other tribunal of the period would have given to such a case, though the

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. X.

archiepiscopal authorities were wiser, when they promptly recognized Benito's madness.

A nymphomaniac, in 1688, caused the Valencia tribunal an even longer term of perplexity. Francisca García was arrested, March 28th, as an *alumbrada*—one of the mystics against whom the Inquisition waged unrelenting warfare. She frankly admitted her sexual excesses, which she said were in obedience to the voice of God. During audiences at long intervals her talk was so irrational that insanity was suspected. Physicians were called in, who reported that she seemed to suffer from some mental weakness, and the alcaide said that he could not determine whether it was weakness or malice. Calificadores were consulted, who postponed for further decision the question whether she was hallucinated, crazy, or possessed. So it went on for two years and a half until, on September 19, 1690, it was resolved to keep her in prison but that, before presenting the accusation, another consultation with calificadores should he had. They examined her and reported that she cried aloud and wept and ejaculated and answered no questions directly, but still asserted that carnal indulgence was embracing God, so they reserved their opinions till another time. Eighteen months passed away and, in March, 1692, she sought an audience in which she threw herself on the ground and with tears begged to be taught; she knew that she ought to be content with her husband and, with screams and cries she declared that she could not resist temptation save with the aid of God. A consulta de fe was promptly held, and another in January, 1693, which could only recommend her detention, in view of the evils to be apprehended if she were allowed to communicate with others. Then two years and a half more elapsed, with occasional reports from the alcaide and secretary, to the effect that latterly the poor creature no longer talked lasciviously, in view of which it was voted, July 1, 1695, that the accusation should be presented and that calificadores should again examine her. To the report of this the Suprema replied in vigorous language, pointing out that this was only recommencing the eternal round, and that the case promised to be immortal; it ordered that the prosecution should be promptly carried on in the usual way and the sentence be submitted for its approbation. Here the record before us breaks off and the final action is unknown, but it is evident that the unfortunate woman was to be treated as responsible, the hesitation of the tribunal having only

resulted in her incarceration for more than seven years in a dungeon (*calabozo*) where, if not insane at first, she probably became so in the darkness and despair of interminable confinement.[1] However humane intentions might be, prejudice and ignorance misled them to cruelty.

It marks a progressive improvement when, in time, it became customary, on receiving a denunciation, to interrogate the informer whether he knew if the accused was a drunkard or suffered from any mental disturbance and, in instructions to commissioners in taking testimony, these inquiries were directed always to be made. This was a praiseworthy precaution, and the modern softening of temper produced a marked improvement in the treatment of the insane. This is well exhibited in 1818, in the case of Pedro Benito Lobariñas, in which the Suprema ordered the Santiago tribunal to treat him with especial kindness, and to give him every comfort compatible with his safe-keeping. Confidential persons, as well as the physicians, are to be admitted to him, who in friendly talk could form an estimate of his mental condition, while investigations were also to be made at his place of abode. Still, the outcome of the case shows the conflict between humanity and extreme dread of doctrinal error. His offence was simply some "propositions" and, in view of his sanity in all else, and his experience as a garden laborer, he was to be handed over to the gardener of some convent so walled as to prevent his escape, and to forbid his speaking with any one, so that he might have no chance to disseminate his heresies.[2]

As for the other pleas in abatement, such as intoxication, sudden anger, thoughtlessness, ignorance, jocularity and the like, they could only be advanced in minor cases, like blasphemy and propositions not involving formal heresy. In such matters they were often alleged in extenuation and were given more or less consideration, according to the temper of the tribunal, the penalties, not infrequently, being moderated in consequence.

Defence, when the accused denied the charge, was practically limited to *tachas* and *abonos*—the former being the disabling of witnesses by proving enmity or other disability, the latter

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 15; Leg. 12, n. 2, fol. 126.

[2] Archivo de Simancas, Inquisicion, Lib. 890.

being the accumulation of evidence to prove good character and assiduous religious observance. The *interrogatorio de indirectas*, to secure testimony disproving or explaining away specific accusations, was occasionally employed, and sometimes flaws or contradictions in the incriminating evidence were exposed, or an alibi might be proved when time and place were specified in the publication, but these cases were exceptional. In the great mass of trials on serious charges, no attempt at defence was made except by *tachas* and *abonos*. To the latter little attention was usually vouchsafed, and the struggle, as a rule, was over the former.

In this the defence was heavily handicapped by the suppression of witnesses' names and the garbling of evidence in the publication to protect them from recognition. While occasionally the accused could identify one or two, in general he could only grope blindly and indicate persons with whom he had quarrelled, in the desperate hope that they might chance to be those who had given damaging testimony. Slender as was the prospect of accomplishing this, it was rendered additionally difficult by the obstructions placed in the way of his obtaining and presenting his evidence. He was permitted only to furnish the names of those whom he suspected, with a list of the witnesses on whom he relied to prove enmity and a series of questions to be put to the latter who, during the years of his incarceration might have died or disappeared. We have seen how rigid were the qualifications exacted of witnesses for the defence, so that the inquisitor exercised his discretion as to whom he would admit, nor was he bound to put any interrogations which he deemed irrelevant, or of which he disapproved—indeed, it was held to be the duty of the inquisitor to expurgate the interrogatories and if, in those of *tachas*, there was anything affecting the reputation of a married woman, or the limpieza of a family, it was to be struck out.[1] The whole matter was absolutely in his hands and he could even refuse to admit the prisoner to any defence, as in the case of Martin de Jaen, a Morisco, burnt in the Toledo auto de fe of 1606, or Manuel de Mesones, penanced in that of 1610, on the ground that what they asked for was unnecessary or irrelevant.[2] When defence was permitted, neither the accused nor his advocate had the privilege

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

of examining such witnesses as were admitted, or of drawing forth all that they might have to tell. If they were residents of the city, the inquisitor would summon them; if at a distance, the interrogatories were sent to a commissioner; the witness, to each bald question, would answer yes or no, or perhaps might give some vague details or say that he knew nothing, and there the taking of testimony ended. If inquiries were directed against parties who had not testified, they were generally suppressed, although the instructions were to investigate them also, in order more perfectly to keep the accused in the dark, and it was also suggested that they be examined personally because, as enemies, they might have additional damaging testimony to give. When the witnesses for the defence, as frequently happened, were widely scattered, all this consumed considerable time, during which the prisoner in his cell was gnawing his heart in suspense, and when it was finished he was brought into the audience-chamber, curtly informed that what he had requested had been duly attended to, and asked if he had anything more to say. Under the Instructions of 1561, the results of the interrogations were carefully withheld from him as we have seen above (Vol. II, p. 543).

In this system, in which the burden of proof was thrown upon the accused, while he was crippled in every way as to the means of proving innocence, injustice could only be averted by judges acting virtually as counsel for the defence, in place of which they habitually served as parties to the prosecution. How it worked can best be understood by a few instances, with varying results.

In 1494, Diego Sánchez of Zamora was prosecuted for Judaism in the tribunal of Toledo. He had been trained, from his fourteenth year, in the cathedral, where he had risen, twenty years before, to the position of organist and beneficiary. There were but two witnesses against him—Pedro de Toledo, a chaplain of the archbishop, who testified to seeing him eat squabs on a Saturday and eggs in Lent and remove fat from meat. The other was María de Santa Cruz, a servant-girl, burnt for heresy, who on her way to the *quemadero*, being urged to clear her conscience by denouncing her accomplices, said that once when he was sick his father told him that he would not get well unless he sent some oil to the synagogue, whereupon he sent both oil and candles. She was beyond the reach of vengeance but, as usual, her name and the circumstances were suppressed. There is grim comedy in the efforts made by Sánchez and his advocate to unravel this

story. They repeatedly requested the dead witness to be recalled and re-examined and to have the date fixed, for Sánchez had once been delirious for some days and it might have occurred then; a formal series of interrogatories was drawn up to be put to her, and eight witnesses were to be examined to prove the truth of the delirium, all of which the inquisitors met with profound silence. Then, in hopes of discovering all possible enemies who might have testified, a long series of quarrels was detailed which he had had with members of his family and others. In this he chanced to stumble upon María de la Cruz, who had been his servant, but was a thief and, becoming pregnant, had accused a man-servant of his as the father. He dismissed them both, but took back the man; the girl fell into evil courses and was scourged through the streets, which she attributed to him and repeatedly threatened revenge. He failed to identify Pedro de Toledo, but he proved an irreproachable career in the cathedral for twenty-five years, and he escaped with abjuration *de levi* and suspension for a year from celebrating mass—enough to dishonor him.[1]

This hopeless floundering in the effort to rebut evidence of which the source was so carefully concealed appears still more strongly in the case of Diego de Uceda, in 1528, before the same tribunal, on a charge of Lutheranism, founded on a chance talk with a stranger at Cerezo, while travelling from Burgos to Córdova. The suppression of time and place and of details, in the publication, threw him on a false scent and he imagined the accusation to have arisen from a conversation some nights later at Guadarrama, with the Archpriest of Arjona, and all his energies were wasted on the attempt to prove that the latter talk was blameless, leaving the real testimony against him uncontroverted. It was a game at cross-purposes, in which the inquisitors allowed him to entangle himself hopelessly. Incidentally, the record affords a vivid picture of the agony of suspense endured by the prisoner in his cell during the inevitable delays arising from the method of procedure. He was chamberlain of Fernando de Córdova, clavero or treasurer of the Order of Calatrava; as such he had followed the court, and his witnesses *in abono* were necessarily scattered. Six months were consumed in finding them and securing their testimony, during which he sought repeated

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 183, n. 779.

audiences, imploring the inquisitors for the love of God to despatch his case. At one time a second messenger was sent at his expense, to Burgos and to Valladolid, with long instructions, and he counted the days that it would take at ten leagues a day, the customary allowance for foot-couriers. At last he was summoned to an audience and told that all his witnesses save four had been examined and he could name others in their place. This he declined; he had produced ample testimony as to character but of course had failed to rebut the evidence of the unknown witnesses who had denounced him. As we have already seen, he was tortured, confessed and revoked and was sentenced to appear in an auto de fe, to abjure *de vehementi*, with a fine of sixty ducats and some spiritual penances, leaving him a dishonored and ruined man for a few careless words to a stranger.[1]

It is to the credit of the tribunals that they seem generally ready to make all effort necessary to obtain the testimony of the witnesses whom they admitted. In 1573, the Suprema orders the Barcelona tribunal to advise a French prisoner so that he could procure from the King of France a safe-conduct for the persons whom he sends thither to procure evidence for him, and the receiver is instructed to pay sixty-four ducats for the expenses of the commission—of course out of the sequestrated property.[2] In 1682, in the trial at Barcelona of Margarita Altamira, a worthless woman, she named as a witness a day-laborer whom she knew only as Isidro. He was hunted for in the city without success and efforts were made to trace him. In Cardona an Isidro Giralt was found and examined but proved not to be the man. Then it was thought that he might be somewhere in the parish of Maya, and the commissioner of Solsona was ordered to find him and send him and his wife to Barcelona, but the search was vain and no one of the name could be found there. Margarita was then asked if she could give any further indications to aid in finding him: she thought that perhaps María Barranco might know something, but on investigation María was found to be dead. Then she mentioned other witnesses who could testify to her good character, and they were duly summoned and inter-

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 74, fol. 53.

[2] Archivo de Simancas, Inquisicion, Lib. 82, fol. 75, 76.—In 1574, however, in a similar case, the tribunal is ordered not to send to France.—Ibidem, fol. 125.

rogated.[1] All this was as it should be, but it depended on the temper of the tribunal and the prisoner had no power to help himself.

This customary defence of disabling the witnesses for enmity, although it was mostly blind groping to identify them, was sometimes successful. The most extensive use of the *tacha* that I have met occurs in the Toledo case of Gaspar Torralba, in 1531. His prosecution for Lutheranism was merely an effort to get rid of a troublesome and truculent neighbor, in the little village of Vayona, near Chinchon. There were thirty-five witnesses against him, for he was generally hated and feared. In his defence he enumerated no less than a hundred and fifty-two persons, including his wife and daughter, as his mortal enemies, and he gave the reason in each case which amply justified their enmity. In this comprehensive drag-net he succeeded in catching nearly all of the adverse witnesses and, in addition, he adduced *abonos* and *indirectas* to prove his orthodoxy and regular religious observance. The tribunal evidently recognized the nature of the accusation; he was admitted to bail, July 1, 1532, and finally escaped with a moderate penance.[2] Life must have been scarce worth living in Vayona when he was let loose.

At Valencia, in 1604, there was quite a group of cases showing successful disabling of witnesses among Moriscos. Gaspar Alcadi, accused by two women of saying that he did not believe in Christianity, identified them and proved enmity, so that his case was suspended. One woman accused two men, Vicente Sabdon and Fay Vicente and three women, Angela Bastant, Angela Barday and Gerónima Alamin, but they all succeeded in fastening it upon her and showing her hostility, with the result of a suspension of prosecutions. In 1607 there were several more cases of the same kind.[3] A still more striking instance occurred in 1658, at Valladolid, when a dissolute woman accused three men and thirteen women of Sanabria as Judaizers. They seem to have found little difficulty in identifying and disabling her and were all acquitted, February 1, 1659.[4] In general, however, the records show that the main recourse of the accused, in

[1] Proceso contra María Altamira, fol. 175, 178, 180 sqq (MSS. of Am. Philos. Society).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 112, n. 71, fol. 66–72.

[3] Ibidem, Inquisicion de Valencia, Leg. 2, n. 7, fol. 10; n. 10, fol. 79.

[4] Archivo de Simancas, Inquisicion, Leg. 552, fol. 41.

seeking to identify and disable witnesses for enmity, was rarely successful.

After the wholesale forcible conversions of Jews and Moors a defence was sometimes advanced by the accused that he was not baptized and consequently not a Christian nor subject to the jurisdiction of the Inquisition. There were subtile questions involved in this, on which theologians were not wholly in accord, but in practice the main point turned on whether the fiscal was obliged to prove the baptism. Against this was urged a decree of Paul IV, in 1556, when some Portuguese in Italy defended themselves with this plea, and he ordered the prosecutions to proceed on the ground that, if they had not been baptized, they would not have been tolerated in Portugal. An old inquisitor, about 1640 says that in Saragossa he had a case of a Morisco who advanced such a plea and, on examination of his parish registers, no record of his baptism could be found, although there were those of his elder and younger brother. In spite of this, on the strength of the papal decision, the prosecution went on and his sentence of reconciliation was confirmed by the Suprema.[1]

In all this the function of the advocate was reduced to a minimum. He was to make no suggestions to his client except to confess; he was not to advise him to disable any of the witnesses or to name witnesses of his own. His sole duty, we are told, was to abandon a pertinacious heretic and to admonish a Christian to tell the truth. If he chanced to gain outside information, he was not to communicate it to the prisoner but to the inquisitors and, if any friend or kinsman spoke to him about the case, he was to say that he knew nothing of it. So, in the written defence which he was required to present, he could use no information of his own, for the accused alone could state facts, and the advocate could only set them forth. He could receive nothing from the prisoner or his friends, even after the case was ended; the tribunal fixed his fee, which was paid to him by the receiver.[2]

Under such circumstances the argument which he would frame was not likely to be of any benefit to his client. If he were young, bright and ambitious, he might endeavor to impress the tribunal

[1] Thomás Sánchez, In Præcepta Decalogi, Lib. II, Cap. vii, n. 36.—Simancas de Cath. Institt. Tit. XXXI, n. 5.—Bibl. nacional, MSS., V, 377, Cap. II, § 18.

[2] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

with his ability, although the strict secrecy imposed deprived him of the incentive which publicity would give. For the most part, however, he would discharge his nominal duties with as little waste of energy as possible; he had nothing to gain by zeal, and would be careful not to offend the inquisitors and fiscal on whom he was dependent. While, therefore, we occasionally meet with a careful and well-reasoned argument, presenting the case of the accused in the most favorable light, and pointing out the irregularities and illegality and weakness of the evidence, in general the defence is perfunctory, of no real service to the accused, while ostensibly giving him the benefit of defence by a trained lawyer and enabling the tribunal to overrule what might be alleged in his favor.

Meanwhile, at each stage of the case, the accused was subjected to searching examination. By rule, this had to be conducted by the inquisitors, and if there were two, both were required to be present; as the Suprema declared, about 1520, this was necessary to enable them to vote intelligently.[1] The fiscal, very properly, was not allowed to be present, and the notaries or secretaries were ordered to confine themselves to their duties in recording and not to interpose questions. The general instructions for these examinations are praiseworthy. In 1518 the Suprema ordered the avoidance of superfluous questioning, as it might lead the accused to contradict himself through ignorance and, in 1529, as the result of a visitation of Saragossa, it rebuked the inquisitors for asking irrelevant questions instead of confining themselves to the subject matter, as required by the Instructions. The questions were to be clearly and intelligibly put, and the accused was to answer them categorically, yes or no. He was not to be deceived or misled by being made to believe that there was evidence where none existed, nor was he to be questioned about accomplices, unless there were sufficient indications concerning them.[2] Unlike the medieval Inquisition, where every kind of deceit was allowed to entrap the accused into compromising himself, the final rules, formally expressed by Pablo García, were that the inquisitors must carefully abstain from interrogating the prisoner about matters not included or indicated

[1] Archivo de Simancas, Inquisicion, Lib. 72, fol. 76.
[2] Ibidem, Lib. 76, fol. 227; Lib. 939, fol. 72, 95, 96.

in the evidence, and from leading him to believe that mere suspicions were knowledge founded on proof.[1] Yet, with marked inconsistency, the monitions with which the trials opened, assumed, as we have seen, the guilt of the prisoner, that ample information existed of it, and that his confession was wanted for his own salvation.

As a rule, in these earlier audiences, no questions were put except to ask the accused what he had remembered, and he was left to spontaneous confession, without a guide as to what was expected of him. Sometimes, however, in the later periods a special *audiencia de preguntas* was ordered, which might last for several days, as in the case of Beatriz López, at Valladolid, in 1697.[2] Ordinarily the real examinations began when the accused answered to the accusation, and were continued after his replies to the publication. At any time, moreover, if he made admissions or a partial confession, the opportunity was taken, by skilful questioning, to bring him, step by step, to full acknowledgement of his offences. In this, leading questions were forbidden. All examinations were to be searching and thorough and, in 1654, the Suprema complained that many crimes remained unpunished because of the carelessness and looseness with which this duty was performed. Inquisitors in general were, therefore, instructed to repeat their questions again and again, until every detail of time, place and circumstance was ascertained.[3]

When the prosecution and defence had thus exhausted all their resources, the latter was required to conclude and the case was pronounced to be concluded, although the fiscal could open it again, if new evidence appeared, and the accused could appeal from this as from all other sentences. It was then ripe for judgement, but the inquisitors were not authorized to pronounce sentence alone. The necessity for episcopal concurrence required the intervention of a representative of the bishop of the prisoner's diocese and, in addition, the rule of the Old Inquisition was preserved under which some graduates in law and theology were assembled to deliberate and vote with the others. These were called consultors and we have seen that they were a recognized

[1] Pablo García, Orden de Processar, fol. 13.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 52.

[3] Praxis procedendi, Cap. 8, n. 4 (Archivo hist. nacional, Inquisicion de Valencia).—Ibidem, Leg. 10, n. 2, fol. 36.

portion of the inquisitorial organization. The whole body formed what was known as the *consulta de fe*, in whose hands lay the fate of the accused. The number of consultors was uncertain. In 1488, at Barcelona, we hear of a consulta in which five masters of theology and five doctors of canon law were called in, and of another in which there were twelve of each, but such assemblies were unwieldy and, in 1596, the Suprema restricted the number to two theologians and three jurists. There was a scandalous practice allowed by the Instructions of 1561, of having the fiscal present without a vote, in order to give information—information which would be apt to expand into argument. Subsequently this seems to have been confined to some tribunals, but in all he could be called upon to elucidate any doubtful point, either orally or in writing.[1] No such privilege was allowed to the accused. Even lawyers who served as *abogados de los presos* were declared, in 1538, to be ineligible for service as consultors.[2]

In the imperfect records of the early trials, there is often no allusion to a consulta de fe, although the sentence generally contains the customary formula that it has been rendered with the advice of learned and God-fearing men. Even this is sometimes omitted, but it is probable that the formality was usually observed although, in the haste of those terrible days, it was, as a rule, little more than a formality. The ordinary custom was to assemble a consulta when a sufficient number of finished cases had accumulated to render an auto de fe desirable, and it could scarce find time for a conscientious scrutiny of the evidence. How business was sometimes despatched is seen in the preparations for the great auto de fe at Ciudad Real, February 23, 1484. Among the victims were Juan de Fez and his wife, on whom the consulta passed sentence, January 28th, although Juan had only confessed, under threat of torture, the day before, and it was not until February 6th that he ratified his confession, so that the condemnation was pronounced before the case was finished.[3] Yet discussion

[1] Carbonell de Gestis Hæret. (Col. de Documentos de la C. de Aragon, XXVIII, 12, 27).—Instrucciones de 1561, § 4 (Arguello, fol. 32).—MSS. of Royal Library of Copenhagen, 213 fol., p. 160; 218[b], p. 397.

When a similar abuse sprang up in the criminal courts of Catalonia, the fiscal was emphatically forbidden to be present at the voting of the judges.—Constitucions en la Cort en lany M D iii (Barcelona, 1540).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 104.—*Abogados del fisco* however, were competent to serve.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 148, n. 267.

was not wholly wanting. In the case of Diego García, at the consulta held January 18, 1490, eight voted for torture and three for perpetual prison, but at a meeting next day they were unanimous for torture, which Diego endured without confession and thus escaped with moderate penance.[1]

In those early days it was possible, as the records inform us was done, to read the whole case from beginning to end, for, in those hurried proceedings, the records were brief. In later times when the documents of a trial extended perhaps over hundreds—or it might be thousands—of folios, this was manifestly impossible, and there was submitted to the consulta only an abstract containing what was deemed important, when of course it would be within the power of the tribunal to present it in such fashion as it desired. There was a salutary limitation on this by the Suprema, in 1560, when it forbade the preparation of these abstracts by the fiscal, but the necessity for such prohibition is suggestive of existing abuses.[2] Occasionally the consulta exercised the power of summoning and examining the accused, as we have seen in the case of Juan García, in 1541, when there were doubts as to his sanity. It did the same with Juan Vázquez, at Toledo in 1605, which resulted in dismissing the case.[3]

Whether, in these assemblies, the consultors had a deliberative or merely a consultative vote, was a matter of some discussion. In 1515, Cardinal Adrian, and in 1518 the Suprema, instructed inquisitors that though they must not render judgement without consulting jurists, they need not follow their advice, but could consult others and state the reasons for rejecting the previous opinions.[4] Arnaldo Albertino, on the contrary, after debating the question at length, decides that, under the canon law, inquisitors are bound by the majority vote.[5] This ignored the self-dependent organization of the Spanish Inquisition, and Rojas asserts positively that the vote of the consultors is consultative and not decisive.[6] Simancas decides that the true rule is that the inquisitors are not bound by the opinion of the consultors, although

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[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 99, n. 25.

[2] Instrucciones de 1561, § 40 (Arguello, fol. 32).—Archivo de Simancas, Inquisicion, Lib. 939, fol. 68.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 104.

[5] Arnald. Albert. de Agnoscendis Assertionibus, Q. XXVI, n. 13, 15.

[6] Rojas de Hæret. P. I, n. 409, 422–3.

the question is debated; the Suprema instructed the tribunal of Córdova that, if the inquisitors and Ordinary are in accord, their opinion prevails over that of all the consultors, yet in Valladolid, unless there is a majority, even if the inquisitors and Ordinary agree, there is *discordia* and the case is referred to the Suprema.[1] All this was settled by the Instructions of 1561, which declared that, if the inquisitors and Ordinary were unanimous, their vote was decisive against consultors more numerous, but that, whenever there was discordia between the former, the matter was to be referred to the Suprema and, in important cases, even when there was unanimity, it was to be consulted before executing the vote.[2]

We have seen how the gradual centralization in the Suprema required all sentences, whether of torture or judgement, to receive its confirmation. Under this influence the consulta de fe declined in importance, and tribunals began to neglect the formality of summoning it or even of appointing consultors. The concurrence of the Ordinary was theoretically indispensable, but that sufficed, and the Suprema was quite content to overlook irregularities which marked the diminishing importance of the tribunals. Thus, in 1717, at Barcelona, in the case of Dr. Estevan Perpiñan for impeding the Inquisition, the Ordinary could not attend and the inquisitors voted on it alone; they could not agree on a sentence, and the Suprema sent the case back with orders to vote on it again, in conjunction with the Ordinary; they did so, but this time all three disagreed and the Suprema finally rendered the sentence.[3] It seems never to have thought of instructing them to call in experts and form a consulta de fe. Thus the time-honored institution, coeval with the establishment of the Inquisition in the thirteenth century, came to an end. In a series of votes of the tribunal of Madrid, extending through the eighteenth century, there is no indication of consultors being called in. Sometimes there are two inquisitors with the Ordinary and sometimes one; sometimes two inquisitors without the Ordinary, and occasionally, though rarely, a single inquisitor by himself.[4] In the enumeration of the personnel of all the tribunals, about the middle of the century, the insignificant one of Majorca had eight consultors, Granada had four, Córdova three, Valladolid, Cuenca and San-

[1] Simancæ de Cath. Institt. Tit. XLI, n. 11, 14.
[2] Instrucciones de 1561, § 66 (Arguello, fol. 36).
[3] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 71.
[4] Ibidem, Lib. 877, fol. 96.

tiago one each and the others had none. The institution was rapidly dying out and men no longer aspired to the honor of belonging to it. So it was under the Restoration. In the sentences of the period which I have seen there is no reference to it save in some pronounced by the Canary tribunal, which have the clause "without a consultor because it is united in the Ordinary."[1]

Before the Suprema had rendered the tribunals mere agencies for collecting evidence and attending to the formalities of trials, the consulta de fe may occasionally have been of service in preventing or diminishing injustice. Incidents related above show that the consultors formed opinions of their own, and that the votes were often far from unanimous. This was encouraged by the routine of voting, in which the consultors voted first and the senior inquisitor last, although doubtless, when there had been a preliminary discussion, the views of the inquisitors had been made known. Occasionally we meet with debates in which each member of the consulta accompanies his vote with an exposition of his reasons, and sometimes even with elaborate written opinions, showing a conscientious expenditure of thought and labor. Unfortunately, doubts and disagreements generally were compromised by recourse to torture, after which the consulta would be reconvened to formulate the definitive sentence.

Not the least cruel feature of the inquisitorial trial was the interminable delay to which the victim was commonly exposed. In ordinary criminal practice, especially in capital cases, the accused may seek perhaps to postpone the evil day, but in the Inquisition, where he was denied all communication with the outside world, and was kept in ignorance as to the progress of his own case, the agony of suspense concerning himself and those dear to him during dreary months and years was, in itself, a most severe and protracted punishment. This was thoroughly understood, not only from the repeated despairing cries of prisoners to have their cases despatched, but from the habitual promise of such despatch held out as an inducement for confession. The slow torture of delay was a well-understood device of the Old Inquisition to procure confession, when five, ten, or twenty years' interval between arrest and sentence was not infrequent,[2] but, except in special cases, this would not seem to be the motive in Spain. It is rather attributable to callous indifference and the

[1] Archivo de Simancas, Inquisicion, Lib. 890.

[2] History of Inquisition of the Middle Ages, I, 419.

habit of procrastination. The prisoner was presumably guilty and no good Christian need waste sympathy on the sufferings, mental and bodily, of a heretic too pertinacious for confession and conversion.

In Spain, speedy justice was constantly urged on the tribunals as soon as the mad rush of the early years was over. While this lasted such urgency was superfluous, for haste was necessitated by the enormous amount of work to be done, and was stimulated by impatience for the fines and confiscations, though the formalities of procedure were cumbrous and there were multitudes of cases jostling each other as they wore through their several stages. In the great auto de fe at Ciudad Real, February 23, 1484, where there were seventy-six burnings in person or in effigy, besides the large number of reconciliations, there could have been no time wasted on each case. Among those relaxed was Juan González Daza, whose trial commenced December 1, 1483, when the inquisitors granted nine days for presenting proof. On December 10th, the fiscal asked an extension of time in view of his other occupations and the absence of witnesses, but he was obliged to take an oath that these were his reasons and not malice. On December 8th evidence for the defence was already being taken before two deputies of the inquisitors and, on the 12th, that for the prosecution before two other deputies. Considering that human life was at stake, the work was most expeditious.[1]

Possibly this speed soon slackened; whether it did so or not, the Suprema was dissatisfied, for the Instructions of 1488 ordered that prisoners should not be worn out in gaol with postponements, and proceedings must be so prompt as to afford no cause of complaint. This urgency was repeated in the Instructions of 1498, which fixed a limit of ten days between arrest and the presentation of the accusation, during which the three monitions were to be given; after this cases were to be pushed with all despatch and without awaiting further proof, for this had led to prolonged detention, causing injury to persons as well as to property. Again, in 1500, the tribunals were ordered to proceed summarily and not to permit delays—all these instructions showing that the procrastination was attributable to the prosecution and not to the defence.[2]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 140, n. 162.—Cf. Leg. 148, n. 267; Leg. 154, n. 356.

[2] Instrucciones de 1488, § 3; de 1498, § 3 (Arguello, fol. 9, 12).—Instrucciones de 1500, § 6 (Vol. I, p. 580).

These instructions received scant obedience and the delays were felt as a serious grievance by the accused. In 1510 we have a petition to Ferdinand from five women appealing for a speedy decision of their cases, which had been "concluded," to which he responded by ordering the inquisitors to expedite them in accordance with justice.[1] So among the Aragonese petitions at the Córtes of Monzon, in 1533, is a complaint that the prisoners of the Inquisition were vexed with the prolonged delays in giving them the accusation and postponing the publication of evidence, wherefore the inquisitor-general was prayed to prescribe briefer terms. To this the reply was merely that provision would be made for the good administration of justice and the speedy disposition of cases.[2]

If there were any intention of fulfilling this promise it was resultless. Procrastination was habitual in all Spanish tribunals, as we learn from the repeated remonstrances of the Castilian Córtes of the period, which vainly represented that pleaders were impoverished and exhausted in the vain attempt to obtain justice, and that the gaols throughout the land were crowded with prisoners.[3] The Inquisition shared in this indifference to the sufferings of those in its hands; there were causes of delay in ratifying evidence and looking up the witnesses for the defence, and it had besides a practice, in all cases serious enough to appear in an auto de fe, of allowing them to accumulate until there were enough to render the solemnity impressive. This abuse was forbidden by the Suprema in 1518, 1532, 1539 and 1540, but its commands were disregarded.[4] That it was a real grievance is shown by a summons addressed, in 1534, by the Toledo fiscal to the Vicar-general Blas Ortiz, reciting that it was four years since the tribunal had celebrated an auto de fe; its prisoners were suffering much thereby in person, honor, and property, and the Inquisition was defamed in consequence. On the part of the accused and their kindred there had been bitter complaints to the inquisitor-general and Suprema, to the emperor and royal council, and to persons of influence, and three or four months ago the Suprema and inquisitor-general had come to Toledo to see what was the matter and had ordered the cases to be despatched and an auto

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 89.
[2] Ibidem, Inquisicion de Barcelona, Córtes, Leg. 17, fol. 47, 48.
[3] Colmeiro, Córtes de Leon y de Castilla, II, 217, 234, 248, 264, 273-4.
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 125.

de fe to be held. When, however, we learn that the concurrence of the vicar-general was needed only for the torture of nine persons and the sentencing of ten, we see how little occupation the tribunal had had during those four years, rendering the delay inexcusable, while moreover the effort to shift the blame on Blas Ortiz was transparent for, under the Clementines, inquisitors were required to wait only nine days for the Ordinary.[1] The custom of waiting for an auto de fe continued and if, in 1570, 1571 and 1577, there were repeated orders that the cases of poor prisoners should be despatched promptly, without holding them for an auto, this urgency savors more of thrift than of mercy, for it infers that the rich, who could defray their prison expenses, might linger.[2]

The provision that the accusation should be presented within ten days after arrest was repeated in 1518 and seems to have been considered as still in force in 1594, for its observance is included in interrogatories prepared for a visitation in that year, but the Instructions of 1561, while requiring the fiscal to present it within that limit, give discretion to the inquisitors as to the time of admitting the prisoner to an audience after his arrest, and prescribe no definite intervals between the monitions.[3] This discretion was abused to the utmost and the Suprema seems to have abandoned all effort to check procrastination, except in special cases which threatened to become immortal. The tribunals kept their unfortunate prisoners lying for months before granting the first audience and, as this required no preparation, its postponement was mere callous indifference without excuse. In a group of eight cases at Valladolid, in 1647, a year was allowed to elapse between the arrest and first audience, and subsequent intervals, varying from one month to eight, before the third monition which was synchronous with the accusation.[4] When there

[1] MSS. of Public Library of Toledo, Sala 5, Estante 11, Tab. 3.

[2] Archivo de Simancas, Inquisicion, Lib. 82, fol. 171; Lib. 939, fol. 125; Lib. 942, fol. 29; Lib. 979, fol. 38.

[3] Ibidem, Lib. 939, fol. 97.—Ibidem, Canarias, Exptes de Visitas, Leg. 250, Lib. 1, fol. 6.—Instrucciones de 1561, §§ 13, 15, 18 (Arguello, fol. 29).

[4] Archivo de Simancas, Inquisicion, Leg. 552, fol. 38. These cases are

	Arrest	1st Audience	2nd Audience	3rd Audience
Acacio Bautillo . . .	Jan. 24, 1647	Jan. 14, 1648	Jan. 25, 1648	May 20, 1648
Ant. Rodríguez del Cano .	" 18, "	" 9, "	" 25, "	June 4, "
Gaspar Rodríguez del Cano	" 25, "	" 13, "	Feb. 10, "	May 16, "
Juan de Isla	" 24, "	" 15, "	Jan. 25, "	July 8, "
Francisco de Herrera . .	" 26, "	" 27, "	Feb. 1, "	" 7, "
Gaspar de Herrera . .	" 25, "	" 27, "	" 1, "	May 16, "
Miguel Vázquez . . .	" 28, "	" 22, "	Jan. 27, "	Nov. 16, "
Antonio de Espinosa . .	" 18, "	" 9, "	" 24, "	Feb. 17, "

was this heartless delay at the commencement of a case, it is not to be supposed that there would be any alacrity in speeding the subsequent stages of the cumbrous routine, or any conscientious awakening from the supine indifference of the tribunals, with their multitude of officials and diminishing work. I have already alluded to the Mexican case of Joseph Brunon de Vertiz, in which there was nothing to prevent a regular and speedy course of action; and a brief abstract of the successive steps of his trial will show how he was tortured through suspense and anxiety to death. Between January 25, 1650, and his end on April 30, 1656, he was but once summoned to an audience and then it was only to ask him whether he had anything more to say.[1] Similar examples can be cited in the Peninsula. Gabriel Escobar, a cleric in the lower Orders, was arrested by the Toledo tribunal in 1607, on a charge of Illuminism and, in 1622, he died in prison, leaving his trial unfinished.[2] On a similar charge, Vicente Hernan was

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[1] 1649, Sept. 9. Arrest of Joseph Brunon de Vertiz.
Oct. 5 to Nov. 12. Numerous audiences.
Nov. 22. Audience at his request.
" 23 to Dec. 4. Five audiences on the inventory of his papers and effects.
1650, Jan. 25. Audience to ratify his confessions.
Feb 8. Audience at his request.
" 19. " " "
Mar. 23. " " "
June 9. " " "
Aug. 17. " " "
1651, Jan. 9, " " "
1652, April 19. " " "
May 11. Inquisitors visit the cells
" 27. Audience at his request.
1654, July 23. " " "
1655, Aug. 14. Summoned to audience to ask if he has more to say.
1656, April 26. Asks an audience in his cell as he is sick.
" 27. Audience granted by mistake.
" 30. His death.
1657, May 11. The fiscal presents the accusation.
1658, June 1. Citation to kindred issued.
Nov. 3. Citation published in Vera Cruz.
Dec. 10. His brother's procurator appears.
1659, Mar. 3. The fiscal asks that the procurator be sworn.
Oct. 22. Procurator and advocate sworn—defence abandoned.
Nov. — Auto de fe in which he is burnt in effigy.
(MSS. of David Fergusson Esq.)

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 114, n. 13.

arrested in Valencia, September 23, 1592, and on August 25, 1695, the Suprema took the tribunal to task, because the accusation had not yet been presented, and pointed out that two years and a half had elapsed since his last audience, and the case was no nearer an end than before.[1]

This procrastination continued to the end. A writer, about 1750, attributes the endless prolongation of the trials to the inefficiency of the inquisitors, and this again to the meagreness of the salaries, which prevents the selection of capable men, but the Suprema itself was frequently to blame by its delay in acting when everything had to be submitted to its approval. Thus when the Logroño tribunal sent to it, September 9, 1818, a *sumaria*, on statement of the evidence, against Fernando de la Hoceja for irreverence to the sacrament, it was not until June 9, 1819, that it ordered prosecution and, when Valladolid proposed, November 12, 1818, to grant *audiencias de cargos* to Lazaro Matilla, this was not confirmed until June 15, 1819.[2]

Prosecution of the absent and of the dead formed, especially in the earlier period, a large part of the work of the Inquisition. The sudden development of systematized persecution naturally caused the exodus of thousands of Conversos, in spite of the arbitrary measures adopted to prevent their escape, while the details adduced in the trials furnished evidence against other thousands, who had died in external orthodoxy. It was no part of the policy of either Church or State to condone the offences of the fugitive or of the dead. If the faith could not be vindicated by burning their bodies, it could at least exhume the bones of the departed for cremation and could symbolically consume with fire the effigies of those of whom neither the bodies nor the bones could be had, while the fisc gathered in the confiscations which followed on condemnation, including the collection of debts and the forfeiting of alienations.

In this there was nothing repugnant to the spirit of the age, or of the Latin systems of jurisprudence. In the spiritual sphere the Church had long been accustomed to pass judgement on those who had passed to the judgement-seat of God, and to exhume

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 12, n. 2, fol. 126.

[2] Bibl. nacional, MSS., Mm, 130.—Archivo de Simancas, Inquisicion, Lib. 890.

the remains of any heretic buried in consecrated ground.[1] The imperial jurisprudence was equally unforgiving in cases of *majestas*, or treason, in which the dead could be prosecuted and their estates be confiscated, and the Theodosian Code extended this to heresy.[2] As recently as 1600, in Scotland, the bodies of the Earl of Gowrie and his brother were brought into court to be present at their trial, and were duly sentenced to be hanged, quartered and gibbeted; in 1609, Robert Logan of Restalrig, three years after death, was accused of complicity in the Gowrie conspiracy, when his bones were exhumed to grace the trial in which he was convicted and his estate was confiscated.[3] As regards fugitives, in the Continental systems of criminal law it was regarded as absurd to allow contumacious absence to defeat justice. In Aragon the absentee was summoned at his domicile to appear within fifteen days, after which he was reputed contumacious and his trial proceeded, but he had the right, even after sentence, to return and appeal, on reimbursing to the accuser his expenses.[4]

The abundant harvest thus provided for the early Inquisition may be estimated from the statement by a contemporary that, at the Toledo auto de fe of July 25, 1485, there were burned the effigies of more than four hundred dead and as many in that of May 25, 1490. The ceremony was impressive. A great monument, covered with black, was erected in front of the staging occupied by the inquisitors. The sentence of each culprit was read and, as his name was called, the monument was opened and an effigy, arrayed in Jewish grave-clothes, was brought out and condemned as a heretic. Then a great fire was built in the centre of the plaza, and all the effigies were consumed, together with the disinterred bones. After this their names were announced in the cathedral, with a summons to the heirs to appear, within twenty days, and render an account of their inheritances which belonged to the king.[5] We might suspect these figures of exag-

[1] Innocent. PP. III Regest. IX, 213.—Cap. 12, Tit. XXVIII, Extra, Lib. III.—Cap. 2, Tit. 1, in Sexto Lib. V.

[2] Institt. IV, 18.—Digest. XLVIII, iv, 11.—Cod. IX, 8.—Cod. Theodos. I, v, 4.

[3] See an interesting paper by George Neilson Esq. (Legal Lore, London, 1897, p. 224) on the trial of the dead for high treason in England and Scotland.

[4] Fueros de Aragon, fol. 158, 204 (Zaragoza, 1624).—Observantiæ Regni Aragonum, Lib. VIII, De Contumacia, § 5.—Ordinacions del Regne de Mallorca, p. 224.—Ferrer, Methodus procedendi, fol. 49[b].

[5] Relacion de la Inquisicion Toledona (Boletin, XI, 301, 304–6).

geration were there not other evidences of the magnitude of the work in progress and of the informal haste with which it was conducted. In 1484, at Ciudad Real, a single proclamation to the children and heirs, to appear and defend the deceased, contains the names of sixty-one dead persons on trial and a single sentence condemns forty-two, with a common enumeration of the Judaizing practices asserted to be proved against them. In none of these cases did the children and heirs put in an appearance to defend the memory and fame of the dead.[1]

These reckless and indecent proceedings were based on the Instructions of 1484, which evidently reflect the current practice in ordering the prosecution of those who had been dead even for thirty or forty years, and their property with its fruits to be taken from whomsoever is found in possession, although a MS. copy contains a clause, omitted in the printed editions, exempting from confiscation property held in good faith by good Catholics, for fifty years or more.[2] In view of the activity at Ciudad Real and Toledo, it seems somewhat superfluous that Torquemada, in his supplementary Instructions of 1485, deemed it necessary to warn the tribunals that the prosecution of the living should not cause them to neglect the dead, so that their bodies may be disinterred and burnt and their property be seized by the fisc.[3] How far back the retroactive energy of the tribunals extended may be gathered from the case of Fernan Sánchez who had been converted about 1416, had lived as a Christian until his death in 1456, and who yet was disinterred and burnt and his estate confiscated by the tribunal of Cuenca and Sigüenza, probably about 1525.[4]

Notwithstanding the massing of cases in the citations and sentences, the formalities of the somewhat cumbrous procedure were duly observed. The trials were not speedy, but, as large numbers were in progress together, only the scantiest attention could be paid to each and the result was a foregone conclusion. A single case will illustrate the process. At Ciudad Real, August

[1] Ramon de Santa María (Boletin, XXII, 190–3, 204, 368–71).

[2] Instrucciones de 1484, § 20 (Arguello, fol. 7).—Archivo de Simancas, Inquisicion, Lib. 933.

[3] See Vol. I, Appendix, p. 577.

[4] Proceso contra Luis de Leon (Col. de Documentos, X, 150–1). See Vol. I, p. 546, for the period in which Sigüenza was conjoined with the tribunal of Cuenca.

8, 1484, the fiscal is recorded as appearing and saying that he desires to proceed against certain deceased persons and among them Beatris González. He asks the inquisitors to issue their letters of summons, citation and edict, so that the children, heirs, kindred and others who wish to defend their bodies and bones, their fame and property, may appear. The same day the edict is issued, directed to the representatives of Beatris and two others, some of the kindred addressed being named and others included under the generalization of parties interested. The edict recites that the fiscal is about to accuse Beatris and the others of Judaism, and asks to have them summoned in defence, wherefore they are cited to appear within thirty days after the edict is read to them, or before their house-doors, or published in the public square, or read in the church of San Pedro and affixed to one of its doors; if they come, they will be heard with the fiscal, and justice will be rendered; if they do not appear, the fiscal will be heard and the case will go on without them to the end. The thirty days constituted three terms of ten days each, at the end of each of which the fiscal appeared before the inquisitors and accused the *rebeldia* or contumacy of the parties cited and, at the end of the third, on September 6th, he presented the accusation, a copy of which was ordered to be given to the children, with nine days in which to answer it. At the expiration of this time, on September 14th, the fiscal accused the further rebeldia and concluded; the inquisitors received the case to proof and assigned thirty days for it. On October 20th, the fiscal presented four witnesses, who were separately and secretly examined by the inquisitors, the testimony consisting of the usual details of observing the Sabbath by lighting candles and wearing clean linen, with an intimation of having chickens killed by decapitation. Then followed an interval, until January 18, 1485, when the fiscal asked for publication of evidence. The inquisitors granted this, ordering copies given to him and to the children if they ask for it, and assigning a term of six days for concluding. On January 24th the fiscal accuses the persistent rebeldia and concludes; the inquisitors hold the children to be contumacious and conclude the case, assigning for sentence the third or any following day. All this was in preparation for the great auto de fe of March 15th, where the sentence was read, condemning in mass a large number of the dead, confiscating their property and ordering their bones to be

dug up and burnt.[1] This was the procedure under which thousands of the dead were condemned and their properties seized from the existing owners; the forms of justice were comfortably preserved; no heirs or children ventured to appear in defence, and the condemnation might as well have been pronounced at the beginning.

This facility offered temptations to act on insufficient evidence and occasionally, when persons of importance were concerned, there was a contest, as at Saragossa where, on March 10, 1491, the fiscal presented his *clamosa* against a number of the dead, whose representatives defended them with persistent energy until December, 1499, when there were eight condemnations and three acquittals.[2] Some check on the abuses inevitable to the system was attempted, in the reformatory Instructions of 1498, which order that no prosecution of the dead is to be commenced unless there is proof sufficiently complete for condemnation; the practice of suspending cases where proof is imperfect is prohibited, in view of the hardship endured by the heirs, who are unable to marry or to dispose of their property and, under such circumstances, acquittal is ordered. Procrastination and delay are also forbidden, and cases must be determined speedily.[3]

Sequestration under these circumstances inflicted great suffering until, as we have seen, in the Instructions of 1561, it came under the general prohibition of sequestrating property in the hands of third parties. By this time, prosecution of the dead had shrunk to an inconsiderable part of inquisitorial business, and this may possibly account for other ameliorations in procedure. The preliminary necessity of sufficing proof was insisted upon; pains were to be taken to ascertain whether there were descendants, so as to cite them in person; no one who appeared as a defender was to be refused, even though he might be a prisoner on trial, who could empower a representative; if no defender appeared, the inquisitor was to appoint a skilful and sufficient person, who was not an official of the tribunal.[4] By this time, also, another rule had established itself which diminished the number of prosecutions—that they could only lie for formal heresy. Crimes

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 137, n. 98; Leg. 165, n. 551.

[2] Bibliothèque nationale de France, fonds espagnol, 76, 77, 93.

[3] Instrucciones de 1498, § 4 (Arguello, fol. 12).

[4] Instrucciones de 1561, §§ 61–3 (Arguello, fol. 35).

involving suspicion of heresy, such as fautorship, receiving and defending heretics and many others, were excluded, for the reason that suspicion, however violent, was held to be extinguished by death.[1] It was also generally admitted that stronger proof was required for prosecution of the dead than of the living because, as Rojas explains it, *semiplena* or half-proof, suffices for the latter —apparently alluding to the fact that the dead could not be tortured.[2]

If they could not be tortured, so neither could they save themselves from relaxation by confession and abjuration. This naturally resulted in burning in effigy, except in the case of death during trial, when, if the prisoner had manifested repentance and sought readmission to the Church, his effigy was solemnly reconciled in the auto de fe, nor does this somewhat grotesque ceremony appear to have aroused a sense of incongruity. Death in prison, as we have seen, was by no means infrequent and, as the cases when once commenced were continued to the end, they furnish, during the later period, a considerable portion of the prosecutions of the dead. Suicide in prison was held to be confession of guilt and pertinacity.

The sentence pronounced on the dead was even more impressive than that on the living. It declared him to have lived and died a heretic, his memory and fame were condemned and his property was confiscated. "And we order that, on the day of the auto, an effigy representing his person shall be placed on the scaffold, with a mitre of condemnation and a sanbenito bearing on one side the insignia of the condemned and on the other a placard with his name, which effigy, after the reading of this our sentence, shall be delivered to the secular arm and justice, and his bones shall be disinterred, if they can be distinguished from those of faithful Christians, and be delivered to the said justice to be publicly burnt, in detestation of such great and grievous crimes. And, if there is any inscription on his tomb, or if his arms are anywhere displayed, they shall be erased, so that no memory of him shall remain on the face of the earth, except of our sentence and of the execution which we order in it. And,

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[1] Simancæ de Cath. Institt., Tit. XVIII, n. 13.—Pegnæ Comment. 92 in Eymerici Direct., P. III.—Praxis procedendi, Cap. 7, n. 9 (Archivo hist. nacional, Inquisicion de Valencia).

[2] Rojas de Hæret. P. II, n. 30–31.—Simancæ, *op. cit.*, Tit. XVIII, n. 12.—Pegna, *ubi sup.*—Sousæ Aphoris. Inquisit. Lib II, Cap. 50, n. 11.

that it may the more remain in the memory of the living, we order that the said sanbenito or one like it, with the said insignia and name of the condemned, shall be placed in the cathedral or parochial church of ——, of which he was parishioner, in a prominent place where it shall remain for ever. Moreover we order that the children and the grandchildren by the male line, be deprived of all dignities and benefices and public positions that they possess, and be incapacitated for others, as well as to ride on horseback and carry arms and wear silk, camlet and fine cloth, gold, silver and corals and other things forbidden by the laws."[1]

We have already seen how numerous, in the opening years of the Inquisition, were the trials of absentees, as shown by the burning of their effigies in the aùtos de fe. This arose not only from the flight of those alarmed by the activity of persecution, but also from the investigation of the records of all who, for years before, had changed their places of residence or had betaken themselves to the Moors of Granada or beyond seas. This proportion of the early period was not maintained after the first hurried rush of expatriation was past, but still there continued to be many cases. When a Judaizer or Morisco was arrested, all who had been associated with him recognized the impending danger and, if there was possibility of concealment or of leaving the country, prudence counselled absence. The Inquisition sought energetically to trace those against whom evidence was obtained and, if it failed, it prosecuted them *in absentia*. In some respects this procedure differed from that in prosecution of the dead.

The Instructions of 1484 give minute and precise details with regard to it, pointing out three courses which may be followed. The first is recommended as the safest and least rigorous and is that furnished by the canon law in Cap. *Contumaciam* (Cap. 7, Tit. 2 in Sexto Lib. v) which provides that, as contumacy renders suspicion vehement, a man who is suspect in the faith is to be excommunicated, when, if he remains under the censure for a year, he is to be condemned as a heretic. Under this process, which conveniently converted suspicion into formal heresy, justifying condemnation, testimony was superfluous and conviction certain, so that, although it cost some delay, we can understand the preference expressed for it. It simply required the party to

[1] Pablo García, Orden de Processar, fol. 67–8.

be summoned, with the customary monitions, to defend himself in matters of faith and a special charge of heresy, under pain of excommunication. If he did not appear, the inquisitor ordered the fiscal to accuse his contumacy and to demand letters denouncing him as an excommunicate and then, if he persisted in his contumacy for a year, he was declared a formal heretic. The citations were made by the customary edicts, proclaimed and affixed to the church-doors of his domicile, and the excommunication was published in the churches with the customary solemnities.

The second method was more speedy and was adapted to cases where the heresy could be completely proved. The accused was cited by edict to appear and prove his innocence, with steps similar to those used in summoning defenders in prosecutions of the dead; when the terms allowed were passed, if the evidence was conclusive, the absentee could be condemned without further delay.

The third process was suitable for cases where the evidence, though incomplete, justified vehement presumption. An edict was issued against the accused summoning him to appear within a specified time and furnish canonical purgation, with notice that, if he did not present himself, or if he failed in his purgation, he would be held as convicted and be treated accordingly. This was the simplest and speediest, but the Instructions say that, although rigorous, it was well grounded in law, and inquisitors, at their discretion, could adopt either of the three courses as best adapted to the case in hand.[1]

The first of these methods, utilizing the device of contumacy became the one almost universally employed, when time was of no consequence but, in the impatient temper of the early period, speedier processes were preferred. The case of Sancho de Ciudad and Marí Díaz his wife, was tried by the second process and will serve as an illustration. Sancho was regidor of Ciudad Real and a well-known citizen. On November 14, 1483, the fiscal represented that many persons defamed for heresy had fled from the Inquisition, among whom notoriously were Sancho and his wife, whom he intended to accuse, and he asked the inquisitor, on receiving due proof, to cite them to appear. Two witnesses then deposed that it was notorious that they were absent and, as they had departed about fifteen days before the Inquisition came, it

[1] Instrucciones de 1484, § 19 (Arguello, fol. 7).

presumably was through fear. The edict was issued and the case took its course, all citations and summonses being gravely pronounced before Sancho's house by a notary as though he were personally on trial. When the case reached the stage of proof, the fiscal presented thirty-four witnesses—the most damaging one being Sancho's daughter Catalina, who gave the names of her brothers and of numerous others accustomed to assemble in her father's house to participate in Jewish ceremonies. All the formalities of the trial were observed and duly notified before Sancho's door. By January 22, 1484, the consulta de fe voted for relaxation, which Sancho was duly summoned to hear read, and it was read in the audience-chamber, January 30th, empowering the authorities of any place, where Sancho and his wife might be found, to inflict on them the penalties of the law, and meanwhile, as their persons could not be had, it ordered their effigies then present, to be subjected to the execution of the said penalties.[1]

If there is something grotesque in all this, at least the proceedings were decently in order and, if Sancho and his wife had cared to risk it, they could have been heard. How hurried and informal the process sometimes was is manifested by a case at Guadalupe in 1485. On July 13th three witnesses were heard as to ten persons who had left that place from twelve to sixteen years before, and of whom public fame reported that they had gone to Málaga or to some other Moorish town, and had turned Jews. On July 21st the fiscal presented his accusation, asking for sentence without previous citation or other notice, because by law in such cases and crimes of heresy, when notoriety is proved, nothing further is required. This was expressly assented to in the sentence, although it alluded to some kind of citation with three terms, published in the plaza and affixed to the church-doors, and also to a consulta de fe, but all this was probably mythical for, in an auto de fe held on August 1st, seven of the parties were included in one sentence, their effigies were relaxed to the secular arm and their property was declared to be confiscated, while judges everywhere were empowered to seize and proceed against them.[2] Neither of the three methods described in the Instructions of 1484 could have been employed in the interval of eighteen days between denunciation and execution, but, as one of the inquisitors

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 139, n. 145.
[2] Ibidem, Leg. 177, n. 702.

was Francisco de la Fuente, an experienced judge from the tribunal of Ciudad Real, we must presume that there was nothing irregular in this quick despatch.

Although in these sentences the condemned is abandoned to any secular justice for burning, the whole proceeding was merely designed to secure the confiscations and enhance the solemnities of the autos de fe with additional comburation of effigies. Its nullity in other respects was admitted by the rule that, if a culprit who had been burnt in effigy should return spontaneously, confessing and repenting, he could be admitted to reconciliation or, if he asserted his innocence, he was to be heard in his defence. This was decreed by Torquemada, October 10, 1493, with the reservation that it was a matter of grace and did not affect the confiscation. In 1494 there was a further provision that, if the condemnation had been the result of false-witness, it was the duty of the inquisitors to revoke the sentence *ex officio*, without awaiting the appearance of the convict.[1]

No change of importance was introduced in the procedure by the Instructions of 1561. In practice, the prosecution for contumacy was the one ordinarily employed; the second method was sometimes used when the testimony was complete and the third, summoning the accused to compurgation, became obsolete. The formula of the sentence, in the first method, avoids all allusion to the crimes alleged against the accused and bases the condemnation wholly on his remaining for a year under excommunication, thus proving himself to be an apostate heretic, the penalties for which are to be executed on his person, if it can be had and, in his absence, upon the effigy representing him.[2]

Of course condemnation to the stake was inevitable, when once the process was commenced, whether there was substantial evidence against the accused or not. Some authorities held that, whenever he could be caught, he was to be burnt, but Simancas expresses the considerate practice of the Inquisition in assuming that he is entitled to a hearing, whether he presents himself spontaneously or is captured, for there is no prescription of time against defence; if he comes within a year he can plead against confiscation, but after the year he can be heard only as to himself,

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[1] Archivo de Simancas, Inquisicion, Lib. 979, fol. 39; Lib. 933.

[2] Ibidem, Lib. 979, fol. 37.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).—Pablo García, Orden de Processar, fol. 53–4.

unless he is manifestly innocent or has been detained by a just impediment.[1] It may justly be doubted whether any fugitive was ever burnt for contumacy, and the ordinary practice is seen in the case of nine Judaizers of Beas, whose arrest was ordered by the tribunal of Murcia, April 5, 1656. When the warrants reached Beas, April 12, they were found to have departed secretly about the end of February. Five of them were traced to Málaga and four were reported to have gone to Pietrabuena, but all efforts to capture them failed and, on July 27th, the fiscal asked for edicts of citation. The regular process in contumacy followed leisurely, ending in a sentence of relaxation if the culprits should be found and if not, that their effigies should be burnt. This was confirmed by the Suprema and was pronounced December 5, 1659, and executed April 13, 1660, in an auto de fe at Seville. Nearly twenty years later two of the fugitives, Ana Enríquez and her husband Diego Rodríguez Silva, were arrested at Daimiel. They were tried anew; the previous records were brought from Murcia and used, as well as evidence concerning their career during the interval. There was no thought of executing the former sentence; the consulta de fe voted for reconciliation with two years of prison and sanbenito, which the Suprema changed to perpetual irremissible, and it was duly published in an auto de fe of December 17, 1679.[2]

Dilatory as were the proceedings *in absentia* in this case, they were speedy when compared with some others. The Valladolid tribunal issued a warrant of arrest against the Capitan Enrique Enríquez, June 6, 1650, but he eluded it. His trial for contumacy dragged on until July 30, 1659, when sentence was rendered, confirmed by the Suprema November 24th and sent to Seville, to be executed in the auto de fe of April 13, 1660.[3] It would appear that these delays did not please the Suprema for, in 1666, it called upon the tribunals to report the sentences agreed upon against the absent and dead and to push forward all unfinished trials. To this Barcelona replied that it had in hand three cases of absentees guilty of "propositions," two of bigamy, one of a fraile who was said to have fled to France in order to embrace

[1] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Simancæ de Cath. Institt. Tit. II, n. 20, 21.

[2] Proceso contra Diego Rodriguez Silva, fol. 27–34; Proceso contra Ana Enríquez, fol. 158 (MSS. *penes me*).

[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 43.

Protestantism, and another of a dead Huguenot—all of which would indicate that these cases constituted a considerable portion of the diminishing business of the tribunals. The Suprema thereupon ordered that if, on examination, prosecution appeared to be called for, the cases should be followed up closely to a vote in the consulta de fe, which was to be submitted to it for decision.[1]

Effigies of the dead and absent continued to be one of the attractions of the autos de fe. In the great Madrid celebration of 1680, the procession was headed with thirty-four, of which all but two were burnt; they bore mitres with flames, on their breasts were placards with their names in large letters and some of them carried chests containing their bones.[2] At that of Granada, in 1721, there were no living persons burnt, but there were seven effigies, and the chronicler of the occasion assures us that the glory of Catholic zeal is acquired as much by carrying to the flames the dead as the living and, in this case, the inquisitors, the alguacil mayor and the secretaries bore them in the procession. Fired by this example, after the sentences were read, the ministers of the royal chancellería exultingly carried them from the staging to the brasero where they were burnt.[3] Even as late as 1752, at Llerena, there were six effigies of fugitives and one of a dead woman.[4]

It will be seen from this presentation of facts from the records that the inquisitorial process, as developed in the Spanish Holy Office, so far from being the benignant and equitable procedure asserted by its representatives and re-echoed by modern apologists, was one which violated every principle of justice. The guilt of the accused was assumed in advance; the prosecution was favored in every way; the defence was so crippled as to be scarce more than a pretext, while the judge, who was in reality the prosecutor, was shielded, by impenetrable secrecy, from all responsibility except to the Suprema. Many cases cited above show that the arbitrary power thus conferred was not always

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 2, fol. 122.—Libro XIII de Cartas, fol. 184 (MSS. of Am. Philos. Society).

[2] Olmo, Relacion del Auto, etc., pp. 101–2.

[3] Royal Library of Berlin, Qt. 9548.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).

abused, for the individuals were not necessarily as vicious as the system, but the power existed and its exercise for good or for evil depended on temperament and temptation.[1]

[1] Llorente (Hist. crít. Cap. xliv, Art. 1, n. 38, 39, 40) quotes from the *Gazette de France* an account of a reform in the procedure of the Roman Inquisition in 1816, assimilating it to that of the secular courts, a reform which was to be extended to the Inquisition everywhere. There is no trace of such action in the Bullarium of Pius VII or in the Collectio Lacensis. If it was enforced in Italy, the Spanish Holy Office paid no attention to it

BOOK VII.

PUNISHMENT.

CHAPTER I.

THE SENTENCE.

In the infliction of punishment, the Inquisition differed from secular courts in one important respect. Public law provided for impenitent heresy death by fire and confiscation, and visited on the penitent and on descendants certain disabilities, but apart from these, in its extensive field of jurisdiction over penitent heresy, suspected heresy and other offences, the Inquisition had full discretion and was bound by no rules. It was the only tribunal known to the civilized world which prescribed penalties and modified them at its will. In this, as in so much else, it combined the legislative and the executive functions.[1]

The culmination of the work of the tribunal was the sentence which embodied the result of its labors and decided the fate of the accused. In all cases that appeared in public autos de fe, the sentence was publicly read, and the opportunity was not lost of impressing on the minds of the people the lofty duties of the Holy Office and the enormity of the guilt which merited such chastisement. It afforded an occasion for the display of power, which was turned to the best account.

There were two forms of sentence—*con meritos* and *sin meritos*. The former recited at length the misdeeds of the culprit; the latter was briefer and merely stated the character of the offence. The consulta de fe, when it agreed upon a verdict, usually defined which form should be used, and also whether or not the culprit should appear in a public auto. This, in

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[1] In the Appendix will be found some fragmentary statistics illustrating the comparative frequency of the various punishments inflicted by the Inquisition.

itself, was a severe infliction, aggravated by the reading of a sentence *con meritos*. For lighter cases the sentence was read in an *auto particular*, in the audience-chamber, of which there were several varieties, as will be seen hereafter.

The sentence *con meritos* commenced with a full recital of the details of the trial, through all the various steps of the cumbrous process, represented as a suit between the fiscal and the accused, and it specified the crimes proved against or confessed by the culprit. It was thus sometimes enormously long. In the famous case of Magdalena de la Cruz, a fraudulent *beata revelandera*, whose fictitious sanctity and miracles had deceived all Spain throughout a long career, the reading of the sentence at Córdova, May 13, 1546, occupied from six in the morning until four in the afternoon.[1] In the sentence of Don Pablo de Soto, convicted of bigamy at Lima, in 1761, all the examinations are detailed at full length, including information volunteered by him concerning persons and matters in no way connected with the case; the secretary appears to have copied verbatim the records of the successive audiences, as though to prolong the shame of the penitent.[2] After these prolix recitals there followed the verdict "Christi nomine invocato," in which, if the trial had resulted in conviction, the inquisitors found that the fiscal had duly proved his charges, wherefore they must declare the accused guilty of the heresy alleged, with its corresponding penalties.[3]

As a rule, prisoners were left in ignorance of their fate until, on the morning of the auto de fe, they were prepared for it by being arrayed in the insignia which designated their punishments. So jealously were they kept in the dark that, when the customary proclamation was made of an auto, fifteen days in advance, with drum and trumpet, the officials were not allowed to approach the Inquisition, lest the inmates should hear the sounds and guess what was in preparation. At the great auto of Lima, in 1639, we are told that, when the proclamation was made, the negro assistants of the gaoler were shut up in a place where they could not hear it, so that they might not carry the information to the prisoners, and the workmen employed in making the mitres,

[1] Bibl. nationale de France, fonds espagnol, 354, fol. 248–69.

[2] MSS. of Bibl. nacional de Lima.

[3] See Appendix for a specimen of the conclusion of a sentence.

sanbenitos and crosses were assigned a room in the Inquisition where they could labor unseen, under an oath of secrecy.[1] The effect of the sudden revelation, when it came, is indicated in the advice that it was better to give to those who were to appear their breakfasts in their cells than to wait until they were all brought together for the procession, for then there was shame and confusion and suffering, the fathers seeing their sons and the daughters their mothers in the sanbenitos and other insignia that designated their punishments.[2] The despair induced by the preceding long-drawn suspense occasionally found expression, as in the case of Diego González, who was reconciled for Judaism in the Valladolid auto of July 25, 1644. On the morning of that day, when the gaoler entered his cell to give him breakfast, he was found pale and faint, with the blood flowing freely from a wound in his arm, made with a nail from his bedstead, under the impression that he was to be burnt, and he had to be carried to the solemnity in a sedan-chair. Llorente recounts a similar case, of which he was an eyewitness, in 1791, when a Frenchman named Michel Maffre des Rieux hanged himself in consequence of being thus kept in ignorance.[3]

The object of the delay in thus communicating the sentence was to prevent appeals to the Suprema. We have seen how, in opposing appeals to Rome, the Inquisition and the monarchs argued that they were wholly superfluous, in view of the appellate jurisdiction of the inquisitor-general, who was always prompt to rectify injustice committed by the tribunals, but this nominal opportunity was rendered for the most part illusory by this device of withholding knowledge of the sentence until appeal was impossible. This came about by degrees. Originally it would seem that the tribunals exercised discretion as to withholding the sentence until the auto, although exceptions were rare. The Instructions of 1561, while admitting a right of appeal in some cases, nullified it by ordering, in such cases, the tribunals to send the proceedings in advance to the Suprema, without allowing the accused to know of it.[4] There evidently were contending influences, of justice on one side and convenience on the other, for in 1568 it was ordered that, in cases not of heresy,

[1] Medina, Historia de la Inquisicion de Lima, II, 108, 109

[2] Archivo de Simancas, Inquisicion, Lib. 979, fol. 40.

[3] Ibidem, Legajo 552, fol. 33.—Llorente, Hist. crít. Cap. IX, Art. XV.

[4] Instrucciones de 1561, § 51 (Arguello, fol. 54).

when the penalty was arbitrary, the culprit should be notified in advance of the auto de fe, and this was extended, in 1573, by instructions that, in cases admitting appeal, the parties should be notified in time to enable them to do so. This concession to justice caused trouble and, on April 11, 1577 the tribunals were ordered to report on the evils arising from it. Apparently the inquisitors reported adversely for, on September 18th, they were ordered to return to the former practice of not notifying culprits prior to the auto de fe.[1]

There was, however, quite an extensive class of cases in which the right of appeal was not completely cut off by this. These were the more trivial ones, in which the sentence was rendered in the audience-chamber, and in these both parties, the culprit and the fiscal, were required to assent on the spot, when either could appeal, for the fiscal had the same right as his opponent; it was included, in the commission issued to fiscals, in the long enumeration of their powers and duties, and was a right not infrequently exercised.[2] Although the culprit thus had an opportunity to appeal, he was obliged to act without advice. In the case of María Cazalla, in Toledo, December 19, 1534, when called upon to assent to her sentence in the audience-chamber, she asked for delay; then, in the afternoon, she begged to be allowed to consult her husband or her counsel and, on this being refused, she accepted the sentence.[3] Still, as public autos diminished and private *autillos* multiplied, the opportunity for appeals became more frequent and were sometimes successful.

This was more apt to benefit ecclesiastics than laymen for, except in cases involving degradation, they were never exhibited in public autos; their sentences were read in the audience-chamber, and they were more likely than the ordinary culprit to possess the education and intelligence requisite to profit by the opportunity. Cases of appeal by them are consequently not infrequent. Fray Lucas de Allende, Guardian of the Franciscan convent of Madrid, was one of the dupes of Lucrecia de Leon, an impostor who pretended in dreams to have converse with God and the saints. He busied himself in writing out her revelations and was tried at Toledo, where he lay in prison from June, 1590, until April, 1596. He was sentenced to a

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 112; Lib. 979, fol. 31, 38.
[2] Ibidem, Sala 40, Lib. 4, fol. 187.
[3] Melgares Marin, Procedimientos de la Inquisicion, II, 153.

reprimand and warning not to meddle with such matters, to accept certain definitions laid down by the tribunal, and to strict reclusion in a convent for a year. He vigorously protested that the sentence was absurd and he appealed from it, to which the fiscal retorted by likewise interjecting an appeal. The Suprema heard both appeals and decided, July 30, 1596, by confirming the sentence as to reprimand and warning, and omitting the rest. Even this did not satisfy the obstinate Franciscan for when read to him, August 2d, he refused to accept it and appealed to the pope, but, on being warned to reflect well, he on the same day withdrew this appeal and submitted. There can be little doubt however that the inquisitors suppressed the revocation of part of the sentence, for there follows a petition from him to be allowed to visit his native Villarubia before entering upon his reclusion, deceit of this kind being perfectly practicable in the profound secrecy of the tribunals.[1] More successful was the Geronimite Fray Martin de Cazares, prosecuted in Valladolid for superstitious curing of the sick and sentenced, in 1655, to reprimand and four years' exile from certain places. The Suprema had confirmed the sentence and yet on appeal from him it remitted the exile.[2] By this time the Suprema was supervising all action of the tribunals and, as it gradually became the whole Inquisition, appeals grew to be superfluous, yet the custom of withholding the sentence was persistent.

There was one class of cases, however, in which notification of the sentence was always made prior to the auto de fe—those in which the culprit was condemned to relaxation. The object of this was to give him a chance of saving his soul by confession and conversion; in the earlier period the notification was short, being only at midnight before the auto, but this, as we shall see hereafter, was subsequently extended to three days.

In the medieval Inquisition, the inquisitor, when rendering sentence, always reserved the right to modify it, in the direction either of mercy or of severity, or to remove it wholly. He could do this, for he was practically independent and irresponsible to any superior, the only authority over him being the distant and almost inaccessible

[1] Archivo de Simancas, Inquisicion de Toledo, Leg. 428.

For a brief account of Lucrecia de Leon see the author's "Chapters from the Religious History of Spain," p. 359.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 40

Holy See. The Spanish inquisitor occupied a wholly different position, being held in strict and constantly increasing subordination to the Suprema and, as commutations early became a source of large revenue, it is easy to understand that the tribunals were not permitted to participate in the proceeds. Already in 1498, the Instructions thus undertook to limit the power of inquisitors to modify sentences, by ordering that they should not grant commutations for money or favor or without just cause and, when such existed, the commutation must be into fasts, almsgiving and other pious uses; there could be no release from wearing the sanbenito and the rehabilitation of descendants was reserved for the inquisitor-general.[1] It was difficult to enforce restrictions which recognized any right of inquisitors to modify sentences and, in 1513, Ximenes deprived them of it wholly and concentrated the power in the hands of the inquisitor-general.[2] It was wholly a matter of finance and we have seen (Book v, Chap. iii) how it was thenceforth utilized. The tribunal was recognized to have no power to modify a sentence when once pronounced; as an experienced writer says, although by common law inquisitors and Ordinaries can change or mitigate sentences, it is otherwise under the Instructions which declare that this is reserved for the inquisitor-general, the reason being that they have exhausted their powers.[3]

In the Indies, where distance rendered application to the Suprema virtually impossible, the tribunals seem to have retained the power of modifying sentences, even though they may rarely have exercised it. In 1663 an old woman, known as Isabel de Montoya, tried for sorcery in Mexico, was sentenced to appear in an auto de fe with the sanbenito, to receive two hundred lashes and to serve for life in a hospital. In the audience-chamber, November 5th, the sentence was read to her, in presence of the fiscal and her advocate. With the assent of the latter, she begged that the sanbenito and the scourging be omitted; she had only been an impostor and had had no pact, expressed or implied, with the demon, and in view of her age and sickness and crippling in the torture she supplicated mercy. On November 7th the fiscal replied to this, asking an aggravation of punishment because it proved her to be an impenitent in denying her pact and intention. November 21st the consulta de fe assembled and unanimously confirmed its former sentence.

[1] Instrucciones de 1498, § 6 (Arguello, fol. 12–13).

[2] Llorente, Añales, II, 31.

[3] Elucidationes Sti Officii, § 27 (Archivo de Alcalá, Hacienda, Leg 544², Lib. 4).

The auto de fe was not celebrated until May 4, 1664; on the 6th she was duly scourged through the streets and on the 15th she was delivered to the Hospital del Amor de Dios. Her pitiful prayer, urging age and sickness, was justified for, on June 17th, a messenger from the hospital announced her death, and the inquisitors briefly ordered it to bury her.[1]

As regards cruelty, it is impossible to generalize, where in the earlier periods so much discretion was allowed to the tribunals, and so much depended on the temper of the inquisitors, who might be stern or humane. In the case of the obstinate heretic or of the *impenitente negativo* there was no question; the law of the land and universal public opinion alike condemned him to the stake but, in the wide sphere of the penitent heretic and of the numerous offences of which the Inquisition had cognizance, there was an ample field for the display of severity or benignity. Against the barbarity of a case like that of Isabel de Montoya, which had too many parallels, may be set the tendencies of the Toledo tribunal about 1600. In its reports to the Suprema at that period there frequently occur explanatory remarks, as though to apologize for the mildness of the sentences, which indicate its readiness to temper its judgements—such expressions as "she was a poor and ignorant woman," "she was simple and ignorant," "she was spared heavier penance because she was only sixteen years old," "she seemed á very simple and a very good woman," "recent baptism and drunkenness." Occasionally, in bigamy cases, involving scourging and the galleys according to rule, the omission of these is justified by the age or weakness of the culprit. Sometimes, but not often, the suffering which the prisoner has endured during prolonged imprisonment is taken into consideration, and is admitted as part of the punishment.[2] This tendency towards mercy becomes more marked in the period of decadence, when the humanitarian development of the age made itself felt even in the Inquisition, and it offers a suggestive contrast to the savage fanaticism of the secular courts of a land which claimed to be more enlightened than Spain. In 1765 a wooden crucifix on the bridge at Abbeville was mutilated and the Bishop of Amiens published a *monitoire* ordering, under pain of excommunication, any one having knowledge of the matter

[1] Proceso contra Isabel de Montoya, fol. 318–26, 342–5, 348 (MS. *penes me*).
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

to denounce the offender. Duval de Saucourt, a counsellor in the court of Abbeville, who was inimical to the Abbess of Villancourt, accused her nephew, the Chevalier de la Barre, a youth of nineteen. The only evidence was that he had once passed a procession without lifting his hat, that he had talked against the Eucharist and had sung impious and licentious songs. He was doubtless irreligious and debauched, and his evil reputation sufficed, in the court of Abbeville, to justify a sentence of amputating his tongue and right hand and burning him alive. Appeal was made to the Parlement of Paris which, by a vote of fifteen to ten, confirmed the sentence, with the mitigation of beheading before concremation and this was duly executed, July 1, 1766.[1] The annals of the Spanish Inquisition offer nothing more hideous than this, and the comparison is the more instructive in that its penalty for sacrilegiously outraging an image of Christ, the Virgin or the saints, with aggravating circumstances, was merely appearance in an auto de fe with the insignia of a blasphemer, abjuration *de levi* and a hundred lashes or vergüenza or exile, according to the character of the offence and of the culprit.[2]

The Inquisition boasted that it was no respecter of persons and, in one point at least, its rules offer a favorable contrast to those of the secular law. In Spanish law the privileges of gentility were fully recognized and, for many crimes, the penalties assigned to gentle blood were much milder than those inflicted on the commonalty. This was reversed in the Inquisition, where it was prescribed that, in matters of faith, nobles should be punished more severely than plebeians.[3] This was doubtless owing to the assumption that they were more intelligently trained and less exposed to error, besides the fact that their example was more impressive. On the other hand, however, the clergy, for whom less excuse could be found, were treated with much greater leniency than the laity and, far from being utilized as examples, their frailties and errors were shielded as much as possible from public view, in order not to diminish popular reverence for the Church.

The penal resources of the Inquisition, as we shall see, were endless. While, for certain well-defined offences, certain penalties were customary, the discretion of the consultas de fe was bound

[1] Biographie universelle, s. v. *Barre.*—L'Oiseleur, Les Crimes et les Peines, p. 232 (Paris, 1863).

[2] Elucidationes Sti Officii, § 41 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

[3] Ibidem, § 32

by no definite limitations as to what were known as *penas extraordinarias*, and they could devise whatever seemed appropriate to special cases. Infinite gradations and intricate combinations were resorted to in the effort to fit the penalty to the offence of each individual, and also doubtless often to secure unanimity in the consulta de fe, so that not infrequently there are six or eight separate and distinct inflictions in a single sentence. It would be too much to expect that, in so composite an institution, during more than three centuries of existence, there should have been strict consistency in the exercise of this discretional power, but, making allowance for the infirmities of human nature under the temptation of irresponsibility, it can scarce be said that it habitually abused its authority, according to the barbarous standard of the times, except in the infliction of pecuniary penalties on which its finances depended, and in the vindication of its authority against all who dared to question its supremacy. It was callous to the sufferings of those whom it prejudged as guilty; it devised the most atrocious formulas of procedure; but, when it had secured confession or conviction, it was not systematically and ferociously cruel as has so often been asserted.

As regards the enforcement of the sentence, it is to be observed that the penalties divide themselves into two classes. Some, such as relaxation, confiscation, fines, scourging, the galleys, reconciliation and abjuration, were within the power of the tribunal. Others, like imprisonment, the sanbenito, exile and reclusion, depended to a greater or less degree on the will or the fears of the penitent. Theoretically, as we have seen, punishment was regarded as penance, voluntarily accepted by the penitent for the salvation of his soul, but the Inquisition, unlike the father confessor, did not rely wholly on the penitential ardor of the sinner. Punishment retained enough of the character of penance to justify the theologian in treating its non-performance as a proof that repentance had been feigned, and that the offender had relapsed into heresy, the penalty for which, under the canons, was death by fire without trial. In the earlier time this was enforced in so far as was possible. Thus, in 1486, at Saragossa, Rodrigo de Gris, who had been condemned to perpetual imprisonment in a designated house, with the penalty of relapse for leaving it, escaped and was burnt in effigy as a relapsed and, in 1487, Cristóval Gelva, to whom the Hospital of Nuestra Señora de la Gracia was assigned as a per-

petual prison, was burnt in effigy for escaping.[1] This continued for some time to be the theory but, in practice, while summoning the fugitive as an impenitent relapsed, to appear for judgement, it was deemed safer to proceed against him in the ordinary way *in absentia*, waiting for a year and prosecuting him for contumacy. Such a case appears to be that of Bartolomé Gallego, who escaped in 1525 from the penitential prison of Toledo and was condemned to relaxation in effigy, November 3, 1527.[2] Some forty years later, Pablo García explains that the suspicion arising from flight, joined with that of remaining under excommunication for a year, afforded sufficient proof for declaring the fugitive a relapsed heretic and relaxing his effigy. It was only when evidence could be had of subsequent acts of heresy that direct proceedings for relapse were justified, and this was decided in a case where a fugitive was relaxed in effigy, and the Suprema revoked the sentence and rescinded the confiscation.[3]

The theory of relapse was evidently giving way. Simancas tells us that, although supported by high authorities, it is cruel and false and not founded in law; the fugitive is impenitent, not relapsed; if he returns or is captured he is to be heard, and if prepared to obey the Church, his flight only deserves an increase of penalty.[4] How rapidly the ancient severity was disappearing is manifested by a case in Valencia, in 1570. Pedro Luis Verga was prosecuted for Protestantism on a vague accusation that, when studying in Paris in 1555, he had consorted with the dreaded Juan Pérez and had shared his opinions, for which he was reconciled and sentenced not to leave the kingdom. He disobeyed and, in 1570, he was heard of in Genoa, giving utterance to heretical opinions. Now this was a case of relapse, as well as of non-fulfilment of penance, but he was prosecuted for contumacy as a simple fugitive.[5] It was an evidence that the old rule had become obsolete when inquisitors sometimes prescribed in their sentences that the penance was to be performed under pain of impenitent relapse, as in the case of Juan Franco, condemned at Toledo, in 1570, to eight years of galleys for Protestantism, and of Juan Cote, by the same tribunal, in 1615, to irremissible perpetual prison for the

[1] MS. Memoria de diversos Autos (Appendix to Vol. 1).
[2] D. Manuel Serrano y Sans (Revista de Archivos, April, 1902, p. 254).
[3] Pablo García, Orden de Processar, fol. 61, 63.
[4] Simancæ de Cath. Instt. Tit XVI, n. 24–5.
[5] Archivo hist. nacional, Inquisicion de Valencia, Leg. 377.

same heresy.[1] Towards the middle of the seventeenth century, Alberghini gives the various opinions held on the subject, and concludes that that of Simancas was commonly accepted.[2]

Cases of non-fulfilment were not infrequent for, as we shall see, the discipline of the penitential prisons was exceedingly lax; any penitent could absent himself and then throw off the sanbenito, which was the customary accompaniment of imprisonment, but, although this was canonically relapse, such cases were treated with what in those days might be considered as mercy. Thus Diego González, reconciled for Judaism at Valladolid, in 1644, and condemned to prison and habit, was recognized in 1645, at Medina de Rioseco, without the sanbenito. On being tried for this, the consulta de fe was not unanimous and the Suprema sentenced him to a hundred lashes.[3] It was the same with sentences of exile. In 1667, at Toledo, Francisco López Rodríguez, who had been reconciled in 1665 and had already been prosecuted for non-fulfilment of penance, was tried for doing so again, and was condemned only to a hundred lashes and two years more of exile. So in 1669, Juan López Peatin, for infraction of exile, had only two years added to the original term.[4]

A curious case, however, in 1606, shows how penitents were expected to fulfil their penances. Gaspar Godet, a Morisco, had been condemned at Valencia to reconciliation, a hundred lashes, and perpetual prison, of which the first eight years were to be passed in the galleys. After five years' service, his galley was captured by the English, near Lisbon, and he was set free. He ought strictly to have conveyed himself on board of another galley to serve out his term, but he seems to have imagined that he was released from his sentence; he quietly returned to his native Torre de Llovis and resumed his profession of surgeon. He was, of course, reported to the tribunal, which seized him in August, 1606, and condemned him not only to complete his sentence but to undergo a hundred lashes and to pay a fine of two hundred libras, although the maximum fine that could legally be imposed on a Morisco was ten ducats.[5]

The renewed activity of the Inquisition, in the early eighteenth

[1] MSS of Library of Univ. of Halle, Yc, 20, T. III, IX.
[2] Alberghini, Manualis Qualificator. Cap. xxxiij.
[3] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.
[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[5] Ibidem, Inquisicion de Valencia, Leg. 2, fol. 79.

century, seems to have been accompanied with a recrudescence of severity in these cases. In the Valencia auto de fe of February 24, 1723, Antonio Rogero was reconciled and condemned to irremissible prison and sanbenito. He escaped but was captured and, in the auto of March 12, 1724, he was condemned to two hundred lashes and five years of galleys, after which he was to be returned to prison, but the inquisitor-general mercifully commuted the scourging and galleys to five years of presidio, or labor in an African garrison. So, in the Valencia auto of June 25, 1724, Joseph Ventura, of Fez, a Moorish convert, had been reconciled with three years of prison and sanbenito; he fled, was captured and, in the auto of July 1, 1725, his prison was made perpetual and irremissible; again he fled, to be again caught and, in the auto of September 17, 1725, he was condemned to five years of galleys, after which he was to be returned to prison.[1]

All these were cases of formal heresy, for relapse in which the canonical punishment was burning. For offences less heinous, which inferred only suspicion of heresy, there was an occasional practice of including in the sentence a penalty for non-fulfilment of the penance. This was in every respect an arbitrary matter, concerning which no generalization can be formulated, for it is frequently impossible to divine why, in a group of similar cases, some sentences should carry this threat and some should not. This apparently objectless diversity is markedly exhibited in the auto of May 13, 1565, at Seville, where there were a large number of penitents thus arbitrarily differentiated. In the cases where the threat was employed, there was slender indication of mercy, for where exile for life or for a term of years was imposed, the penalty for non-fulfilment was that it should be completed in the galleys. In one case, that of Abel Jocis, for conveying arms to Barbary, the sentence was merely a prohibition to sail to Barbary, but a violation of this was visited with the galleys for life.[2] It should be added, however, for the credit of the Inquisition, that it not infrequently made threats which it had not the cruelty to execute. Thus the tribunal of Toledo, on a charge of divination, banished from Spain a priest named Fernando Betanzas, with a threat of the galleys for disobedience. Not long afterwards the Bishop of Salamanca found and arrested him, and the Suprema,

[1] Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inquisicion, Leg. 787

December 22, 1636, ordered the tribunal of Valladolid to investigate the case, after which the Suprema contented itself with deporting him to Portugal, and warning him that, if he returned again, he should be sent to the galleys.[1]

The case of the Augustinian Fray Diego Caballero, in 1716, indicates how non-fulfilment of penance might convert into formal heresy that which was mere suspicion. For uttering unacceptable propositions, he had been sentenced by the tribunal of Córdova to reclusion for four years in the convent of Guadix. He fled from there and continued to repeat his erroneous utterances, for which the Toledo tribunal pronounced him to be relapsed in grave crime and sentenced him to abjure *de vehementi*, to be suspended from his orders for a year, to perpetual deprivation of preaching, confessing and the right to vote and be voted for, to ten years' exile from a number of places, to four years' reclusion in a designated house, where for six months he was to be confined in a cell. He was also to wear a sanbenito, while his sentence was read in the audience-chamber, and the next day it was to be read to the assembled brethren of his Toledo convent, who were to administer to him a circular discipline, and he was to forfeit half his peculium—and all this under pain of being held as an impenitent relapsed.[2] What is noteworthy here is not only the severity of this long accumulation of penalties, but also the abjuration *de vehementi* which rendered reincidence in the abjured errors a matter for the stake.

In the medieval Inquisition it may be said that acquittal was virtually prohibited—a sentence of not proven might possibly be rendered, but acquittal was an admission of fallibility and was regarded as a bar to subsequent proceedings in case further evidence was obtained.[3] This principle was maintained in the Roman Inquisition, although, in the eighteenth century, exception was made in cases where the adverse evidence was clearly proved to be fraudulent.[4] The Spanish Holy Office was not quite so sensitive,

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[1] Archivo de Simancas, Inquisicion, Leg. 552, fol. 22.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

Carena (Tract. de Off. S. Inquisit, P. II. Tit. xvii, n. 9) mentions a case in which the tribunal of Murcia condemned to the galleys a priest who celebrated mass while under suspension by the Holy See.

[3] See the Author's Inquisition of the Middle Ages, I, 453; III, 513.

[4] Collect. Decretor. S. Congr. Sti Officii, p. 353.—Ristretto cerca li delitti più frequenti nel S. Officio, p. 162 (MSS. *penes me*).

and had no hesitation as to repeated prosecutions, so that to it acquittal was a less serious matter. Moreover, while sentences of not proven were not unknown, there was an equivalent device by which the accused could be dismissed without admitting his innocence—suspending the case and discharging him, subject to the liability of its being reopened at any time.

The furious zeal of Torquemada rendered acquittal peculiarly distasteful to him, and we have seen above (Vol. I, p. 175) a case in which he set aside acquittals at Medina del Campo, and insisted on conviction although, at his instance, the parties had been tried twice and had been tortured without confession. This temper on his part could not but impress itself on his subordinates, and yet we occasionally meet with acquittals in this early time—acquittals, however, which manifest a strange mental confusion, and betray the unwillingness to admit the prosecution of the innocent, for they couple acquittal with punishment. Thus at Guadalupe, in 1485, in the case of Andrés Alonso of Trogillano, the sentence recites that the fiscal had not proved his accusation as fully as he ought, wherefore the inquisitors absolved the accused but, as the evidence aroused some suspicion in their hearts, for the satisfaction of their consciences and his, they sentenced him to abjure *de levi* and, as some infamy had accrued to him from the accusation, they removed it and restored him to his former good repute, and lifted the sequestration on his property. Whereupon he duly abjured *de levi*, renouncing all manner of heresy, and especially that of which he was accused, promising to be always obedient to the Church, after which he was absolved *ad cautelam* from any excommunication which he might have incurred, and of all this he asked to have a certificate.[1] All the acquittals that I have met, of this period, bear this illogical character, sometimes even requiring abjuration *de vehementi* and inflicting penalties for the offence of which the accused is pronounced innocent.

In Barcelona, the Inquisition had been established twelve years before the first acquittal was granted, and, from such record as we have, it would appear that there were acquittals of more than one kind—conditional and unconditional. Thus, in 1499, Jayme Castanyer and Eufrosina Pometa were acquitted, but were required to abjure publicly on May 2d, and, on October 5th, Luys Palau was acquitted. In 1500, on September 18th, four women were

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 132, n. 39; Leg. 183, n. 779.

acquitted absolutely, two men were acquitted with penance, and two women and a man were acquitted with abjuration. Then, on October 5th, the memory and fame of Juan de Ribes Altes were cleared and, on December 20, 1501, Blanquina Darla was acquitted absolutely.[1]

In a record of the Toledo tribunal, from 1484 to 1531, there are eighty-six cases of acquittal, or an average of somewhat less than two per annum which, in view of the intense activity of the earlier period, indicates how few escaped when once the Inquisition had laid its hand upon them. Some of these cases show how long the conditional acquittal persisted. Thus of those acquitted, Hernando Parral was required to abjure, and Francisca Ramírez and Catalina beata negra abjured *de vehementi*. Unless there is a mistake by the scribe, Leonora de la Oliva of Ciudad Real was acquitted and scourged, October 3, 1521, and again had the same sentence October 13, 1530. In 1520 Alonso Hernández was acquitted with public penance and, in 1513, Sancho de Ribera was acquitted with confiscation. One entry is difficult of comprehension—that of Inez González, who was voted to acquittal with reconciliation and confiscation, but the confiscation was remitted.[2]

Practically acquittal amounted only to a sentence of not proven. In the formula for it, Pablo García calls special attention to the omission of the word "definitive," pointing out that it is not final, for the case could be reopened at any time that fresh evidence was obtained—and even without it, as we have seen in the case of Villanueva. In matters of faith there was no finality, no *cosa juzgada*, and it was so declared by Pius V, in the bull *Inter multiplices*, invalidating all letters of absolution and acquittal issued by inquisitors and other spiritual judges.[3] In strict accordance with this principle was the rule that sentences of acquittal of the living were not to be read at the autos de fe, unless at their especial request, while acquittals of the dead were read; in either case, the sentence simply stated that he had been accused of heresy and no details were given; if living he did not appear at the auto and if dead there

[1] Carbonell de Gestis Hæreticor. (Col. de Doc. de la C. de Aragon, XXVIII, 144, 145, 147, 149).

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 262.

[3] Pablo García, Orden de Processar, fol 41.—Cap. 10, Tit. iii in Septimo Lib. v. Notwithstanding Pablo García's formula, the sentence of acquittal of Jan of Antwerp, tried at Toledo for Lutheranism in 1561, asserts itself to be *diffinitiva*.—Archivo hist. nacional, Inq. de Toledo, Leg. 110, n. 31, fol. 30.

was no effigy.[1] All this was in direct contradiction to the glowing eulogy of Páramo who, as we have seen, states that the inquisitors used every means to prove the innocence of the accused and, when they succeeded, took care that he should go forth like a conqueror crowned with laurel and the palm of victory.[2] Yet Páramo had some justification in the fact that there were rare exceptional cases in which the acquitted was thus honored. The only instance of this that I have met in Spain was that referred to above (Vol. II, p. 561), where fourteen residents of Cádiz were falsely accused. In Peru, however, several cases are recorded. In the Lima auto of 1728 Doctor Agustin Valenciano appeared in the procession on a white horse, with a palm, and proclamation was made of his innocence. In the great auto of January 23, 1639, there were seven thus honored after their three years of incarceration, and in that of October 19, 1749, the effigy of Don Juan de Loyola, who had died in prison in 1745, headed the procession, bearing a palm. This last case is perhaps explicable by Jesuit influence, for he was of the family of St. Ignatius, and further reparation was made by creating his brother, Don Ignacio de Loyola y Haro alguazil mayor of the tribunal, while three nephews were made familiars.[3]

The reluctance of the tribunals to pronounce a sentence of acquittal is illustrated in the case of Francisco Marco, tried at Barcelona for bigamy, in 1718. Unable to prove the charge, which was punishable with scourging and galleys, the tribunal sentenced him to have his sentence *con meritos* read in the audience-chamber, to be reprimanded and threatened, and to be banished from Barcelona and Madrid for six years. In the earlier period this sentence would have stood, but by this time the Suprema was in full control and it expressed great surprise at so unjust a decision, inflicting so foul a stigma on the accused. It declared null and void all the acts of the process, it ordered Marco to be discharged at once, and that the inquisitors should defray out of their salaries all the cost of his imprisonment.[4]

The indisposition to acquit found expression in the device known as suspension. When the effort to convict failed, the case could be suspended, thus leaving matters as they stood; the accused was

[1] Pablo García, *loc. cit.*—Archivo de Simancas, Inquisicion, Lib. 979, fol. 20.
[2] Páramo, p. 269.
[3] Palma, Añales de la Inquisicion de Lima, pp. 19, 38, 140 (Madrid, 1898).
[4] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 71.

neither acquitted nor convicted, the case could at any moment be reopened and prosecuted to the end, and it hung over the unfortunate victim while it saved the infallibility of the tribunal. The earliest allusion to it that I have met occurs in the Instructions of 1498, which show that it was a usage already established and abused, for it is forbidden in prosecutions of the dead, except when further evidence is expected, and acquittal is ordered when the proof is imperfect, because there are many cases of suspension that inflict hardship through the sequestrations continuing in force.[1]

Suspension was a convenient resource for a tribunal, unable to convict yet unwilling to acquit, and desirous to conceal its failure. At first it was comparatively rare, but in time it became a favorite method of escaping a decision and, as it gradually, for the most part, replaced acquittal, in its development it might even remove the stigma; in the great majority of cases it was practically the end of the matter, and it was usually accompanied with lifting the sequestration. Some authorities held that a case could not be entered as suspended, if there was enough in it to justify a reprimand, or even when the offence was trivial and the defendant was cautioned not to speak or act in that fashion, but this rigidity of definition was not observed in practice. When suspension was decided upon, the accused was not permitted to know it. He was simply brought into the audience-chamber; if he had been confined in the secret prison he was put through the customary inquiries as to what he had seen and heard, and was sworn to secrecy; he was told that for just reasons he was granted the favor of returning home and that he must seek to discharge his conscience for his case was still pending.[2] This mystery served to keep him in suspense, but, after he found the sequestration or embargo lifted from his property, he could doubtless fathom its meaning. If he demanded a definite sentence of conviction or acquittal, he had the right to do so, but I have met with no instance of this, and few could have been hardy enough thus to tempt their fate. If he asked for a certificate that he was freely discharged, or that his case was suspended, it was not to be given, but the Suprema might grant him one to the effect that he was discharged without penance or condemnation.[3]

Suspension wholly without penance was, however, unusual,

[1] Instrucciones de 1498, § 4 (Arguello, fol. 12)

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80

[3] MSS. of Royal Library of Copenhagen, 218b, p. 339.

for the infallibility of the Inquisition was commonly emphasized by accompanying it with some infliction, more or less severe. The lightest of these was the reprimand and warning administered when discharging the accused. In 1650 the tribunal of Toledo summarily got rid of quite a number of cases in this fashion—four on June 18th, two on the 25th and three on the 30th, and those were fortunate who escaped so lightly. About the same time, Doña Gabriela Ramírez de Guzman, accused of superstitious sorcery, was not only reprimanded, when her case was suspended, but was banished for a year from Toledo and Madrid, and the same penance was assigned to Domingo de Acuña, when his trial for propositions was suspended.[1] How little incongruity was recognized in this is illustrated by the case of Martin Mitorovich, at Madrid, in 1801, when one of the inquisitors voted to suspend the case and confine him for life in the hospital of Ceuta.[2] In fact, as suspension grew more frequent in the closing years of the Inquisition, it was often coupled with severe inflictions. Thus, August 30, 1815, the tribunal of Llerena suspended the case of María del Carmen Cavallero y Berrocal, but sentenced her to reprimand, two hundred lashes and three years' seclusion in a hospital; at the same time, in view of her ingenuous confession, the scourging was suspended until her amendment should earn its forgiveness, and the same phrases were used with her accomplice, Nicolás Sánchez Espinal, who was sentenced to reprimand, certain spiritual exercises and perpetual exile from the province.[3]

In cases like these, however, suspension had somewhat outgrown its original purpose of a substitute for acquittal, and was a more than doubtful mercy, for the case remained unconcluded, though visited with full penalties, and could at any moment be reopened. That originally it was merely a convenient device for escaping the admission of having prosecuted the innocent is manifested by cases of which the records are full. Thus, in 1607, Francisco Dendolea, a Morisco of Xea, was tried at Valencia on the evidence of a witness that, when *limosnero* or almoner of Xea, he had, under pretext of begging for the poor, used his office to serve notices of the commencement of the fast of Ramadan and give other ceremonial instructions. He proved that he never

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[2] Archivo de Simancas, Inquisicion, Lib. 877, fol. 228.
[3] Ibidem, Lib. 890, fol. 12.

was limosnero and the charge fell to the ground, but the case was merely suspended. So, in 1653, Doña Isabel del Castillo was prosecuted for Judaism at Toledo. She had previously been reconciled at Valladolid, and it was found that the evidence related to a period prior to the reconciliation. She of course ought to have been acquitted, but the case was suspended.[1] Even more self-evident is the case of the Benedictine Padre Francisco Salvador, tried at Valladolid, in 1640, for sundry propositions presented in a competition for a professorship. The consulta de fe voted to suspend the case and the Suprema, in confirming the sentence, added that a certificate should be given to him that no offence had been found that would in any way prejudice him.[2]

There was also a kind of imperfect or informal acquittal, which consisted in admitting the accused to bail at the end of the trial. It saved the tribunal from the trouble of a decision and of an acknowledgement that the prosecution had been in error, but it was cruel to the party involved, as it left him but partly liberated and with the stigma of heresy. Its working is fairly exemplified by the case of Petronila de Lucena, tried in 1534, at Toledo on a charge of Lutheranism. After nearly a year's incarceration, her brother, also under trial, revoked in the torture the evidence which he had given against her. There was no other testimony, yet she was not acquitted but merely released, March 20, 1535, under bail of a hundred thousand maravedis, to present herself when summoned. The security was furnished and she was delivered to the bondsmen as her gaolers. On June 27th, she petitioned for release, for the discharge of the bondsmen and for the removal of the sequestration, which included some articles of personal necessity in the hands of the gaoler; she was, she pleaded, poor and an orphan, she needed the property and wished to be free to dispose of herself. No notice was taken of this and, sixteen months later, on October 20, 1536, she applied again; this time an order to lift the sequestration was issued, but there is no record of her having been released from subjection to bail. She thus remained under the ban and, at the age of 25, the two careers open to a Spanish woman—marriage and the nunnery—were virtually closed to her.[3]

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 79; Inquisicion de Toledo, Leg. 1.

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 3, 26.

[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 111, n. 46, fol. 30–4.

There was yet another kind of acquittal, still more informal, in which the accused was simply discharged and bade to be gone, without a sentence, leaving him under the dreadful uncertainty of what might be his position. An instance of this is the case of Miguel Mezquita, tried for Lutheranism at Valencia, in 1536. The evidence was of the flimsiest, and the inquisitors merely ordered him to be released from prison without making further provision.[1]

The comparative frequency of these various forms of release, in the earlier period, may be inferred from the record of the Toledo tribunal from 1484 to 1531, in which there are eighty-six cases of acquittal, to only four of suspension, four of release under bail, and two of simple discharge—the latter forms thus being negligible quantities.[2] The proportions changed rapidly with time, showing how much more in harmony with the spirit of the institution were the forms which evaded acknowledgement of error. A record of the same tribunal, from 1575 to 1610, contains an aggregate of eleven hundred and seventy-two cases of all kinds, in which there were fifty-one acquittals, ninety-eight suspensions and thirty simple discharges.[3] This tendency continued with increasing development. A Toledo record from 1648 to 1694, comprises twelve hundred and five cases, of which but six ended in acquittal, one in discharge for mistaken identity, and a hundred and four in suspension, nearly all of the latter coupled with a reprimand in the audience-chamber—apparently a scolding for having given the tribunal so much bootless trouble. The suspensions were, in nearly every case, ordered by the Suprema, as though the inquisitors shrank from the admission which it involved.[4]

This repugnance existed to the last. In 1806, Don Matias Brabo, an ex-Agonizante and calificador of the Saragossa tribunal, was tried in Madrid on the charge of uttering certain propositions; he was acquitted but, in view of his disorderly life, especially in regard to the sixth commandment, he was sentenced to a reprimand, to fifteen days of spiritual exercises, and to make a general confession at such time as he could do so without disrepute.[5]

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 31
[2] Ibidem, Inquisicion de Toledo, Leg. 262.
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1
[5] Ibidem, Leg. 498, fol. 259.

The same spirit is seen in the instructions of the Suprema, October 14, 1819, to the Cuenca tribunal, authorizing the arrest and trial of María Martínez for propositions. In case, it says, the trial shows that she has not erred in the matters charged, or in anything else, she is to be reprimanded and warned and told that the tribunal is keeping a watch over her acts.[1]

There was another kind of suspension, by far the most frequent of all. It often happened, especially in the later periods, that the *sumaria*, or collection of evidence against a presumed offender, proved insufficient to justify prosecution. In such cases it would be quietly voted to suspension; it was filed away in its place among the records, ready to be exhumed at any time, when further information might supply deficiencies and induce active proceedings. Thousands of these abortive processes reposed in the *secreto* of the tribunals, the subjects of which were unconscious of the dangers which had threatened them, or that their names were on the lists of suspects of the dreaded tribunal. That they were kept under surveillance is indicated by an occasional note, such as one respecting a certain Johann Wegelin, a Calvinist—"there is a sumaria which has been withdrawn because he became insane and returned to his own country," or in another case "suspended because he died in 1802."[2]

Yet, taking it as a whole, when we consider that the inquisitorial system was so framed as to put every temptation in the way of the judges to condemn, for the sake of confiscations, fines, penances, dispensations and commutations, it is rather creditable that acquittals and suspensions should occur in the records even as frequently as we find them there, though of course we have no means of knowing whether those who thus escaped were among the wealthy or the poor.

There was still another possible form of sentence. The Barbarians who overthrew the Roman Empire brought with them an ancestral custom, known as compurgation or, in England, as the Wager of Law, by which a defendant, in either a civil or criminal action, could maintain his title or his innocence by taking an oath and bringing a specified number of men who swore to their belief in its truth. They were known as conjura-

[1] Archivo de Simancas, Inquisicion, Lib. 890.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 100

tors or compurgators and were in no sense witnesses; they pretended to no knowledge of the facts but only to their confidence in the veracity of their principal. This crude method of establishing the truth was maintained in all the lands occupied by the Teutonic tribes except in Spain, where the Wisigoths early yielded to the influence of the Roman law. It was eagerly adopted by the clergy, who found in it a convenient means of escaping from the harsher expedients of the ordeal or the wager of battle, so that it acquired the name of canonical purgation.[1] In the thirteenth century, the Inquisition found it used in the trial of heretics and necessarily included it among the resources for doubtful cases, although inquisitorial methods were too thorough to call or its frequent employment.

The Spanish Inquisition naturally inherited compurgation among the other traditions of the institution. When conviction could not be had by evidence or torture, and yet the suspicion was too grave to justify acquittal, it could sentence the accused to undergo compurgation. He could not demand it, nor could he decline it, though he might appeal from the sentence; and failure in compurgation was equivalent to conviction, while success was not acquittal but required abjuration and penance at the discretion of the tribunal, because, although legally shown not to be a heretic, the accused had to be punished for "suspicion."

The early Instructions are silent on the subject, and such cases of the period as I have met indicate that there was no rigidly prescribed method of procedure, although, in the main, they accord in showing it to be a kind of trial by jury, after the tribunal had failed to reach a decision. The general features of the process can be gathered from the case at Saragossa of Beatriz Beltran, wife of the Juan de la Caballería, accused of complicity in the murder of San Pedro Arbues, who died in prison and was relaxed in effigy in the auto of July 8, 1491. She was put on trial for Judaism in 1489; the evidence against her was by no means decisive, while the defence discredited the witnesses and proved by abundant testimony her devotion to the Church, her regular attendance at mass and confession for more than twenty years, her liberality in the celebration of masses and her long hours

[1] It is still employed in ecclesiastical cases as a mode of proof. In November, 1904, a dispensation to dissolve a marriage was granted on proof of its non-consummation, by the oath of the parties, supported "dal testimonio di settima mano."—Il Consulente Ecclesiastico, Gennaio, 1905, p. 8

spent in daily prayer. She could not be tortured in view of her advanced age and severe infirmities and, on August 9, 1492, the consulta de fe voted unanimously that, as torture was out of the question, she be sentenced to canonical purgation, at the judgement of the inquisitors when, if she should purge herself, she should abjure publicly as vehemently suspect of heresy and of Judaizing, and should perform penance at the discretion of the tribunal. The next day the inquisitors pronounced that she was not convicted but vehemently suspect, wherefore she should purge herself with twelve conjurators. They were duly selected and a term of three days was assigned, within which the ceremony should be performed. They assembled in the Aljafería on August 23d, when the publication of evidence and the defence were read to them. She was sworn to tell the truth and was asked whether she had committed these crimes, to which she replied in the negative and was then removed from the room. The inquisitors again read the accusatory evidence and the defence, the compurgators were sworn to tell the truth, and the inquisitors polled them. The first one, Pedro Monterde, said that he believed Beatriz to have sworn truly, for he had known her for fifteen years and had always held her to be a good Christian, the rest unanimously concurred and the purgation was successful. Then, on September 8th, she appeared in an auto as a penitent and, on the 17th, she abjured all heresies and especially those of which she was vehemently suspected, after which the inquisitors rendered sentence, declaring her to be vehemently suspect of the crimes which she had abjured and, as these suspicions and crimes could not be left unpunished, they penanced her with forbidding her to commit these crimes, with the payment of all costs of her trial, the taxation of which they reserved to themselves, and with performing such penance as they might impose on her. The record fails to inform us what was that penance, but it probably transferred to the tribunal a large portion of the property that had escaped her husband's confiscation.[1]

The threat that failure would imply condemnation was by no means an idle one. About this time, Fray Juan de Madrid was tried before the tribunal of Toledo; there was much adverse evi-

[1] Bibl. nationale de France, fonds espagnol 80, fol. 346–52.

Two cases in Barcelona, in 1488, with somewhat different details, will be found in Carbonell *de Gestis Hæreticor.* (Col. de Doc. de la C. de Aragon, XXVIII, 26–7, 123–35).

dence in full detail, and the only defence lay in disabling the witnesses. This was partially successful, but enough remained to justify the inquisitors in saying in the sentence that he could have been condemned on it but that, in benignity and mercy, he was offered compurgation. He willingly accepted it and named his compurgators, but half of them refused to sustain his oath of denial, declaring that through their knowledge of him they held him as suspect. This was conclusive; he was considered to be convicted of the charges and the consulta de fe had no hesitation in voting him to relaxation. In like manner, on February 3, 1503, Jayme Benet was burnt at Barcelona because he failed in the compurgation enjoined on him.[1]

A change, probably attributable to the growing desire for absolute secrecy, prescribed by the Instructions of 1500, altered profoundly the prevailing theory of compurgation, for it prohibited the reading to the compurgators of the evidence and defence. In their presence the accused was to deny under oath the charges which were recapitulated by the inquisitors, and the compurgators were simply to be asked whether they believed that he swore the truth, and no other questions.[2] There seems to have been some trouble in abrogating the custom of reading the evidence, for the prohibition had to be repeated in 1514.[3]

In the project presented to Charles V, in 1520, by the Conversos, with the object of rendering the inquisitorial process less effective, there was included a modification of compurgation in such wise as to facilitate escape.[4] Of course no attention was paid to this, but that some alteration of the process was required by justice is manifest from one or two minor reforms soon afterwards. In 1523 it was ordered that the fiscal should not be present after the compurgators were sworn, which is suggestive of his influencing them adversely. Still more essential was a regulation of 1529, forbidding those who had testified against the accused from serving as his compurgators.[5] Apparently it was one of the results of suppressing the names of witnesses that the poor wretch, in his

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 164, n. 531.—Carbonell, *op. cit.*, p. 154.

[2] Instrucciones de 1500, § 8 (Vol. I, Appendix, p. 580).—Arguello, fol. 14.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 102.

[4] Archives de l'État, Bruxelles, Registre sur le faict des hérésies, etc., fol. 652–6 (kindly communicated by Professor Paul Fredericq).

[5] Archivo de Simancas, Inquisicion, Lib. 939, fol. 68, 87.

ignorance, would sometimes call upon those to save him who had been procuring his destruction, and the inquisitors had not sufficient sense of justice to exclude them, although they had power to refuse admission to any one supposed to be friendly to him. There was also a favorable modification of the ancient practice requiring unanimity on the part of the conjurators, for Simancas tells us that the inquisitors, when specifying the number to act, could also designate how many defections would be allowed without prejudicing the result.[1]

Yet by the middle of the century, when Simancas wrote, compurgation was becoming obsolete. He denounces it as blind, perilous and deceitful, and says that it especially should not be forced upon those of Jewish or Moorish descent, for it is equivalent to sending them on the direct road to the stake, since no one could help thinking ill of them, or at least doubting their innocence. Besides, nearly all men are now so corrupt, and Christian charity is so cold, that scarce any one can be found who will purge another, or who will not have an evil suspicion and interpret matters for the worst. To defeat the accused it suffices for the conjurators to say that they do not know, or that they doubt whether he has told the truth, and who is there who will not feel uncertain when he knows that no one is exposed to purgation unless he is vehemently suspected.[2]

This is echoed by the Instructions of 1561, which indicate how compurgation was passing out of use by the brief allusion vouchsafed to it. It is to be performed in accordance with the Instructions, with such number of compurgators as the consulta de fe may prescribe, but inquisitors must bear in mind that the malice of men at the present time renders it perilous, that it is not much in use, and that it must be employed with the utmost caution.[3]

Still, subsequently to this, Pablo García gives full and curious details as to procedure, which show how it had become hedged around with limitations that rendered it a desperate expedient for the accused. The compurgators had to be Old Christians, zealous for the faith, who had known the accused for a specified number of years, and were not of kin or well disposed towards him. He was required to name more than the number designated, so as to allow for those who might have died or be absent, showing

[1] Simancæ de Cath. Institt. Tit. LVI, n. 15.

[2] Ibidem, n. 12, 31.

[3] Instrucciones de 1561, § 47 (Arguello, fol. 33).

that he had to act in the solitude of the cell where perhaps he had been confined for years. When the sentence of compurgation was announced to him, he was given a certain term in which to make his selection and, if he allowed this to elapse, he was at the discretion of the tribunal. No communication with the compurgators was allowed, and when they were assembled each one was separately and secretly examined to ascertain whether he lacked any of the necessary qualifications, what were his relations with the accused, whether he would give anything to secure his discharge, whether any one had spoken with him and asked him to serve, or whether he had intimated to any of the kindred that he was willing to act. While thus carefully guarding against possible friendship, it is significant that there is no instruction to inquire into possible enmity.

The ceremony was performed with considerable impressiveness. On the table of the audience-chamber there were placed with much solemnity a cross, the gospels, and two lighted candles. The prisoner was brought in, his list of selections was read to him and he was asked if he recognized them, to which he assented and said that he presented them as his compurgators. They were then asked if they wished to serve or not; if they accepted, a solemn oath was taken by the prisoner to tell the truth and not to conceal it for fear of death or of loss of property or of honor or for any other reason. The inquisitors then recited the charges which created vehement suspicion and asked him, under his oath, whether he was guilty of them and, after he had answered, he was led back to his cell. Then, if necessary, the nature of compurgation was explained to the compurgators and they were sworn to answer truly and not to deny the truth for hate, or love, or fear, or affection, or other motive. They were kept apart, without communication with each other, and each was examined separately and in secret whether he understood what had passed and whether, in accordance with what he knew of the accused, he believed that he had told the truth, and after replying he was made to promise secrecy under pain of excommunication. The answers were carefully taken down and were signed by the compurgators.[1]

Conducted after this fashion it is easy to understand why compurgation should be characterized as blind and perilous. The

[1] Pablo García, Orden de Processar, fol. 69–72.

accused had to make his selection blindly, and the qualifications required of conjurators almost insured their unfavorable opinion, at a time when the operations of the Inquisition had caused every man to look upon his neighbor with suspicion, especially when that neighbor was one whom the tribunal required to undergo compurgation. Yet, although the Inquisition thus risked little in subjecting doubtful cases to it, there was ample reason for allowing it to fall into desuetude. Secrecy had become a cardinal principle in all inquisitorial proceedings and it was violated by calling in a dozen laymen to see the prisoner, to hear the charges against him and to participate in the judgement to be passed upon him. Besides, it was an acknowledgement that there were cases in which the assumed omniscience and infallibility of the Holy Office were at fault, and had to be supplemented by the random opinions of a few men selected by the accused. As practised for centuries in the ecclesiastical courts, it had been an easy method for the guilty to escape merited chastisement; as modified by the Inquisition, it became a pitfall for the innocent; it was wholly at variance with the inquisitorial process as developed in Spain and, while its place in the canon law prevented its formal abolition, the tribunals had exclusive discretion as to its employment, and that discretion was used to render it obsolete. Still, it maintained its place as a legal form of procedure. Even as late as 1645, among the interrogatories provided for a visitation, the question was still retained as to whether the forms of the Instructions were observed in canonical compurgation, although a writer of the same period tells us that it is not to be employed because, if the accused overcomes sufficient torture, he is to be discharged.[1]

In the Roman Inquisition we find compurgation ordered as late as 1590, in the case of a priest of Piacenza, accused of certain heretical propositions; the compurgators were to be five beneficed priests of good character and acquainted with the life of the accused. If the purgation was successful he was to be proclaimed of good repute as to the faith, and was to perform salutary penance for the imprudence of his utterances.[2] By the middle of the

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[1] Modo de Proceder, fol 62 (Bibl. nacional, MSS., D, 122).—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

[2] Decret. Sac. Congr. Sti Officii, p. 43 (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3)

seventeenth century, however, Carena tells us that it had been virtually disused by the Congregation, as most perilous, fallacious and uncertain.[1]

From this brief review of the various characteristics of the sentence, it will be seen that the Inquisition had at hand formulas adapted to every possible exigency, in the administration of its extensive and highly diversified jurisdiction. Until the development of the authority of the Suprema over the local tribunals, the use made of these formulas depended on the temperament of the individual inquisitors, shielded as they were from responsibility by secrecy and by the virtual suppression of the right of appeal, except in trivial matters. It must be borne in mind, moreover that, even when their sentences may seem merciful, there was always behind them the most grievous infliction of an infamy which affected the honor and the fortunes of a whole lineage.

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[1] Carenæ Tract. de Off. S. Inquisit. p. 388 (Ed. Lugduni, 1669).

CHAPTER II.

MINOR PENALTIES

In the preceding chapter the general penal system of the Inquisition has been considered, but for its proper comprehension a brief exposition of its several penalties is requisite. In this it is unnecessary to treat of confiscation and pecuniary penance which have already been discussed as constituting the financial basis of the existence of the Holy Office.

REPRIMAND.

Of the minor inflictions, the most nearly universal was the reprimand. It is naturally absent from the severer sentences of reconciliation and relaxation but, with these exceptions, scarce any defendant escaped it, no matter how groundless the accusation was proved to be, or how plainly his innocence was manifested. The freedom with which it was administered is evidenced in a phrase of frequent occurrence in the reports of the Toledo tribunal—"as no offence was proved, he was reprimanded and warned for the future."[1] We have seen that some strict constructionists held that reprimand was incompatible with suspension, but that this principle was universally disregarded. The same authority asserts that no reprimand was to be administered without a formal sentence, but cases are numerous in which it is expressly recorded that the party was reprimanded without a sentence, and sometimes this was by the special command of the Suprema. In the Valladolid tribunal there were eight such cases in the year 1641.[2] To scold the defendant was one of the prerogatives of the inquisitor, from the use of which he rarely ab-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—"Y no resultando culpa fuele reprehendido y advertido para adelante."

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.—MSS. of Library of Univ. of Halle, *loc. cit.*—Archivo de Simancas, Inquisicion, Leg. 552, fol. 3, 6, 9, 11, 13, 15, 17, 22, 28, 29

stained, especially as it afforded the opportunity of expatiating on the benignity which imposed penalties so incommensurate with the offences.

The severity of the infliction varied with his temper and power of invective, but constant practice rendered him skilful in detecting the sensitive places, and in applying the lash where it would be most keenly felt. There were those among the victims who regarded this as a severer penalty than a pecuniary penance, and it is not surprising that it occasionally drew forth remonstrance and retort, which were promptly suppressed by the infliction of a fine for the expenses of the tribunal.[1] No record was made of reprimands, beyond the fact of their utterance, but there is one which chances to have been preserved as it seems to have been carefully elaborated and reduced to writing. It was administered by the Licentiate Juan de Mañozca, who had been President of the Chancellery of Granada, to an unlucky gentleman prosecuted for having said that belief in matters of faith was good breeding. He had made the case worse by arguing, in his defence, that he could conceive of no word more applicable to the matter than *cortesía*, and that his long residence at the court had familiarized him with all the niceties of the Castilian tongue. For this, as a proposition ill-sounding and savoring of heresy, Mañozca belabored him through ten closely-written pages of savage ridicule. "In the Andalusian tunny fishery" he said "there may be seen an infinity of tunnies, the smallest of them as big as you, and yet not one of them will show the least particle of salt, although they have lived in the midst of salt." So he went on, quoting the Scriptures, the classic poets and Plato, to prove that the unfortunate culprit was an ignoramus, closely approaching a heretic. Such ignorance was likened to the unfruitful ears of corn which, according to Christ, are only fit to be swept up and burnt, and the diatribe concluded with the significant warning that it was the Inquisition which gathered such worthless stocks and delivered them to the secular arm, that they might pass through temporal to eternal flame.[2] Doubtless the culprit was a fool, but his folly merited no such terrific warning.

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[1] MSS. of Library of Univ. of Toledo, Yc, 20, T. I.

[2] Repreension de un Inquisidor á un Reo (MSS. of Bodleian Library, Arch. S, 130)

ABJURATION.

Suspicion of heresy, as we have seen, was, in itself, a crime requiring punishment. In accusations of formal heresy which failed of proof, there remained, as a rule, at least suspicion, and there was besides a number of offences which, though not in themselves heretical, were brought under the jurisdiction of the Inquisition by a more or less forced assumption that they inferred suspicion of heresy—that no one who believed rightly as to sacraments and points of doctrine could be guilty of them. In the Old Inquisition, this suspicion was classified as light, vehement or violent and these distinctions were retained in the New. Violent suspicion, however, may be discarded from consideration here, for it sufficed for condemnation and, in practice, it admitted of no disproof or explanation for, although theoretically it might be explained away, this was but a bare possibility. As Peña says, it created presumption of law, as when a man remained for a year under excommunication.[1]

The distinction between light and vehement suspicion was somewhat nebulous. Like everything else in the vague region of morals, it was incapable of accurate definition, and each case had to be decided on its own merits, according to the temper of the judges. Alberghini's attempted test of infrequent or habitual performance of acts inferring suspicion fails utterly in practice and moreover leaves unsettled the more important and common class of cases where testimony was insufficient for conviction and yet too strong for acquittal.[2] Moreover, suspicion might be modified by exterior circumstances, as when Miguel Calvo tells us that, with Moriscos, however slender may be the suspicion, it must be treated as vehement.[3] It was evidently impossible to prescribe any absolute rule, and it is to the credit of the Inquisition that it rarely pronounced suspicion to be vehement, while light suspicion occurs in almost all sentences short of reconciliation. Thus, in the Toledo record from 1648 to 1794, there are three hundred and fourteen abjurations *de levi* and only fifty-one *de vehementi*—or about an average of one every three years.[4]

[1] Eymerici Director. P. II, Q. lv, n. 16.—Pegnæ Comment. 80 *in loc*

[2] Alberghini, Manualis Qualificator. Cap. xv, n. 1–3.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

Whatever other punishment might be visited on suspicion, abjuration of heresy in general, and especially of the heresy suspected, was indispensable. This could be administered either in the audience-chamber, or in a public auto de fe, and was an impressive ceremony. In the face of a cross and with his hand on the gospels, the culprit swore that he accepted the Catholic faith and detested and anathematized every species of heresy, and especially that of which he was suspect. He pledged himself always to keep the faith of the Church and to be obedient to the pope and the papal decrees. He declared that all who opposed the Catholic faith were worthy of condemnation, promising never to join them, but to persecute them and denounce them to prelates and inquisitors. He swore to receive patiently and humbly all penance imposed on him, and to fulfil it with all his strength. If the abjuration was for light suspicion, he consented and desired that, if he failed in any part of this, he should he held as impenitent and he submitted himself to the correction and severity of the canons, so that the penalties prescribed in them should be executed on his person, and finally he called upon the notary to record it and on all present to serve as witnesses. If the abjuration was for vehement suspicion, he consented and desired that, if he failed in his promises, he should be held and considered as a relapsed and suffer the penalties provided for relapse. This was the difference between abjuration *de levi* and abjuration *de vehementi*, so often alluded to above, and it was of no small import under the canons. After the former, reincidence in the offence entailed no special penalty; it was at the discretion of the tribunal merely to repeat the previous sentence, or to aggravate it, as the case might appear to deserve. But, after the latter, reincidence was relapse, for which the canons decreed irrevocable burning, *ipso facto* and without trial. To impress this on the penitent, his abjuration *de vehementi* was written out and he was made to sign it. Then, on the next day after the auto de fe, he was brought into the audience-chamber, it was read to him and he was warned to observe its conditions for, if he should again fall into any heresy whatever, he would be treated as a relapsed without mercy, and it would be the same if he did not perform the penance imposed.[1]

In spite of these impressive formalities, I think it doubtful

[1] Pablo García, Orden de Processar, fol. 38–9.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 498.—Archivo de Simancas, Inquisicion, Lib. 939, fol. 118.

whether, after the first furious rush of persecution was past, the extreme penalty of relaxation, for reincidence after abjuration *de vehementi*, was customary. As a rule, in the later periods, inquisitors rather endeavored to avoid relaxation and, while they were callous, they were not apt to be unnecessarily cruel. I have not happened to meet with such a case, while I have found more than one in which the canons were not observed. In fact, a learned writer of the second half of the seventeenth century argues elaborately, with the citation of many authorities, to show that reincidence after abjuration *de vehementi* does not incur the punishment of relapse, despite the penalties expressed in the formula, and this would appear to have been tacitly accepted, for a custom arose of specifying in the sentence whether or not the abjuration should entail the penalty. Thus, in 1725 at Cuenca, Doctor Zapata, accused of Judaism, was required to abjure *de vehementi* with liability to relaxation, while in 1794, at Toledo, Damaso José López de Cruz, for heretical propositions, was sentenced to similar abjuration without such liability.[1] There was another distinction between the two forms of abjuration, for those who abjured *de vehementi* were subject to the disgrace of appearing in an auto de fe and of wearing a sanbenito *de media aspa*—or with one band of color across it, before and behind.[2]

The Instructions of 1561 state that, when there is semi-proof, or such indications that the accused cannot be acquitted, there are three remedies, compurgation, torture or abjuration; but this is scarce correct, for those who succeeded in compurgation were always, and those who overcame torture were generally, required to abjure. The Instructions add that abjuration, whether for light or vehement suspicion, is rather a measure to inspire fear for the future than a punishment for the past, and therefore it is usually accompanied with pecuniary penance.[3] In fact, it was only in trifling cases, or in suspensions, that abjuration was not associated with much severer penalties. This was inevitable in the large class of offences which, by a strained construction, inferred suspicion of heresy. In these, when guilt was proven, it received its appropriate punishment, perhaps of scourging or the galleys, and the abjuration was a mere formality to satisfy

[1] Bibl. nacional, MSS., Pp, 28, Q. 4; Ibidem Kk, 53.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Bibl. nacional, MSS., V, 377, Cap. ii, § 9.

[3] Instrucciones de 1561, § 46 (Arguello, fol. 33).

the artificial ascription of heretical belief. In cases of suspicion of real heresy, abjuration, whether *de levi* or *de vehementi*, was a necessary adjunct to the punishment. Thus in the Toledo auto of February 7, 1694, Luis de Vargas, for "suspicions of Judaism," was sentenced to abjure *de levi*, to pay a fine of two hundred ducats and to be exiled for six years from various places. So, in 1715, at Toledo, the Carmelite Fray Francisco Martínez de Salazar, "for crimes vehemently suspect of heresy," appeared in the audience-chamber with a sanbenito *de media aspa*, in the presence of twelve priests; he abjured *de vehementi*, was sternly reprimanded and threatened, and sentenced to a long list of penalties, including deprivation of functions, reclusion for six years in a convent and a circular discipline in the Carmelite house of Toledo.[1] On this composite sentence the consulta de fe had evidently exhausted its ingenuity, and the abjuration was merely a formal necessity to justify the rest. Yet, while abjuration in itself can scarce be termed a punishment it was, even when only *de levi*, an infliction of no little severity, in consequence of the infamy which it entailed, as we have seen in the Villanueva case, where the victim and his kindred struggled for so many years in Rome to have it removed.

EXILE.

Frequent allusions above to exile as occurring in sentences indicate how customary a feature it was in the penal system of the Inquisition. By itself, or in combination with other penalties, it was an unfailing resort in offences that did not incur the graver punishment of imprisonment. It could be varied indefinitely, to suit the peculiarities of each case, and the tribunals exercised the widest discretion in its employment. In its usual form it designated certain places and a fixed number of leagues around them, which the penitent was forbidden to enter. The list of proscribed localities as a rule included Madrid, or rather the royal residences, the seat of the tribunal, the dwelling-place of the culprit, if this was not comprised in the others, and any other towns, sometimes amounting to four or five, where he had been known in his guilty career. Although this was a convenient

[1] Archivo de Simancas, Inquisicion de Toledo, Leg. 1.

resource to the tribunal, it was a somewhat irrational penalty, the severity of which could hardly be guessed at, for while it might be scarce more than an inconvenience to one offender, it might be the destruction of a career to a merchant established in business, or to a professional man with an assured *clientèle*. Considerations of this kind, however, rarely influenced the tribunals and, in the Toledan record of 1575–1610 we find exile included in a hundred and sixty-seven sentences.

The length of exile was always specified, and varied from some months to a life-time, but it usually was a term of a few years. Sometimes it was divided into two portions, the first *preciso* or absolute, the second *voluntario* or dependent upon the will of the tribunal—apparently as an incentive to amendment. A variant of this occurs in the case of Diego de Toro, sentenced for bigamy at Toledo in 1652, to four years of exile absolutely and four years more which he was to fulfil whenever the tribunal should see fit to order it, thus holding it over him indefinitely.[1]

It was not often that the Inquisition exercised the power of banishment from Spain, but it did not hesitate to assume such authority when it saw fit, and a converse to this was the occasional prohibition to leave Spain, of which an instance is cited above (p. 102). Another form, in which the wide discretion of the tribunals was exhibited, was forbidding the penitent to approach within a specified distance of the sea-coast. This was not infrequent in sentences on Moriscos, whose relations with Barbary always excited apprehension, but it is not apparent why the Valladolid tribunal, in 1659, when sentencing Diego de la Peña for Jewish tendencies, should have included an inhibition to approach within eight leagues of any sea-port without a special licence.[2]

Again, we sometimes find a penitent exiled to some particular place for a term of years, and this is frequently combined with provisions for keeping him under surveillance. Thus the Valladolid tribunal, in 1659, sentenced Isabel Rubía and María Martin, for sorcery, to reside for four years in a place to be designated, where there was an official to whom they must present themselves monthly and who would report as to their amendment.[3] This was sometimes a form of commutation for imprisonment, as in the case of Isabel Núñez, sentenced at Cuenca to prison and

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 41.
[3] Ibidem, fol. 42.

Sanbenito, which was modified to four years' exile at San Clemente. December 24, 1657, she presented a notarial certificate of her being there and begged that, as she was 74 years old and very poor and miserable, she might be released, in honor of the birth of the prince (Felipe-Prosper) or at least have the place changed to Alcalá, Guadalajara or Pastrana, where there were people who would help her. This pitiful petition was simply endorsed to be filed with the papers of the case, which indicates that it was refused.[1] A more rigorous example of this, which shows that no limit was placed on the discretion of the Inquisition, was the banishment for life to the Philippines, in 1802, of two frailes concerned in the imposture of Isabel María Herraiz, known as the Beata of Cuenca.[2] Conversely, a penitent might be prohibited to leave a designated place, as when, in 1599, Rodrigo Ramírez, a Morisco of Yepes, was forbidden for three years to leave Yepes without licence.[3]

As the ordinary form of exile was easily violated, the sentence, as we have seen above, was frequently accompanied with a threat of increased penalties for non-fulfilment. In Toledo this seems ordinarily to be a doubling of the original term, but frequently it was more severe as, in 1604, at Valencia, the sentence of Bartolomé Posca added to this a hundred lashes and, in 1607, Francisco Xiner, condemned to five years' exile, was threatened with three years of galleys.[4] It was probably to check, in some degree, the facility for evasion that the Suprema, in 1665, required the tribunals to furnish it with a description of the culprit whenever they pronounced a sentence of exile. As this always comprised Madrid and, as the capital was likely to attract the homeless waifs, details which might assist in their identification were useful.[5]

RAZING HOUSES.

In the imperial jurisprudence, houses in which heretics held their conventicles were forfeited to the Church and this provision

[1] Archivo de Simancas, Inquisicion, Leg. 1183, fol. 6.

[2] Llorente, Hist. crít., Cap. xliii, Art. iv, n. 1.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[4] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Ibidem, Inquisicion de Valencia, Leg. 2, n. 10, fol. 1, 7, 41, 42.

[5] Libro XIII de Cartas, fol. 38 (MSS. of Am. Philos. Society).

was adopted in the legislation of Alfonso X.[1] When prosecution was systematized in the thirteenth century, this was modified to tearing down all houses in which heretics were found, the site remaining forever accursed and unfit for human habitation. This was accepted by the Church and found its way into all the lands that admitted the Inquisition.[2] Aragon adopted it and when, about 1340, the Spiritual Franciscan Fray Bonanato was burnt, and his disciples were scattered, the building which they had occupied at Villafranca del Panadés, near Barcelona, was levelled to the ground.[3]

In the early days of the Spanish Inquisition, the strict enforcement of the rule would have led to great destruction and serious impairment of the value of confiscations. It seems therefore to have been reserved for buildings in which the heretics or apostates had been accustomed to assemble, and then the king, as the recipient of confiscations, decided the matter. A letter of Ferdinand, May 23, 1501, to Aliaga his receiver at Valencia, states that the inquisitors have asked him to decree the destruction of a house in which a synagogue had been found, to which he assents with the suggestive addition that the civic authorities must be ordered to offer no opposition. It turned out that Ferdinand had already given the house to Juan Pérez, the scrivener of sequestrations, whereupon he ordered Aliaga to have it appraised and to pay the value to Pérez.[4] He seems to have offered no opposition to Lucero's operations in Córdova, where a number of houses were torn down as having served as synagogues, and he ordered them rebuilt when the Congregacion Católica assembled at Valladolid, in 1509, pronounced the prosecutions fictitious.[5]

When the confiscations passed to the Inquisition, financial considerations apparently got the better of zeal, for when, in 1539, at Valencia, trials of a number of Judaizers revealed that a crucifix had been maltreated in a house used for their assemblies, and the tribunal desired authority for its destruction and the erection of a memorial chapel, the Suprema replied cautiously with a number of questions as to value, location and expense, as there were

[1] Constt. v, viii, § 3, Cod. i, v.—Siete Partidas, P. vii, Tit. xxxvi, ley 5.

[2] Alexand. PP. IV, Bull *Ad extirpanda*, § 21.—Huillard Bréholles, Hist. Diplom. Frid. II, T. IV, pp. 299–300.—Pegnæ Comment. 92 in Eymerici Director. P. iii.

[3] Eymerici Director. P. ii, Q. 11.

[4] Archivo de Simancas, Inquisicion, Lib. 1.

[5] Llorente, Añales, I, 359.

no funds for the purpose, and it ordered the auto de fe to be held, reserving decision as to the house.[1] The subsequent proceedings against the convicts, who revoked their confessions, show that the house was still standing four or five years later.

There was no such hesitation in the stimulated excitement following the discovery of Protestantism in high places in 1559. When, in the Valladolid auto de fe of May 21, the Cazalla family were nearly exterminated, the house of the mother, Leonor de Vibero, where the little group used to assemble, was razed, and a pillar was erected on the spot, with an inscription that can still be read—"During the pontificate of Paul IV and the reign of Philip II, the Holy Office of the Inquisition condemned this building of Pedro de Cazalla and Leonor de Vibero his wife to be torn down and levelled with the ground, since here the Lutherans assembled to hold meetings against our holy Catholic faith and the Church of Rome, May 21, 1559." Similarly in the great auto of Seville, September 24, 1559, the houses of Luis de Alerego and Isabel de Baena, which had served as Protestant conventicles, were destroyed.[2]

A thrifty disposition to restrain inconsiderate zeal for obliterating the receptacles of heresy was manifested by the Suprema, in 1565, when it forbade the razing of a house unless it belonged to the delinquents and thus would not have to be paid for.[3] This restriction, however, was not observed on an occasion which was perhaps the latest as well as the most conspicuous example of the practice. In the great Madrid auto of July 4, 1632, which was honored by the presence of Philip IV, among those who were burnt were Miguel Rodríguez and his wife Isabel Núñez Alvárez, in whose house not only were held Jewish meetings, but an image of Christ had been scourged and when it shed blood and thrice spoke to them they consumed it with fire. Of course it was doomed and on the day after the execution the Inquisition ordered it to be appraised in order that the owner might be compensated. He was the Licentiate Barquero, a highly respected jurist, who protested against its destruction until he received good security for its value. No time was lost. On the 6th the Inquisitor

[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 235.

[2] Bibl. nacional, MSS., S, 121.—Pegnæ Comment. 92 in Eymerici Director. P. III.—Ed. Böhmer, Francisca Hernández, p. 228.—Archivo de Simancas, Hacienda, Leg. 25, fol. 2.

[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 19.

Cristóval de Ibarra, accompanied by the Admiral of Castile, the Duke of Medina de la Torres and other gentlemen, many familiars and a crowd of workmen, and preceded by a guard of halberdiers with banner and drums, marched to the spot, where a secretary read a proclamation of the Toledo tribunal to the effect that it ordered the demolition of the house where a holy Christ had been scourged and maltreated. Then the drums beat and the workmen assailed the structure so zealously that by nine o'clock that night there was not a vestige of it left, the populace eagerly aiding them in tearing the stones from the walls and carrying off the timbers. The site was not left, as the canons direct, to be a receptacle of filth. Money was raised and a Capuchin convent was erected, known as La Paciencia, in remembrance of the patience with which Christ had borne the indignities heaped upon him.[1]

SPIRITUAL PENANCES.

It might be presupposed that, in dealing with spiritual offences, and professing that its main object was the salvation of souls, the Inquisition would incline rather to spiritual exercises than to pecuniary and corporal punishments—that it would seek to instruct and elevate the spirit rather than to afflict the body. Religious persecution, however, has always preferred the harshness of coercion, and has held that the surest way to bring conviction to the soul was to torment the flesh. We need therefore not be surprised to see how insignificant a place spiritual penances held in the sentences of the Holy Office, and it would scarce be worth while to consider them except to note how little was the importance attributed to them by the tribunals.

Except in trifling cases, which merited no real punishment, such spiritual penances as we occasionally meet with are conjoined with material penalties. A man sentenced to imprisonment may perhaps be required to fast on Fridays for six months or a year, and to recite on those days a prescribed number of Ave Marias and Paternosters or other prayers. Pilgrimages to shrines as distant as St. Thomas of Canterbury or St. James of Compostela, so frequently prescribed in the medieval Inquisition, were unknown. It is true that the formula of sentence on the reconciled,

[1] Auto de la Fe celebrada en Madrid, esto año de 1632 (Bodleian Library, Arch. Seld. I, 1).—Llorente, Hist. crít. Cap. XXXVIII, Art. 1, n. 7.

condemning them to prison, requires them on Saturdays to make a pilgrimage to some designated shrine in the vicinity, where on their knees they must repeat with devotion five Paters, Ave Marias, Credos and Salve Reginas, but this was not often used in practice.[1] Clerical offenders, sentenced to reclusion in convents, frequently had spiritual exercises included among numerous other inflictions. While this moderation was the rule, occasionally of course the unlimited discretion of the tribunals made exceptions, as in a singularly ill-judged penance imposed at Toledo, in 1653, on Gerónima Mendes, a child ten years of age, convicted of Judaism, who was sentenced to a month's instruction in the faith and the daily recitation of the rosary for a year. Seeing that the rosary consists of seventeen Paternosters, sixteen Gloria Patris, a hundred and fifty-three Ave Marias and the Apostles' Creed, one can estimate the burden imposed on a child of such tender years and how little it would conduce to training the youthful penitent in a love for the faith.[2] Such an infliction however was exceptional, and it frequently happens, in the reports of the tribunals, after detailing the material portions of a sentence, that there is a mere general allusion to "some spiritual penances," which suggests how slender was the consideration bestowed on them. There is one type of better promise, not infrequent in the later period, such as a sentence pronounced at Toledo, in 1777, on Antonio Rubio and Diego González, condemned for heretical acts and blasphemy, the former to five years' labor in the arsenal of Cartagena and the latter to three years in the presidio of Ceuta, both of whom were required, before leaving prison, to perform fifteen days of spiritual exercises under a director who would instruct them.[3]

The hearing of mass as a penitent, which was a very frequent infliction, cannot be classed as a spiritual penance—it was a simple humiliation and was so intended, especially when performed publicly in church.

UNUSUAL PENALTIES.

A few instances will indicate how the tribunals sometimes used their wide discretion in adapting to any given case what was

[1] Pablo García, Orden de Processar, fol. 34.

[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[3] Ibidem.

deemed an appropriate penalty. It is true that when Valencia, in 1539, made Fray Torres, a priest, appear in a public auto de fe, with a bridle in his mouth and a pannier of straw on his back, the Suprema rebuked it and forbade such eccentricities for the future.[1] So when, in 1568, Inquisitor Morales reported that, during his visit to San Sebastian, he had condemned certain offenders to have sermons preached at their expense, the Suprema mildly remarked that this was a novelty.[2] In an auto de fe at Llerena, in 1579, there was a negress named Catalina, the slave of a man of Zafra. It was doubtless through consideration of his interests that she was spared the corporal chastisement visited on her accomplices, but there was a distinct invasion of his rights in a prohibition to him to sell her without licence from the inquisitors.[3] In 1607, at Valencia, a single witness accused María Tubarri, a Morisca midwife, of using Moorish ceremonies in baptising infants, and of circumcising the males; the proof, against her denial, was not thought sufficient to justify torture and she was required only to abjure *de levi*, but she was deprived for life of practising her profession.[4] There was wisdom, if a trifle arbitrary, in a sentence at Toledo, in 1685, on Lucas Morales for blasphemy, for it included, among other penalties, a prohibition to gamble—a sensible provision against relapse, for gaming was recognized as the most prolific source of blasphemy.[5]

There was the same latitude in vindictive as in deterrent punishments. At Valladolid, from 1635 to 1637, there were several Judaizers convicted of maltreating an image of Christ. The consultors voted for relaxation, but the Suprema approved the decision of the inquisitors that they should have the right arm nailed to a stake in the form of a cross, while their sentences were being read in an auto de fe.[6] Less symbolical and still more original was a spectacle devised for the Mexican auto of December 7, 1664, where one of the penitents was stripped to the waist, while two Indians smeared him with honey and covered him with

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[1] Archivo de Simancas, Inquisicion, Lib. 78, fol. 332.

[2] Ibidem, Lib. 81, fol. 27.

[3] Bibl. nacional, MSS., S, 121.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10, fol. 44.

[5] Ibidem, Inquisicion de Toledo, Leg. 1.

[6] Archivo de Simancas, Inquisicion, Leg. 552, fol. 17, 22.—At this period autos de fe were not frequent and, at the close of 1638, the culprits were still awaiting one.

feathers, in which guise he was made to stand in the sun for four hours on the staging.[1] Even recruiting for the army was not beneath the dignity of the tribunal as when, in 1650, Toledo condemned Andrés de Herrera Calderon, for blasphemy, to serve for four years in the campaigns against Portugal and Catalonia, where doubtless he enriched his vocabulary of expletives.[2]

There evidently was no defined limit to the power of suiting the penalty to the inquisitorial conception of the offence, and the tribunals made ample use of their prerogative.

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[1] Obregon, México viejo, 1ª Serie, p. 186 (México, 1891).
[3] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

CHAPTER III.

HARSHER PENALTIES.

THE SCOURGE.

ALTHOUGH at first sight the use of the lash, as a persuasive to correct religious belief, may appear somewhat incongruous, it must be borne in mind that, under the euphemy of the discipline, it has always formed a prominent feature of penance, especially among the monastic orders where, in the daily or weekly chapters, it was liberally administered for all infractions of the Rule or other sins, as a preliminary to absolution. In fact, the touching of the penitent's shoulder with a wand by the priest in absolution from excommunication, is a symbol of the discipline which was anciently indispensable. In the Old Inquisition it was in frequent use, although there it was rendered a matter of edification, through its infliction by priests during divine service or in religious processions. That it should form part of the penal resources of the Spanish Holy Office was therefore natural, although it lost its penitential aspect and became purely punitive and vindictive.

It was no longer the priest who wielded the discipline with an indeterminate number of strokes during an indeterminate series of feast-days. The tribunal prescribed the number of lashes and they were laid on by the vigorous arm of the public executioner. The penitents who had to suffer appeared in the auto de fe with halters around their necks; if there was one knot in the halter, it signified a hundred lashes, if two, two hundred and so on, one hundred being the unit and the minimum number. The next day the populace was treated to the spectacle. Mounted astride of asses, bared to the waist, with halter and mitre bearing inscription of their offences and a *pié de amigo* holding the head erect, they were paraded through the accustomed streets, with a guard of mounted familiars and a notary or secretary to make record, while the executioner plied the *penca*, or leather strap, on the naked flesh, until the tale was complete, and the town-crier proclaimed that it was by order of the Inquisition for the crimes

specified. A clause in the proclamation, after the great Madrid auto of 1680, forbidding, under pain of excommunication, any one to throw stones at the penitents, indicates that the populace had a playful habit of thus manifesting its detestation of heresy.[1]

In 1568 the Suprema rebuked the Barcelona tribunal for condemning to public scourging penitents reconciled for heresy. This, it said, was contrary to the *estilo* of the Inquisition, and in future the lash was not to be used unless there was some other crime than heresy.[2] This indicates how completely the scourge had become punitive and how it was dissociated from the ancient discipline, but if such regulation existed it met with scant recognition. All the offences subjected to the Inquisition were constructively heretical, and there never seems to have been any discrimination exercised between them. Indeed, we have seen that the lash was especially indicated for heretics who were tardy or variable in their confessions, and Judaizers are constantly seen to be subjected to it.

Scourging was a favorite penalty which was lavishly and often mercilessly employed. In the Saragossa auto of June 6, 1585, out of a total of seventy-nine penitents, twenty-two were scourged; in that of Valencia, in 1607, of forty-seven penitents, twenty-four received the lash.[3] This, however, exceeds the average. The Toledo reports, from 1575 to 1610, present a hundred and thirty-three cases of scourging which, allowing for a break in the record, give about four per annum.[4] On the other hand, a collection of autos de fe celebrated between 1721 and 1727, embracing in all nine hundred and sixty-two cases, affords two hundred and ninety-seven sentences of scourging, or about thirty per cent.[5] When

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[1] Pablo García, Orden de Processar, fol. 41.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 31, fol. 2.—Bibl. nationale de France, fonds espagnol, 354, fol. 242.—Bodleian Library, Arch. Seld. I. 1.—Olmo, Relacion del Auto, pp. 294–5.

The Roman Inquisition was more merciful. Not only was scourging much lighter than in Spain and less frequently prescribed but, by a decree of Feb. 23, 1641, it was commuted when the offender had sisters, daughters or grandchildren of respectable position. It was also spared to women who had husbands or marriageable daughters.—Collectio Decretor. S. Congr. Sti Officii, p. 358; Ristretto cerca li Delitti più frequenti nel S. Offizio, p. 53 (MSS. *penes me*).

[2] Archivo de Simancas, Inquisicion, Visitas de Barcelona, Leg. 15, fol. 20.

[3] Danvila y Collado, Expulsion de los Moriscos, pp. 208–16.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 10.

[4] MSS. of Library of Univ. of Halle, Yc, 20. T. I.

[5] Royal Library of Berlin, Qt. 9548.

we recall that, in the list of officials reported by Murcia, in 1746, there figures Joseph García Bentura as *notario de açotaciones*—a notary of scourgings—to keep record of the stripes, with a salary of about 2500 reales, we realize how prominent a feature it was in inquisitorial penology.[1] The brutalizing effect on the populace of these wholesale exhibitions of flogging, especially of women, can readily be estimated.

The usual number of lashes prescribed was two hundred, though in occasional cases a hundred sufficed. In the two hundred and ninety-seven just alluded to, two hundred and ninety were of two hundred lashes and only seven of one hundred. It was rare that two hundred were exceeded in any one infliction, though sometimes it was mercilessly duplicated, as in the Seville auto of September 24, 1559, Martin Fernando Saldrian, a shepherd, for blasphemy was scourged in Seville and again in his native town; Alonso Martin of Carmona, for Lutheranism, was scourged in both Seville and Carmona and Juan de Aragon of Málaga, who had pretended to be a familiar, was scourged in Málaga and again in the scene of his offence.[2]

Probably two hundred lashes were about the limit of safety, especially with those enfeebled by prolonged incarceration, for the infliction was excessively severe. We hear of Margarita Altamira reduced to such extremity after a scourging that the viaticum was administered to her.[3] There was no mercy for age or sex. In the Valencia auto of January 7, 1607, Isabel Madalina Conteri, a Morisca girl of 13, after overcoming torture, had a hundred lashes, Jayme Chulayla, a Morisco of 76, who had been tortured, had a hundred and the same was administered to Francisco Marquino, aged 86 for sorcery in treasure-seeking, while Magdalena Cahet, aged 60, who had escaped torture on account of heart-disease, was not spared a hundred.[4]

As the eighteenth century advanced there appears to be more readiness to remit the execution of sentences of scourging on account of age and infirmities and of "accidentes," which probably mean crippling by torture. Then there developes a tendency to spare women and finally men; the sentences continue to be pronounced, but they are remitted by the inquisitor-general. In

[1] See Appendix to Vol. II.

[2] Archivo de Simancas, Hacienda, Leg. 25, fol. 2.

[3] Proceso contra Margarita Altamira, fol. 40 (MSS. of Am. Philos. Society).

[4] Archivo hist. nacional, Inquisicion deValencia, Leg. 2, n. 10, fol. 37, 54, 55, 74.

1769, at Toledo, Gerónimo Clos, for bigamy, was pardoned the two hundred lashes of his sentence, which could not have been for infirmity, as he was not released from hard labor for five years in the royal works at Cartagena.[1] From this time scourging may be regarded as obsolescent and soon to become obsolete. Under the Restoration, from 1814 to 1820, in the *votos secretos*, there is not a case in which the lash was inflicted, for when included in the sentences, it was always remitted by the Suprema.[2]

The clergy, of course, were not subjected to the disgrace of public scourging. In their cases it took the form known as a circular discipline, administered in a convent by all the inmates in turn.

VERGÜENZA.

Vergüenza, or shame, was the same as scourging, with the lashes omitted. The culprit, stripped to the waist and with the *pié de amigo*, was paraded through the streets, with the insignia of his offence, while the town-crier proclaimed his sentence. It was naturally regarded as less severe than scourging and was sometimes substituted for the latter, when the penitent was too aged or feeble to endure the lash. For the beldams and ruffians who were often its subjects it could have had but few terrors, but it was greatly dreaded by those of sensitive nature. The inquisitors took little count of this, when dealing with Judaizers and Moriscos, who had a keen sense of personal dignity, and Pedraza informs us that those exposed to it regarded death as a mercy, preferring to die rather than to endure a life of infamy.[3] To young women the exposure was especially humiliating, yet, on the whole, it may be regarded as more humane than the pillory of our forefathers, for the penitent was not exposed to the missiles of a brutal populace.

Vergüenza was a comparatively infrequent punishment. In the Toledo reports of 1575–1610 it occurs in but twenty-six sentences, which may be compared with the hundred and thirty-three scourgings, and the records of the same tribunal from 1648 to 1794 present but ten vergüenzas to ninety-two scourgings. In the very severe series of autos de fe between 1721 and 1727, the comparison is thirteen to two hundred and ninety-seven.

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[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Archivo de Simancas, Inquisicion, Lib. 890.

[3] Pedraza, Hist. eccles. de Granada, P. IV, Cap. 129 (Granada, 1638).

MORDAZA.

The *mordaza* or gag, as we have seen, was regarded as increasing greatly the severity of the infliction of which it formed part. It was sometimes used in scourging and vergüenza, when the so-called penitent was a hardened blasphemer or likely in some way to create scandal. It was likewise employed in the autos de fe, on pertinacious and impenitent heretics of whom it was feared that they might on their way to the stake produce an impression on those not firm in the faith.[1] Its use was not frequent, although, in the dread inspired by Protestantism, in 1559, at the great Seville auto of September 24th, twelve of the victims wore the mordaza. There were also twelve thus gagged in the Madrid auto of 1680, but these numbers were exceptional.[2]

THE GALLEYS.

Enslavement in the galleys, to labor at the oar, would appear to be even more incongruous than scourging as penance for spiritual offences. It was a Spanish device, unknown to the elder Inquisition, and had its origin in the thrifty mind of Ferdinand. We shall presently see how exercised were the monarch and the Holy Office over the problem presented by the maintenance of those condemned to the canonical penalty of perpetual prison, and Ferdinand, whose Sicilian possessions required a powerful navy, bethought him of the expedient of utilizing his able-bodied prisoners to man his galleys—the galley propelled by oars being as yet the equivalent of the modern battle-ship. Galley-service was recognized as so severe that the old fueros of Aragon forbade it under heavy penalties, except with the free assent of the individual, and it was not until the curtailment of ancient privileges, in the Córtes of Tarazona in 1592, that judges were permitted to use it as a punishment for robbers.[3] In Castile, the pressure for slaves to man the galleys is indicated by a royal cédula of November 14, 1502, commuting the death-sentence of criminals in the secular

[1] Simancæ de Cath. Instt. Tit. XLVIII, n. 6.—Pablo García, Orden de Processar, fol. 31.

[2] Archivo de Simancas, Hacienda, Leg. 25.—Olmo, Relacion del Auto, p. 104.

[3] Fueros de Aragon, fol. 164, 204, 220, 238 (Zaragoza, 1624).

courts, and ordering them to be sent to the galleys.[1] It was probably about this time that Ferdinand turned to the Inquisition, which was bound by no laws, for relief from overcrowded prisons and undermanned galleys. Even the callous morality of the age seems to have been shocked at this and, as usual, the sanction of the Holy See was sought for the iniquity. It was of course granted, and Alexander VI, in a brief addressed to the inquisitors, May 26, 1503, recited that Ferdinand and Isabella had represented to him that those condemned to perpetual prison relapsed into heresy; that there was a lack of prisons in which they could be confined without perverting others, and that multiplication of prisons would lead to dissemination of heresy; that their power to commute imprisonment into other perpetual punishment had been called into question, and that they had asked him to provide a remedy. As the chief solicitude of the inquisitors should be the prevention of relapse, he therefore empowered them to change the perpetual prison of penitents into other penalties—deportation to the colonies, or imprisonment in the royal galleys, where, in perpetual confinement, they might render enforced service, or to any other perpetual punishment, according to their quality and offences.[2]

That full advantage was taken of this there can be no doubt, to the relief of the prison funds and the facilitation of the conquest of Naples. We chance to hear of the transfer at Barcelona, January 24, 1505, of nineteen prisoners from the gaol of the Inquisition to the galleys of Ramon de Cardona, which we may fairly accept as an example of what was on foot everywhere.[3] In fact, the eagerness of the tribunals to disembarrass themselves of their prisoners seems to have led to their discharging on the galleys those in every way unfit for the service, for the Suprema was obliged, in 1506, to declare that men over 60, clerics and women were exempt from the punishment of the galleys.[4] Even Ferdinand himself, towards the close of his career, seems to have shrunk from the responsibility of openly authorizing an extension of this heartless business for when, in 1513, the Inquisitor of Sicily asked permission to send to the galleys those condemned to perpetual

[1] Archivo de Sevilla, Seccion primera, Carpeta v, n. 41 (Sevilla, 1860).

[2] Bulario de la Orden de Santiago, Lib. II, fol. 130.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, n. 16, fol. 292.

[3] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 166).

[4] MSS. of Royal Library of Copenhagen, 218^{b}, p. 187.

prison, Ferdinand threw the decision back on him; to build prisons will cost much money, he said, but the galleys may deter men from confessing their heresy; the inquisitor is therefore to think the matter over and do what he deems best.[1] The conclusion reached is unknown, but we may reasonably surmise that the Palermo tribunal did not waste its funds in constructing prisons.

Ferdinand's hesitation seems to have been shared by Charles V for, in 1527, the Suprema ordered that penitents should not be sent to the galleys but should have other penances.[2] The motive for this humane provision, however, did not long withstand the more pressing economical considerations. In 1529, Rodrigo Portuondo, captain-general of the galleys, was instructed that no one sent to them by the Inquisition should hold any office or administration, or have charge of the rations, showing that the prohibition had been rescinded.[3] Apparently the superior intelligence of the penitents had rendered them more useful as petty officers and accountants than as slaves of the oar, but this alleviation of their misery did not satisfy the spirit of persecution and it was probably to prevent it that the formula of the sentence was service at the oar without pay—unless, indeed, the penitent was of gentle blood, in which case he could he sent to serve as a gentleman or as a soldier.[4]

We have already seen to what profitable account the Inquisition turned the power which it had assumed to grant dispensations from this abhorrent servitude, and a case in 1558 indicates how it guarded against any invasion of its prerogative. Philip II was led to interest himself in the case of Andrés de Frias, condemned to the galleys, and asked to have him dispensed from the remainder of his term. To this the Suprema demurred, saying that the statement of Frias was untrue, for in Rome he had treacherously stabbed to death the procurator of the Inquisition, Doctor Puente, after dining with him and promising to sup with him; moreover the seventeen months which he claimed to have served had not been as a galley-slave, as required by his sentence. Still, if he would present himself and manifest repentance there might

[1] Archivo de Simancas, Inquisicion, Lib. 3, fol. 238.

[2] Ibidem, Lib. 76, fol. 71.

[3] Mem. histórico español, VI, 501.

[4] Pablo García, Orden de Processar, fol. 41.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

be opportunity for the king to show him mercy, but otherwise it would greatly impair the authority of the Inquisition.[1]

Philip was not given to interceding for those sent to his galleys, for galley-slaves continued to be in great demand. In 1567 the Venitian envoy, Antonio Tiepolo, explains the weakness of the Spanish navy by the fact that its galleys were manned with slaves and *forçats*, who were not numerous enough to keep many galleys at sea. It would be, he says, impossible to man them with freemen, as in Venice, for no one would serve voluntarily, as the ill-treatment of the crews is notorious and their dying for lack of the necessaries of life.[2] It is true that there was a curious source of supply, besides the ordinary criminals and heretics, for the prelates of the religious Orders were accustomed to condemn their peccant brethren to the galleys, from the same economical motive that had actuated Ferdinand—to save the expense of maintaining them in prison.[3] Still, the needs of the armadas were pressing; Philip turned to the Inquisition for aid, and, in 1567, the Suprema issued two decrees intended to assist in manning the royal galleys. One bore that sentences must not be for less than three or four years, for otherwise the penitents cost the king more than the service he got from them, and this was enforced by a royal cédula of 1584.[4] The other suggested—suggestion being equivalent to an order—that sentences to the galleys could be substituted for those to prison and sanbenito. The practical deduction drawn from this is expressed by a writer of the period, who says that, if the accused confesses but does not satisfy the evidence, he is to be tortured and, if he still fails to satisfy the evidence, it is customary to send him to the galleys, but this must be for not less than three years.[5] To appreciate fully this atrocity, it must be borne in mind that torture could only be used in cases of doubt where the evidence was defective, so that, besides the torture the victim was sent to the galleys for suspicion of heresy.

Even this did not satisfy the royal exigency and a further inex-

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[1] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 228.

[2] Relazioni Venete, Serie I, T. V, p. 140.

[3] Bledæ Defensio Fidei, p. 310.

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 119; Lib. 962, fol. 25.—Elucidationes Sti Officii, § 6 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 65, 66.

[5] MSS. of Royal Library of Copenhagen, 218b, p. 187.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 299, fol. 80.

cusable step was taken. We have seen that tardy and imperfect confessions were visited with scourging and sometimes with the galleys, while the *buen confitente*, who confessed promptly and freely, was allured with promises of special consideration and mercy. Yet, in 1573, the Suprema issued a carta acordada ordering that Conversos, even when *buen confitentes*, should be sent to the galleys, and this it repeated in 1591, with injunctions for its enforcement.[1] The name of religion has not often been more brutally prostituted than in these provisions, and their success may be measured by a report of the inquisitors of Saragossa to Philip, of an auto celebrated June 6, 1585, in which they call his special attention to their zeal in furnishing him with twenty-nine galley-slaves for six years, besides three left over from a previous auto—and this in Aragon, which forbade galley-service as a punishment for the most heinous crimes.[2]

The galley-captains naturally were not punctilious in discharging the men when their terms had expired, giving rise to perpetual friction. The sentence ordinarily was to a term of prison or exile, of which the first three years or more were to be passed at the oar, and this was set forth in the certificates given to the penitents. The tribunals kept watch over them, and demanded their return to serve out the rest of their sentences, but this was not an easy task. The vigilance exercised is illustrated by a royal cedula addressed to the captain of a galley, ordering him to release two men whose terms had expired, and warning him that in future all such persons were to be returned to the tribunal that had sentenced them.[3] This was followed, in 1568, by general instructions to Don John of Austria, as Captain-general of the Sea, and to all captains of galleys, reciting the complaints of the Sicilian tribunal that its reclamations of its penitents were not complied with, and ordering their restoration to their tribunals without waiting for demands.[4] This was ineffectual and, in 1575, we find the Barcelona tribunal instructed to prosecute the captains who impede the discharge of those who had served out inquisitorial sentences.[5] The trouble was perennial and, in 1645, we have a formula of

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 5, n. 1, fol. 285, 329.

[2] Bibl. nacional, MSS., PV, 3, n. 20.

[3] Archivo de Simancas, Inquisicion, Lib. 10, fol. 1.

[4] Archivo de Simancas, Inquisicion, Lib. 10, fol. 5.—Franchina, Breve Rapporto del Trib. della S. S. Inq. di Sicilia, p. 189.

[5] Archivo de Simancas, Inquisicion, Lib. 82, fol. 148.

requisition for the return of the party specified, under pain of excommunication and of five hundred ducats, and the tribunal of the port where the galleys lie is requested to see to its execution. A significant note however adds that this is scantly courteous to such great men as the generals of the galleys, and that it is better to ask the tribunal of the port to procure the release by friendly negotiation.[1]

The cases could not have been infrequent in which men, utterly unfit for the privations and ill-usage of the galley-slave, were condemned to this hard service, and no doubt many perished in consequence. Yet exemptions on this ground were reluctantly admitted, if we may judge from a rebuke administered, in 1665, by the Suprema to the Barcelona tribunal, in a case where this was asked; the opinions of the physician and surgeon were insufficient; other professionals must be called in and examination be made as to the penitent's condition when, if it appears that he is unfit for the service, the sentence can be commuted to eight years of exile as proposed.[2] It is a marked expression of the humanitarian development of the eighteenth century that, even in the fierce persecution of its first quarter, in 1721 it was ordered that, before imposing a sentence to the galleys, the delinquent should be examined by the physician and surgeon and, if incapacitating weakness appeared, it should be mentioned in the vote of the consulta de fe that, in consequence of it, the sentence was commuted to irremissible imprisonment.[3] The succeeding autos show that this bore fruit in sundry commutations, although the alternative of irremissible prison was not observed, and less severe penalties were sometimes substituted.[4]

In the sixty-four autos de fe between 1721 and 1727, of which we possess details, there were ninety-two sentences to the galleys and seven to service in the presidios. There was a certain relation between the two. In the seventeenth century legislation on offences connected with the coinage, the galleys were provided for commoners and presidio service for gentlemen and, as the century drew to a close, we find the Inquisition no longer sending gentlemen to serve as soldiers on the galleys but to Oran, Ceuta,

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[1] Modo de Proceder, fol. 72 (Bibl. nacional, MSS., D. 122).
[2] Libro XIII de Cartas, fol. 116 (MSS. of Am. Phil. Society).
[3] MSS. of Royal Library of Copenhagen, 218b, p. 187.
[4] Royal Library of Berlin, Qt. 9548.

Gibraltar, Badajoz, Peñon and other royal works and garrisons.[1] In the eighteenth century Inquisition, the galleys for all classes were gradually supplanted by the presidio, if we include in the term enforced labor in the royal dock-yards and arsenals as well as in the African garrisons. Galleys were disappearing from the sea and, in the Inquisition, they were superseded by the *bagne*, in its various forms of hard work. In 1742, the Toledo tribunal condemned Rafael Nuñez Hernández, for certain errors, to eight years of exile of which the first five were to be passed serving the king in the unwholesome quicksilver mines of Almaden, and the last sentences to the galleys that I have met occur in 1745, when Nicholas Serrano was condemned at Toledo for bigamy to eight years of service in them, and Miguel Gutiérrez and Francisco García, at Valladolid, for relapse into Judaism, to ten years. After this the galleys may be said to be obsolete, even for bigamy, as is seen in a sentence of the Valencia tribunal in 1781.[2]

The presidio continued as a punishment under the Restoration, but cases were so rare that there was question as to the reception of the convicts in their places of destination. In 1818, the Seville tribunal sentenced three persons—two for propositions and one for bigamy—to two years' service in Ceuta or Melilla, and it asked the Suprema to get the minister of war to issue orders to the governors to receive them. The Suprema replied that this was the business of the tribunal; it must do as on former occasions, and if necessary could write to the governors. The *forçats* were duly received and, it is pleasant to add that, in six months, the Suprema humanely remitted the punishment in order that they might return and support their families. For this an order from the secretary of the Council of War was required and procured.[3]

For women, the equivalent of the galleys was service without pay in hospitals, houses of correction and similar institutions. Apparently these female convicts were not always regarded as desirable inmates and though, in the pre-revolutionary times, no opposition was ventured, under the Restoration there was sometimes difficulty in securing their admission. In 1819 the Seville tribunal appealed to the Suprema, representing that it had been

[1] Autos acordados, Lib. v, Tit. xxi, Auto 13.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[2] Archivo hist. nacional, *loc. cit.*; Inquisicion de Valencia, Leg. 16, n. 5, fol. 50.—Royal Library of Berlin, Qt., 9548.

[3] Archivo de Simancas, Inquisicion, Lib. 435[2].

unable thus to dispose of Juana de Luna, for the same reasons which it had experienced in the cases of Ana Barbero and Leonor Macias. The Inquisition inspired no such terror as of old, for the Suprema could suggest no means of overcoming the difficulty, and could only instruct the tribunal to devise some method of executing its sentences.[1]

It is not to the credit of the Roman Inquisition that it followed the example of the Spanish and included the galleys in its list of punishments. Carena, indeed, tells us that it was the most usual of all and was the customary penalty in a wide variety of offences.[2]

RECONCILIATION.

That reconciliation to the Church, which was represented as a loving mother, eager to welcome back to her bosom her erring children, should be regarded as a punishment, seems a contradiction in terms, yet so it was, and the Suprema did not hesitate to speak of those "who had been condemned to reconciliation."[3] It would not be easy to invent a more emphatic illustration of the perversion of the spirit of religion by persecuting fanaticism.

The apostate or the heretic, who had abandoned the Church after admission through the waters of baptism, could only be reincorporated by abjuring his errors and applying for reconciliation. In the case of Conversos, who secretly adhered to the Mosaic or Mahometan law, there could be no question as to this, nor was there with such heretics as Protestants. To what extent other errors might constitute formal heresy requiring reconciliation, or might infer suspicion of heresy, light or vehement, was a problem for the calificadores, and sometimes was an intricate one, for the gradations of theological error are infinite and subtile.

In the tumultuous proceedings of the early period when, under Edicts of Grace, penitents came forward by the thousand, confessing their errors and begging for reconciliation, the ceremony was naturally simple. Under the Instructions of 1484, the form

[1] Archivo de Simancas, Inquisicion, Lib. 435[2].

[2] Carenæ de Officio SS. Inquisit. P. III, Tit. xiii, § 3.

[3] Archivo de Simancas, Inquisicion, Lib. 942, fol. 15—"Los avitos de las personas que en tal auto se condenaron á reconciliacion."—Cf. Elucidationes Sancti Officii § 57 (Archivo de Alcalá, Hacienda, Leg. 244[2], Lib. 4).

described by Joan Andrea was to be used: the inquisitors declared that the penitent had been an apostate heretic, who had followed the rites and ceremonies of the Jews and had incurred the penalties of the law but, as he now says that he has been converted and desires to return to the faith, with a pure heart and faith unfeigned, and is ready to accept and perform the penances to be imposed, they must absolve him from the excommunication incurred through the said crime and must reconcile him to Holy Mother Church, if, as he says, he is converted to the holy faith truly and without fiction.[1]

No mention is made here of any subsequent ceremonies, although at least abjuration must probably have followed. When procedure was less hurried and there had been time for its elaboration, the process became impressive. The sentence recited that the penitent was admitted to reconciliation; that as penance he was to appear in an auto de fe, without girdle or cap, in a penitential habit of yellow cloth, with two red *aspas* or bands forming a St. Andrew's cross, and a candle in his hand when, after his sentence is read, he should publicly abjure the errors confessed and all other errors and apostasy, after which "we order him to be absolved and we absolve him from any excommunication which he has incurred and we unite and reincorporate him in the bosom and union of the Holy Mother Catholic Church, and we restore him to participation in the holy sacraments and communion of the faithful"—to which was appended a recital of the various punishments to which he was condemned. After the auto de fe was ended, the abjuration was administered. This was similar to the abjuration *de vehementi* already given and in it he consented, in case of relapse, to submit to the penalties of the canons. On the conclusion of this, he was formally absolved and the next day his abjuration was read over to him, with a warning that in case of relapse he would be burnt.[2]

As described in an account of the Madrid auto de fe of 1632, this ceremony was imposing. The penitents to be reconciled were brought before the inquisitor-general who was presiding. While they kneeled before him he read a short catechism, comprising the creed with some additions, to each question of which they answered "Yes, I believe." Then the secretary recited the abjuration, in which they followed him. The inquisitor-general

[1] Instrucciones de 1484, § 10 (Arguello, fol. 10).

[2] Pablo García, Orden de Processar, fol. 33–36.

then pronounced the exorcism and the customary prayers and the royal chapel chanted the Miserere, during which the chaplains of the Inquisition struck the penitents with rods on the shoulders. After this the inquisitor-general recited the customary verses and prayers and the royal chapel sang a hymn, while the black cloth was removed from the cross, which had been covered as a sign of mourning, and the inquisitor-general concluded the solemnities with a hymn.[1]

Superficially, there is nothing formidable in this reception of a wandering sheep back into the fold, but the serious aspect of reconciliation, justifying its characterization as a punishment, lay in the penalties which were virtually inseparable from it, and were customarily included in the sentence—imprisonment, sanbenito, confiscation and disabilities, with occasionally scourging and the galleys, some of which we have already considered while others will be treated hereafter. There was further the fact that the canons pardoned the heretic but once. If, after reconciliation, he was guilty of reincidence, there was no mercy for him on earth, although the Church in its kindness, would not close the portals of heaven on him and, if truly contrite, would admit him to the sacraments, although it would not spare him the stake.[2] The crucial question of relapse, however, will be considered in the next chapter and meanwhile it should be said that the Spanish Inquisition did not always enforce this cruel precept. In the later period second reconciliations were by no means infrequent, and, even in the earlier time, men sometimes shrank from the holocausts which the strict enforcement of the rule would have caused amid a population terrorized into suddenly forswearing their ancestral faith. In Majorca, under the Edict of Grace, there were three hundred and thirty-eight reconciliations, August 18, 1488, followed by ninety-six on March 26, 1490. Soon after this an Edict of Mercy was published, under which there were reconciled a second time no less than two hundred and eighty-eight of the previous penitents. One of these, Antonia, wife of Ferrer Pratz was even reconciled a third time, June 28, 1509. Scattering cases of second reconciliations can also be found elsewhere.[3]

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[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 6).

[2] Cap. 4 in Sexto, v, ii.—S. Th. Aquin. Summæ Sec. Sec. Q. xi, Art. 4.

[3] Archivo de Simancas, Inquisicion, Lib. 595.—Cf. D. Manuel Serrano y Sans, Revista de Archivos, Abril, 1902, p. 259.

There was a rule that the reconciled were not to be subjected to scourging or the galleys, even though they might have deserved them by varying and revoking confessions, but I cannot find that this was observed for, in both the earlier and later periods, cases as we have seen were numerous in which reconciliation was accompanied with these corporal punishments.[1] On the other hand, although the principle was absolute that reconciliation carried with it confiscation and perpetual prison, cases sometimes occur in which these penalties were lightened. In the Toledo auto of November 30, 1651, there were nine reconciliations, in which the accompanying punishments were mostly trivial—in one case the sanbenito was removed immediately on return to the Inquisition.[2]

It seems almost a travesty on solemn religious observances that effigies of the dead should be admitted to reconciliation but, as the grave afforded no refuge from the Inquisition, this was a logical outcome of the system, when a defunct heretic had recanted and sought reincorporation with the Church. As he could not be reconciled in person he had to be reconciled in effigy, especially as the sentence was necessary to secure confiscation of his estate. The only occasion of this was the death, during trial, of a prisoner who had confessed, professed conversion and received sacramental absolution on his death-bed. His trial would necessarily be continued and result in reconciliation, and the Inquisition saw no incongruity in parading his image before the people, and performing with it the solemn farce of reconciliation. There was a somewhat inexplicable instance in Majorca of three Judaizers, who had died in prison during their trials, in 1678, after manifesting the necessary signs of repentance; they were not included among the two hundred and twelve reconciliations, in the autos de fe of 1679, but, thirteen years afterwards, their effigies were reconciled in the auto of July 2, 1691 and no theologian seems to have asked himself what was their spiritual condition during this prolonged interval.[3] This reconciliation in effigy, was not, as Llorente states, an innovation introduced under Philip III, but was practised from the beginning, for there was an instance

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[1] MSS. of Royal Library of Copenhagen, 218b, p. 336.—MSS. of Library of Univ. of Halle, Yc. 20, T. I.—Royal Library of Berlin, Qt. 9548.

[2] Rojas de Hæret. P. I, n. 115–16.—Bibl. nacional, MSS., S, 194, fol. 267.

[3] Garau, La Fee triunfante, pp. 113–14.

of it in Beatrix Sener, deceased, thus reconciled May 2, 1499, at Barcelona.[1]

Apparently the age of responsibility was the only minimum limit in reconciliation. In the Madrid Auto of 1632, Catalina Méndez, a child of 12, was reconciled with sanbenito and six months' imprisonment. At Toledo, in 1659, Beatriz Jorje and Ana Pereira, Portuguese Judaizers each ten years old, were reconciled; the former had her sanbenito removed at once; the latter was sentenced to confiscation and four months of prison.[2]

Reconciliation brought with it one alleviation, for the reconciled, as penitents, were entitled to the fuero of the Inquisition. This was derived from the penitential system of the Middle Ages, which deprived the penitent of bearing arms during the long series of years for which penance was imposed, and no one could be expected to assume it unless protected by the Church against his enemies. In this the Inquisition stood in the place of the Church, and cast its jurisdiction over its penitents during their term of penance. In 1501, we find a certain Pan Besante of Teruel, a *reconciliado*, to whom Ferdinand had restored his confiscated property, complaining to the king that he was persecuted and maltreated by his debtors and his neighbors, and that the inquisitors, to whom he had appealed for protection, neglected to aid him, whereupon Ferdinand promptly ordered them to come to his assistance, to enforce, by their officials, the payment of his just claims and to punish the aggressors.[3] So far was this carried that at Granada, in 1654, the reconciled penitents had an advantage in trade over the faithful, by claiming exemption from the *alcavala*, or royal tax on sales. When the citizens complained of this discrimination, the fiscal of the tribunal admitted that the question was a difficult one; to subject the penitents to the royal jurisdiction would give rise to great embarrassments, yet at the same time the inquisitorial jurisdiction ought to be a punishment and not a reward.[4] That it was a reward we have seen from the eagerness with which it was claimed by all who could put forward the slenderest pretext.

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[1] Llorente, Hist. crít. Cap. xxxviii, Art. 1, n. 15.—Carboncll de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 146).

[2] Relacion del Auto de 1632 (Bodleian Library, Arch. Seld. i, 1).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

[3] Archivo de Simancas, Inquisicion, Lib. 1.

[4] Ibidem, Inquisicion de Granada, Expedientes varios, Leg. 2.

THE PERPETUAL PRISON.

Imprisonment for life was the penance imposed by the canons on the heretic who, under the persuasive methods of persecution, sought reconciliation to the Church. It was so decreed, indeed, by pope and emperor before the Inquisition was organized, and that institution relentlessly enforced the laws. That the Spanish Holy Office should accept it was a matter of course. Its expense, however, had proved a source of tribulation in the thirteenth and fourteenth centuries, and it was none the less so in Spain for, large as were the confiscations and pecuniary penances, they were squandered as fast as they accrued. In Torquemada's supplementary Instructions of December, 1484, the receivers are ordered to provide for the maintenance of the prisons, which shows that the sovereigns admitted their responsibility,[1] but, in the chronic financial disorder of the time, no regular provision was made, either for their establishment or support. It is true that, in 1486, at the earnest request of the inquisitors of Saragossa, Ferdinand ordered the receiver to construct a perpetual prison, in accordance with their desires, but it is safe to assume that he prudently postponed replying to their inquiry as to the maintenance of the captives.[2] In 1492, when the tribunal sentenced Brianda de Bardaxí to five years' imprisonment, it was to the tower of Saliana and this, in a few days, was changed to the convent of Santo Sepolcro in Saragossa.[3] In fact, for want of prisons, the custom was general of consigning reconciled penitents to strongholds, hospitals, convents, or even to their own houses—the latter presumably being such shelter as friends or kindred could afford to those who had been stripped by confiscation. The Instructions of 1488, indeed, authorize inquisitors, in view of the multitudes condemned to perpetual imprisonment and the lack of prisons, to designate to the penitents their houses, where they must confine themselves under the penalties provided by the laws. But this, it was added, was only meant to be temporary, and the sovereigns were supplicated to order that, at each tribunal, the receiver should provide a large enclosure with little huts and a chapel, where the prisoners could hear mass and could each work

[1] Vol. I, Appendix, p. 575.—Arguello, fol. 19.

[2] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 102. See Vol I, p. 567.

[3] Bibliothèque nationale de France, fonds espagnol, 80, fol. 168–9.

at his trade and earn his living, and thus relieve the Inquisition from heavy burdens, due care being taken to keep the sexes apart.[1] The only answer to this prayer seems to have been the device of relieving the prisons for the benefit of the galleys.

The laxity of quartering penitents on public institutions or in private houses led to impracticable rules in the effort to counteract its evils. An instruction issued about this time by the Suprema orders that no one be admitted to reconciliation without condemning him to confiscation and perpetual prison, if he has been a heretic, and those thus condemned must perform their penance most rigidly, not speaking with any one except on the days when they go to mass and hear sermons; on other days, both in going out and in eating, they must show themselves true penitents, holding no intercourse with wives and children.[2] This seems to have received scant obedience and, in 1506, the Suprema ordered that sanbenitos be placed on all prisoners, and that they must not leave their houses and then, in 1509, it prescribed that perpetual prisons must be provided. Apparently this was partially successful, for it was followed by instructions that all who had been or should be condemned must be placed in them, where they can ply their trades, or their kindred can supply them with food, or they may beg alms for their support. Thus, in 1510, Llerena selected two pairs of houses for the purpose, which Ferdinand ordered the governor of Leon to have appraised. Cuenca also seems to have obtained a prison, but an inadequate one, for in 1511 the Suprema authorized the tribunal to permit all the sick, and all who had been confined for two years, to betake themselves to their homes. Where such prisons existed the discipline must have been exceedingly lax for, in 1512, the Suprema issued a general provision empowering the tribunals to allow the destitute occupants of the perpetual prisons to go out by turns to beg in the cities, but they must wear their sanbenitos and return by nightfall, under penalty of relapse, and this was repeated in 1513. Then the further effort to provide prisons seems to have been abandoned for, in 1514, Ximenes issued an order permitting the reconciled to fulfil their penances in their own homes.[3]

This fluctuating policy and the extraordinary laxity which it

[1] Instrucciones de 1498, § 14 (Arguello, fol. 11). Cf. Archivo de Simancas, Inquisicion, Lib. 933.

[2] Archivo de Simancas, Inquisicion, Lib. 933.

[3] Ibidem, Lib. 939, fol. 96, 116, 114; Lib. 933; Lib. 3, fol. 57.

reveals were not due to any humanitarian impulses. It was simply a continuous effort to shirk the responsibility of maintaining those whose property had been confiscated, and who were required by the canons to be incarcerated for life. The Inquisition obtained the plunder, it inflicted on its victims disabilities, which increased enormously the difficulty of self-support, it rendered them odious to the population by making them wear the sanbenito, it was in duty bound to provide prisons where they could be immured and prevented from infecting the community, but it neglected this duty and virtually told them that they might beg or starve. That death by starvation, indeed, was not uncommon is asserted in the project of reform drawn up, in 1518, by order of Charles V.

Still the tribunals seem to have made some progress in providing themselves with penitential prisons for, in 1524, the Suprema deemed it worth while to order that they should be inspected monthly, and the results be recorded in a book to be kept for that purpose.[1] By no means all had done so however. Barcelona, which occupied the royal palace, had found room there, in 1489, for its penitents, and in 1544 we hear of Gerónimo de Quadras as alcaide, on a salary of fifty ducats, out of which he was to pay for a person to conduct the prisoners to mass and to bring them back. Valencia was less advanced, for it could have had no prison in 1540, when it sentenced three women to keep as a prison such place as should be designated to them, but in 1546 it secured the services of Gerónimo de Quadras as alcaide, at a salary of thirty ducats. In 1550, however, he complained that he had never received his pay and, in 1554, we find the perpetual prison of Brianda de Garcete commuted to confinement in her own house, or other designated place, which would indicate that the attempt to establish a prison had been abandoned.[2] In 1553, Logroño apparently had none, for it assigned, to Juan Prebost, Bilbao and two leagues around as a prison, with the sanbenito.[3] This need not surprise us for, if in some tribunals there was an attempt to provide a perpetual prison, it was exceptional. In 1537 the Suprema had formally declared that it would be a novelty to support the penitents at the cost of the fisc; this could not and ought not to be done; there was no objection to their performing

[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 90.

[2] Ibidem, Sala 40, Lib. 4, fol. 137, 202, 218.—Archivo hist. nacional, Inquisicion de Valencia, Leg. 382.

[3] Archivo de Simancas, Inquisicion, Sala 40, Lib. 4, fol. 217.

their penance in their own homes and the tribunals could arrange it accordingly. A few months later this was repeated; the reconciled could be sent to their houses to perform their penance, if they had no other means of support.[1]

At length the Instructions of 1561 endeavored to introduce some system in this scandalous state of things. The sentence of reconciliation condemned the penitent to prison and sanbenito for a specified term, during which he was to wear the *abito* publicly over his other garments; he was to be confined in the perpetual prison, going to mass and sermon on Sundays and feast days, and on Saturdays performing certain devotions at a designated shrine.[2] To enforce this discipline the Instructions stated that, as many tribunals had no perpetual prison, houses should be bought for the purpose as, without them there were no means of knowing whether the reconciled performed their penance. The alcaide should help them in their necessity by giving them materials to work at their trades and help to support themselves, and the inquisitors should visit the prison several times a year.[3] This seems to have been followed by an effort to induce the tribunals to provide prisons, for, in 1562, Toledo was taken to task for having none. It not only did not supply the deficiency but demurred to the suggestion that it should at least furnish a person to see that the penitents performed their penance, and it was told that for three or four thousand maravedís of extra pay the portero could attend to this.[4]

In 1570 the Suprema resumed the attempt to bring about this much needed reform. It told the tribunals that they could rent houses until they should be able to purchase, and they must appoint proper persons as alcaides to keep watch over the penitents.[5] The result of this pressure was gradual. In 1577 the Cistercian convent of Santa Fe, in Saragossa, made formal complaint to the pope of the number of penitents quartered upon it, and Cardinal Savelli, the head of the Roman Inquisition, interposed with the Suprema to relieve it of this oppression.[6] It was not until 1598 that the Mexican tribunal, nearly thirty years after its foundation,

[1] Archivo de Simancas, Inq., Lib. 939, fol. 116, 119.
[2] Pablo García, Orden de Processar, fol. 34.
[3] Instrucciones de 1561, §§ 79, 80 (Arguello, fol. 38).
[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 116.
[5] MSS. of Royal Library of Copenhagen, 213 fol., p. 111, 141.
[6] Bibl. nacional, MSS., D, 118, fol. 108, n. 38.

built a capacious prison adjoining its own structure.[1] In 1600, for the first time, there is an allusion in the Toledo record to a "carcel de la peniténcia" and, in 1609, Valencia was busy in erecting one at a cost of 5110 libras; it had been planned to have three floors, but was economically reduced to two.[2] Whether all the tribunals yielded to the pressure and established penitential prisons it would be impossible to say, but they probably did so, if only in some perfunctory fashion that justified the appointment of an alcaide. Simultaneously with this there came a change in the name, and the *carcel perpetua* was known as the *casa de la penitência* or *de la misericórdia.*

It does not follow that the establishment of prisons was attended with any increased strictness of discipline. The Inquisition persistently refused to accept the burden of supporting its prisoners and left them to shift for themselves. Where prisons existed there were few penitents in them, although condemnations to imprisonment were frequent and, in 1641, Philip IV conceived the idea of liberating them all. The Suprema sent his decree to the tribunals with orders to report whether they had any prisoners and what were their cases, to which Valencia replied that it had one, imprisoned for persistent sorcery, whereupon the Suprema ordered the sentence to be commuted and the prisoner to be discharged.[3]

The royal project fell through. All prisons were not as empty as that of Valencia and a discussion occurring, in 1654, at Granada, to which allusion has already been made, illustrates the character of the imprisonment rendered necessary by the refusal to support the prisoners. They gained their living chiefly by hawking goods around the city; this at length aroused the shopkeepers, and the corregidor represented to the tribunal that scandals were occasioned by their entering houses and committing indecencies; there was loss to the king for, as penitents, they were not subject to the *alcavala* and other imposts; thus favored they undersold the

[1] Obregon, México viejo, 1e Serie, p. 193.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—MSS. of Elkan N. Adler Esq.

Valencia already had a prison of some sort, of evil repute, as set forth by Fray Nicolas del Rio, in 1606, in a memorial to the Suprema. The prisoners are all Moors, who live there in the full enjoyment of their religion; all women there become debauched, so that they can no longer be placed in it.—Boronat, Los Moriscos españoles, II, 449.

[3] Archivo hist. nacional, Inquisicion de Valencia, Leg. 9, n. 2, fol. 71, 78.

shopkeepers, who had lost half of their trade, while the penitents grew rich, for they came almost naked from the secret prison and, in a short time, they were well clothed and enriched. The tribunal admitted the force of this and, on December 24, 1654, issued an order that, for two weeks, they might cry their wares through the streets, but not enter houses, and subsequently be restricted to selling in shops. At this the prisoners complained bitterly of the deprivation of a privilege of long standing in all places where there was a tribunal, for without it they could not earn a living or support their wives and families. Thereupon the fiscal, Doctor Joseph Francisco Cresco de Escobar, seeing that both sides would appeal to the Suprema, printed for its enlightenment a memorial which reveals to us the character of penitential imprisonment. He states that, in accordance with the Instructions of 1488, the tribunals had provided penitential prisons, the one at Granada being of ample capacity for the observance of the Instructions of 1561. He quotes the canons and conciliar decrees to show that recanting heretics are to be immured for life, whence he argues that the prison should be afflictive and penal. Now, however, it is only nominal; the so-called prisoners go out at all hours of the day, without restriction, without a companion, without labor save what they voluntarily undertake, all of which is liberty and not captivity. They wander at will through the city and suburbs, they amuse themselves at the houses of their friends, they spend, if they choose, only part of the night in the prison, which serves them as a comfortable lodging-house, free of rent. The Instructions require that the alcaide shall see that they perform their penance, but this has become impossible, and there are no means of restricting their intercourse with the faithful. As for their plea that they leave the secret prison broken in health and stripped of their property, that they have no chance to learn trades and must support their families by trading, the answer is that only through the mercy of the Holy Office do they escape burning, and they should be thankful that their lives are spared; their poverty is a trifling penalty for their crimes, and their children only share the punishment of paternal heresy.[1]

With all this laxity, there was a pretence of maintaining the old rigor, which regarded prison-breaking as relapse, but the real offence lay in the fugitive throwing off the sanbenito. There seems

[1] Archivo de Simancas, Inquisicion de Granada, Expedientes varios, Leg. 2.

to have been little desire to recapture those who absented themselves, for the formula of the mandate to search for and arrest fugitives only concerns itself with those who escape from the secret prison and who thus are still on trial,[1] but when from any cause penitents were returned to the tribunal, their treatment is exemplified in the case of Juan González, who escaped from the *casa de la penitência* of Valladolid, July 3, 1645. His story was that, having gone out to collect some money due to him, he gambled it away, got drunk, went to sleep under the walls of the Carmelite convent in the suburbs and, on awaking next morning and fearing punishment, he wandered away, throwing off the sanbenito and seeking work. Thus he reached Irun and designed passing into France, but was recognized by a priest who had seen him in Valladolid; he was handed over to the commissioner and was passed from familiar to familiar till he was lodged in the secret prison of Valladolid. The fiscal claimed that his flight and throwing off the sanbenito proved him to be an impenitent and pertinacious relapsed into Judaism who must be relaxed, but his sentence was only two hundred lashes and irremissible prison.[2]

Sentences to imprisonment continued as usual, but growing indifference as to providing for their execution is indicated by a correspondence between Barcelona and the Suprema in 1718. At that time the tribunal had but four cases under trial; it still occupied the ancient royal palace but, after it had condemned for Judaism María Meneses to irremissible, and her daughter Catalina de Solis, to perpetual prison, it did not know what to do with them and applied for instructions. There was, it said, no penitential prison nor could it find that there ever had been one, neither was there an alcaide; it possessed no house that could be used for the purpose, and no official could be spared from his other duties. The Suprema replied by inquiring whether there was a prison for familiars in which a room could be used for the women, or whether some little house near the palace could be had and some official or familiar could serve as alcaide. The tribunal rejoined negativing the proposed use of the prison for familiars; it would see whether a house could be had, but there was no money for the purpose; as for the officials, they were all fully occupied and no one would take the position without salary. This

[1] Modo de Proceder, fol. 74 (Bibl. nacional, MSS., D, 122).

[2] Archivo de Simancas, Inquisicion, Leg. 552, fol. 33.

the Suprema met with a peremptory order to rent a little house and appoint an alcaide at the ordinary wages. Under this pressure some kind of provision must have been made for, in an auto of January 31, 1723, the tribunal condemned four Judaizers to irremissible prison.[1]

During the recrudescence of persecution at this period, the number of condemnations to imprisonment was large; in the Granada auto of December 21, 1720, there were twenty-seven and, in sixty-four autos between 1721 and 1727, there were seven hundred and forty.[2] How these numerous prisoners were accommodated it would be difficult to guess, for the neglect of the penitential prisons was progressive and, in the census of all the tribunals, about 1750, but three reported to have alcaides—Córdova, Granada and Murcia.[3] It does not follow that others had not prisons, but only that they had no prisoners and cared to have none. For instance, in 1794, when the Suprema inquired of Valencia whether its prison would suit for the priest Juan Fernández Sotelo, whose health required a change from the convent where he was recluded, the tribunal craftily replied that its prison was constructed with cells and dungeons and that, in the eyes of the people, confinement in it produced infamy, so that quarters for Sotelo had better be found in some convent in the suburbs. Apparently it forgot all this when, in 1802, it complained that the salaries of its secretaries had not been raised in 1795, while that of the alcaide of the penitential prison had been increased from a hundred and twenty to twenty-two hundred reales, although he had nothing to do, and enjoyed the use of a house in the prison as good as those of the inquisitors.[4]

In fact, by this time penitential imprisonment was virtually obsolete. After the subsidence of the active persecution of Judaism, the Toledo tribunal which, in 1738, pronounced twelve sentences of prison, did not utter another until 1756. Then a long interval occurs, of thirty-eight years, before the next one, which was for heretical propositions.[5] It would not, perhaps, be safe to say that, in the concluding years of the Inquisition, this form

[1] Archivo de Simancas, Inquisicion, Sala 39, Leg. 4, fol. 80.—Royal Library of Berlin, Qt. 9548.

[2] Bibl. nacional, MSS., Bb, 122.—Royal Library of Berlin, Qt. 9548.

[3] Archivo de Simancas, Inquisicion de Corte, Leg. 359, fol. 1.

[4] Archivo hist. nacional, Inquisicion de Valencia, Leg. 4, n. 3, fol. 84, 260.

[5] Ibidem, Inquisicion de Toledo, Leg. 1.

of punishment was wholly unknown, but no cases of it have come under my observation.

There was the same reduction in the duration of imprisonment as in its severity, owing presumably to the same economical motive. As we have seen, the medieval Church recognized only lifelong imprisonment as the fitting penalty for the heretic who saved his forfeited life by recantation and, in recognition of this, the penitential prison in Spain was officially known as the perpetual prison, the sentences being always for perpetual imprisonment. At a very early period, however, it was clearly recognized that the literal enforcement of this was a physical impossibility. Bernaldez tells us that in Seville, up to 1488, there had been five thousand reconciled and condemned to perpetual imprisonment, but they were released after four or five years with sanbenitos and these were subsequently removed to prevent the spread of infamy throughout the land.[1] At Barcelona the tribunal had scarce been established, when we find it drawing a distinction in its sentences to perpetual imprisonment, some being *cum misericordia* and others *absque misericordia*—thus anticipating the so-called "irremissible" perpetual prison—and from the sentences it would appear that "without mercy" was exceptional.[2]

This inevitable laxity provoked opposition on the part of the more rigid authorities and, in 1509, while Ximenes was in Oran, there was a discussion on the subject in the Suprema, when we are told that his temporary representative, Rojas Archbishop of Granada, stood alone against the other members.[3] What was the nature of the decision is not recorded, but it probably favored the laxer view, for Ximenes and the Suprema, in 1516, deemed it necessary to order that all sentences to prison and sanbenito must be perpetual, in accordance with the canon law; if, in any case, the inquisitors thought there should be a remission it must be left to the discretion of the inquisitor-general.[4]

The tendency to shorten the term was irresistible; the conservatives had to yield and, by the middle of the sixteenth century, Simancas tells us that perpetual prison was customarily defined to

[1] Historia de los Reyes Católicos, cap. xliv.

[2] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 14, 18–19, 33, 35, 62).—Manuel de novells Ardits, III, 69, 70.

[3] Bibl. nacional, MSS., G, 61, fol. 208.

[4] Archivo de Simancas. Inquisicion, Lib. 933.

be three years, if the penitent was repentant, while those condemned to irremissible prison were usually released after eight years.[1] So purely technical did the term "perpetual prison" become that inquisitors saw nothing incongruous in such sentences as "perpetual prison for one year" or "for six months," which are constantly met with, as well as "perpetual prison" followed by terms of exile. The real infliction was therefore much less severe than it appears on the records, and when periods longer than eight years were intended, they were specified, as when Salvador Razo, for Molinism, was sentenced, in the Granada auto of July 4, 1745, to ten years, of which the first five were to be spent in the galleys—a hardship remitted on account of his infirmities.[2]

The terms of imprisonment were frequently shortened, moreover, sometimes, from humane motives, but more often from financial considerations, for the dispensing power in this, as in the other penalties, was a source of profit. Thus Mayor García, a Morisca of Daimiel, condemned in the Toledo auto of September 21, 1550, to perpetual prison for six months, on January 13, 1551, petitioned the tribunal for release "as was customary with others," saying that her husband would pay what the inquisitors should demand. The matter was promptly arranged with Inquisitor Alonso Pérez for four ducats, to help to build the staging for an auto de fe—a somewhat heavy payment for two months' relief.[3] This dispensing power was the subject of a prolonged struggle between the tribunals and the Suprema. In the early period, at Barcelona, the former endeavored to secure it by the device of discretional sentences, which inquisitors could curtail or extend at will, and this was recognized in a letter of the Suprema, October 4, 1499, authorizing them, under such sentences, to dispense with the imprisonment but not with the sanbenito.[4] In 1513, however, Ximenes forbade this without his consent and the repetition of the order in 1514 and 1516 shows that it was difficult of enforcement.[5] In spite of this when the Valencia tribunal, February 25, 1540, condemned five Moriscos to "habit and prison for as long a time as we shall determine," the Suprema insisted that, when discre-

[1] Simancæ de Cath. Instt. Tit. XVI, n. 21, 22.
[2] Royal Library of Berlin, Qt. 9548.
[3] Proceso contra Mayor García, fol xx (MS. *penes me*).
[4] Archivo de Simancas, Inquisicion, Lib. 933.
[5] Ibidem, Lib. 939, fol. 115; Lib. 933.

tion was specified, it must alone be that of the inquisitor-general, a mandate that had to be repeated more than once, even as late as 1592.[1]

The question of this, as of all other commutations, was inevitably settled, as we have seen, in favor of the inquisitor-general. In many cases there was no concealment that it was purely an affair of bargain and sale, but it is pleasant to record that often it was prompted by humanity. Petitions for abridgement of the penance were numerous and were usually sent in at the time of the greater feasts, which are alleged as a reason for mercy, in addition to the misery of the penitent. As an example of these petitions may be mentioned the case of Violante Rodríguez who, with her husband Duarte Valentin, was arrested for Judaism March 15, 1664. After a three years' trial, she was sentenced at Granada, February 24, 1667, to two years' imprisonment, while her husband was similarly sentenced at Cuenca. About August 10th she petitioned for commutation, alleging that she had eight little children, deprived of both parents. The Suprema promptly sent to Granada for the details of the case, but the tribunal delayed until October 8th, when it accompanied its report with the suggestion that she should be released with spiritual penances after the expiration of the first year, as she had manifested true repentance. Growing impatient, on December 24th, she again petitioned the Suprema, alluding to her seven children, thus showing that one had meanwhile died. That she was duly discharged in February there can be no doubt, and there is no trace in the correspondence of any pecuniary consideration. Some of the petitions for release, in truth, were well calculated to inspire compassion, such as that of Simon Méndez Soto, in 1666, wherein he describes himself as 84 years old, blind, deaf, crippled on both sides with many infirmities and penniless, and he supplicates release that he may seek for cure.[2]

There would appear to have been no minimum age for imprisonment short of irresponsibility. The Toledo tribunal condemned for Judaism García son of Pedro the potter of Aguda, a boy eleven years of age, to perpetual prison. In the Cuenca auto of June 29, 1654, for the same offence, Escolástica Gómez, aged 12 and Isavel

[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 382; Leg. 5, n. 1, fol. 352.

[2] Archivo de Simancas, Inquisicion, Leg. 1183, fol. 14, 30. See Appendix for a specimen of a letter of commutation.

Díaz Jorje, aged 14 had the same penalty and, in the Toledo auto of October 30, 1701, José de Leon, a boy of 16 was sentenced to irremissible prison.[1]

THE SANBENITO.

The sanbenito, or penitential garment, was the invariable accompaniment of reconciliation and prison, constituting together the "carcel y abito" of the sentences, although it was not exclusively reserved for such cases. It was not invented by the Spanish Inquisition, even though we can scarce agree with an enthusiastic writer, who traces its origin to the Fall, when God made the delinquents put on penitential habits of skins, corresponding with the *sacos benditos* now used in the tribunals.[2]

The penitential habit of sackcloth sprinkled with ashes, customary in the early Church, has passed into a proverb. That the penitents of the Inquisition should be required to wear such a garment was inevitable and, from the foundation of the institution, in the thirteenth century, they were distinguished from other penitents by two yellow crosses, one on the breast and the other on the back. From Eymerich we learn that in Aragon this garment was like the scapular worn by the religious Orders.[3] This *saco bendito* became known as the sanbenito or, more commonly, *abito* and was necessarily inherited by the new Inquisition. In 1486, at the Toledo auto of December 11th, two hundred penitents, reconciled under the Edict of Grace, were required to wear in public such a garment for a year, under penalty of relapse.[4] For those reconciled after trial, the infliction was more severe. In 1490, Torquemada ordered that they should wear during life a *sanbenitillo* of black or gray cloth, eighteen inches long and nine inches wide, like a small tabard, hanging on breast and back, with a red cross before and behind, occupying nearly the entire field. This was hung over the outer garment, and was a con-

[1] Archivo hist. nacional, Inquisicion de Toledo, Leg. 262, n. 4; Ibidem, Leg. 1.—Bibl. nacional, MSS., S, 294, fol. 375.

[2] Trasmiera, Vida de Pedro Arbués, p. 44 (Madrid, 1664).

[3] Eymerici Director. P. III, n. 175. Notwithstanding this ancient use in Aragon, the inquisitors of Saragossa reported, in 1530, to the Suprema that it had never been the custom there for the reconciled to wear the sanbenito, to which the Suprema replied that it was the general practice of the Inquisition and that Aragon must conform to it.—Archivo de Simancas, Inquisicion, Lib. 76, fol. 312.

[4] Relacion de la Inquisicion Toledana (Boletin, XI, 303).

spicuous indication to all beholders of the shame of the wearer, rendering it a punishment regarded as exceedingly severe.[1] In 1514, Ximenes changed the cross to an *aspa de San Andrés*, a St. Andrew's or oblique cross, of which the bars traversed diagonally the breast and back.[2] Finally the Instructions of 1561 describe the *abito penitencial* as made of yellow linen or cloth, with two red *aspas*, although in some parts of Aragon there are particular customs as to colors which must be observed—referring probably to the use of green cloth in place of yellow, which seems to have been the case in Valencia and Sicily.[3] In some tribunals there was also in use, for those who abjured *de vehementi*, a sanbenito *de media aspa*, or half cross, consisting of a single diagonal band. Those who were to be relaxed appeared in the auto de fe in a black sanbenito, on which were painted flames and sometimes demons thrusting the heretic into hell.[4] Llorente tells us that abjuration *de levi* was performed in a *zamarra*, or yellow sanbenito without aspas, but I have met with no allusion to its use.[5] The distinction between the sanbenito *de dos aspas* and the one *de media aspa* was maintained, and the former was understood to indicate that the wearer had been guilty of formal heresy, that he and his children were subject to the consequent disabilities, and that he was liable to the stake in case of relapse. The latter was worn only during the auto de fe, after which it was laid aside.[6]

Although, in the early period, the sanbenito was imposed perpetually, the expression is to be taken in the same sense as imprisonment. As a rule, the two were coterminous and the sentences are almost invariably "habit and prison for two years," or perpetual or irremissible as the case may be. Where, indeed, the heresy was trivial or technical rather than real, or the conversion seemed genuine and spontaneous, the sanbenito was merely a symbol, to be worn only during the auto, or even for a briefer period, although it none the less left its ineffaceable stigma. There were gradations suited to every case, as is well illustrated in the Granada auto

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[1] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 256.

[3] Instrucciones de 1561, § 41 (Arguello, fol. 33-4).—Archivo hist. nacional, Inquisicion de Valencia, Leg. 30, 31, 375, 382.

[4] Páramo, p. 42.

[5] Llorente, Añales, II, 39.

[6] Bibl. nacional, MSS., S, 294, fol. 375; Bb, 122.—MSS. of Royal Library of Copenhagen, 218b, p. 327.

of May 27, 1593, where, in three cases, it was removed after reading the sentence, in two, after returning to the Inquisition, in two, after twenty-four hours (one of these being the Licentiate Juan Fernández, who had Judaized for thirty-six years), in one case it was imposed for two years and in another for three, and Leonor Fernández had two years of sanbenito and four of prison. It was even put on the effigy of Doña Inez de Tórres, from which it was removed after reading the sentence, because she had confessed and died as a Catholic, with ample signs of contrition.[1] Thus the tribunal could vary the penalty at its discretion, and was not bound to the rule of coterminous *abito y carcel.* In the Toledo auto of March 15, 1722, two girls of 14, Manuela Díaz and María de Mendoza, were sentenced to six months of prison and two months of sanbenito, while in that of February 24, 1723, Manuel Ximenes had perpetual prison and one year of sanbenito.[2]

From the fact that, in the sentences, the penitents are told that they are not to go out of their prisons or their houses without the sanbenito, it is inferable that it was not worn within doors. Discarding it, as we have seen, was a grave offence, punishable as non-fulfilment of penance and, in the Edicts of Faith, the denunciation of this, as of other infractions, was required. There was one occasion, however, in which this was done on a large scale with impunity, for in the Palermo rising of 1516 against the Inquisition, there was a universal throwing off of sanbenitos. When order was restored and the tribunal was re-established, there was a fruitless effort made to reimpose them. In 1522 the Suprema wrote to Inquisitors Calvete and Cervera calling attention to this as a great disservice to God and a heavy charge on the souls of the penitents, who must be compelled to resume them, and all secular and ecclesiastical authorities were commanded to assist. Then again, in 1525, Inquisitor-general Manrique insisted on the resumption of the sanbenitos, but at the same time he cautioned the inquisitors not to cause scandal or trouble, and we may assume that the attempt was practically abandoned.[3]

Cruel as was the imposition of the sanbenito, it was a punishment inherited from the elder Inquisition, but Spanish ingenuity invented a still more cruel use of it to stimulate the detestation of

[1] Bibl. nacional, MSS., G, 50, fol. 248–9.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.
[3] Archivo de Simancas, Inquisicion, Lib. 936; Lib. 73, fol. 315.

heresy. This was the preservation of the sanbenitos, with suitable inscriptions, conspicuously displayed in the churches, thus perpetuating to future generations the memory of the crime and punishment of the delinquent. The origin of this may perhaps be traceable to the ceremonies observed in the early period, when penitents were relieved of the *abito*. As described, in 1490, at Barcelona, they were assembled in the Inquisition and preached to by the inquisitor. A fortnight later they gathered in the parish church of Santa María del Pino and heard mass; then they marched in procession to the chapel of Our Lady of Monserrat, again heard mass, offered twelve dineros apiece to the Virgin, and passed the night, after which their sanbenitos were taken off and hung in a prominent place near the door.[1] Of course, in the case of those who were burnt, the sanbenito was hung up at once, and this remained the rule, as we learn from the Instructions of 1561—the sanbenito of the reconciled was hung when it was removed, whether during the auto or after years of prison; that of the relaxed, immediately after the auto.[2]

The custom must have been of gradual growth. There is no allusion to it in the *Instrucciones antiquas*, nor have I found any indication as to the time when it became imperative except that, in 1512, there is a decision of the Suprema expressing the will of the king and the cardinal that the sanbenitos of the relaxed and reconciled of the Campo de Calatrava shall be hung in the churches, except those of the reconciled in the Time of Grace, and that, if any of the latter have been hung, they are to be removed.[3] This indicates a custom favored by the authorities, spreading, but as yet subject to question. It had already passed to Sicily, where one of the incidents of the rising of 1516 was the tearing down of the sanbenitos in the churches, and so great was the popular detestation of it that, at the end of the century, it had not been possible to restore the practice.[4]

It mattered little to the descendants that the sanbenitos of the victims in the early years had escaped this publicity. The perversity which inspired it developed into such malignity that, in 1532, the Suprema ordered the tribunals to make from their records lists of all burnt or reconciled, even under Edicts of Grace, and

[1] Carbonell de Gest. Hæret. (Col. de Doc. de la C. de Aragon, XXVIII, 50–1).
[2] Instrucciones de 1561, § 81 (Arguello, fol. 38).
[3] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.
[4] Páramo, pp. 42–3, 203.

to suspend in the churches whatever sanbenitos were found to be lacking. The inexcusable cruelty of including the voluntary reconciliados under Edicts of Grace caused this portion of the order to be revoked in 1538, but, in 1539, this was declared inapplicable to those which had already been hung—if they had been removed, they must be replaced. The question was revived, in 1552, and opinions were divided, but the decision to retain them prevailed. Meanwhile, in 1548, the Suprema stimulated the tribunals to fill all vacancies, whether arising from omissions or the surreptitious removal of old ones, and it ordered the hanging of new ones as soon as the autos were held, in order to anticipate the complaints and importunities of the sufferers and their kindred. Then, as though the tribunals were slack in their duty, in 1555 the order of 1532 was revived and repeated.[1] The wilful viciousness of this is indicated by the Instructions of 1561, which point out that, as those reconciled in Time of Grace are exempt from wearing the sanbenito, so their sanbenitos ought not to be suspended in the churches.[2]

The object was the cruel one of perpetuating the infamy of the victim and rendering it as galling as possible to his kindred and descendants. As the sanbenitos wore out or became illegible with time, they were replaced, and finally superseded by yellow linen cloths, bearing full details of the name, lineage, crime and punishment of the culprit.[3] Originally they were hung in the cathedral of the city of the Inquisition, but this did not bring the disgrace sufficiently close to the descendants and, in some places at least, they were ordered to be transferred to the parish churches of the delinquents, whose infamy was thus kept alive in the memory of their neighbors. A single instance will illustrate the spirit actuating this. In 1519 the Suprema ordered this transfer made by the tribunal of Cuenca, but the command was slackly obeyed and was repeated in 1529. Then the descendants of Lope de Leon and Alvar Hernández de Leon, residents of Belmonte, petitioned the Suprema, saying that the wives of Lope and Alvar had been reconciled; they were natives of Quintanar, where they had committed their heresy, and the descendants now begged that the sanbenitos be hung in the church of Quintanar and not of Belmonte. To this the Suprema replied, April 15, 1529, by

[1] Archivo de Simancas, Inquisicion, Lib. 942, fol. 15, 20; Lib. 939, fol. 117.
[2] Instrucciones de 1561, § 81 (Arguello, fol. 38).
[3] Páramo, pp. 42–3.—Llorente, Añales, II, 41.—Bibl. nacional, MSS., S, 121.

instructing the tribunal to hang the sanbenitos in the residence of the descendants, in a place so public that the reconciliation of the women should be notorious to all. It is true that the descendants secured delay until the pressing orders came of 1548, when, on November 9th the sanbenitos of the women were hung in the church of Belmonte.[1]

This policy of distribution cannot have been universal for, when the Toledo cathedral desired to be relieved of the great accumulation of sanbenitos, the Suprema forbade it, adding that if it was desired to have them in the parish churches it must be done with new ones, leaving the originals in the cathedral. At length, in 1538, the inquisitors Yáñez and Loaysa distributed them among the parish churches, when Sebastian de Orozco tells us that it caused infinite misery to the descendants, leading them all or nearly all to change their family names, so that in Toledo the names actually borne by the Conversos disappeared.[2]

Change of name was not the only device resorted to by the descendants, for they were constantly at work removing surreptitiously the evidence of their infamy. As early as 1518, the Saragossa tribunal was ordered to prosecute with rigor those who had abstracted them from the Dominican church.[3] Their zeal was stimulated by the fact that the inquisitors, in making up the records, included all who had been reconciled under Edicts of Grace, thus affording legitimate ground of complaint, as shown by a long-continued struggle at Frejenal. In 1556, Doctor Ramírez, Inquisitor of Llerena, protested to the Suprema against the efforts of the people of Frejenal for the removal of the names of those reconciled in Time of Grace; it would leave but few for, in 1491, there had been three hundred and fifty-seven reconciliations there, of which three hundred and fifty-four had been under the Edict. To render ancestral infamy more accessible to the public, besides the sanbenitos, the names and details were inscribed on a tablet of parchment. This became torn and nearly illegible and, on August 23, 1563, it was solemnly replaced by another, written in large letters, with printer's ink, and varnished to insure its preservation. The secret warfare waged against this perpetuation of infamy is described, in 1572, in a deposition of the

[1] Proceso contra Fray Luis de Leon (Col. de Doc. ined., x, 165–8).

[2] Archivo de Simancas, Inquisicion, Lib. 72, fol. 30; Lib. 939, fol. 117.—Boletin, XI, 309.

[3] Boletin, XV, 340.

familiar Rodrigo Carvajo. The people of the town, he said, were mostly descendants of Conversos, resorting to perjury and every other means to conceal their origin. The sacristans were generally Conversos, who connived at the methods employed to destroy the evidence, and the sanbenitos were stolen; there used to be five hundred and ninety-nine, and now there were only ten or a dozen, worn and torn and so placed that they could not be read, while the tablet with the names was gradually being defaced and rendered illegible. Thus it continued until 1576, when Inquisitor Montoyo brought to Frejenal a new set of sanbenitos prepared from the records, which were duly suspended, and a tablet containing names and details was placed where all could read it. This list shows the obstinate persistence with which the names of the spontaneously reconciled were retained. It contained a hundred and sixty-two relaxed and four hundred and nine reconciled, all, with very few exceptions, in the years from 1491 to 1495. There were none between 1499 and 1511, and none later than 1511.[1] Struggles similar to this were doubtless on foot in numerous other places.

The churches themselves do not seem to have looked with favor on this desecration of their sacred precincts. At Cuenca, there was apparently an attempt to hide the sanbenitos of which the tribunal complained in 1571, when the Suprema ordered it to see that nothing was put before them, even on feast-days.[2] The parish church of San Salvador, at Cifuentes, went further and, in 1561, appealed to Pius IV, explaining to him the Spanish custom, and representing that not only was the attractiveness of the church marred by the prominence assigned to the sanbenitos, but that they led to many scandals, all of which would be prevented if they were removed to some less prominent place or laid away altogether, but that licence from the Holy See was requisite for this. The pope gave the required licence, subject to the assent of the Inquisition to the removal, which of course rendered it inoperative.[3] The cathedral of Granada was more fortunate for when, in 1610, Inquisitor-general Sandoval consecrated as archbishop Pedro González de Mendoza, the latter asked him, as a special favor to his bride, that she should be relieved of the sanbenitos. Sandoval assented and the permission came soon after

[1] Archivo de Alcalá, Hacienda, n. 18.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 117.

[3] Bulario de la Orden de Santiago, Lib. III, fol. 86.

Mendoza had reached Granada. It was celebrated with great rejoicings and ringing of bells; the sanbenitos of the Moriscos were transferred to the church of San Salvador, in the Albaycin, while those of the Judaizers were hung in the church of Santiago, which was the parish church of the Inquisition.[1] Even when there was not this open antagonism, there was apt to be neglect which was practically more damaging. In 1642, the Valencia tribunal learned that some of those in the cathedral had fallen and were allowed to lie. It made an investigation and, from the report, it would seem as though every available spot was thus decorated and that all required attention for their preservation. The sacristans promised to do what was necessary, but apparently they had been quite willing to see them disappear.[2]

Conscious of this ecclesiastical indifference and of the constant effort of those interested to make way with the visible records of their infamy, the Suprema was incessantly active to counteract the results. The Instructions of 1561 insist imperatively on the duty of hanging the new sanbenitos and renewing the old, so that the memory of the infamy of heretics shall be preserved forever, and inquisitors on their visitations are commanded to see that the parish churches are kept with unbroken lines of the *mantetas y insinias* of their culprit parishioners.[3] Philip II was no less urgent. In his instructions of 1595 to Manrique de Lara, he calls special attention to the subject; there are sanbenitos now to be hung and others which have never been hung, apparently through favoritism, for which the inquisitors deserve rigorous punishment, for this is the severest penalty which the Holy Office can inflict on heretics and their descendants, and Manrique is to see that all deficiencies are made good.[4]

In fact, the most pressing business of the inquisitor in visiting his district was to attend to this. In 1569 the Suprema ordered every one, before starting, to have full lists made out of the relaxed and reconciled of the region to be traversed and, in each place, these lists were to be compared with the existing sanbenitos and all that had disappeared were to be replaced. In 1600 and 1607 these instructions were repeated with still greater urgency, as a matter not to be neglected for a single day, in view of the evils

[1] Pedraza, Hist. eccles. de Granada, Lib. IV, cap. 37.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 2, fol. 89.

[3] Instrucciones de 1561, ? 81 (Arguello, fol. 38).

[4] Archivo de Simancas, Inquisicion, Lib. 939, fol. 272.

that would follow.[1] That nothing was to be allowed to interfere with this pious duty is seen when Valencia had no money wherewith to defray the expense of renewals and was told to borrow it from the *Depositario de los pretendientes*—the sacred deposits of those seeking to prove their limpieza, which were thus used to preserve the muniments that might destroy their hopes.[2]

How, in fact, the sanbenitos were employed for this purpose is indicated in a perquisition conducted at Tortosa, in 1577, by the inquisitor, Juan de Zúñiga. The sanbenitos were carefully examined and lists were made out, classified firstly into those of which the trials could be identified and those of which no trace could be found in the records, and secondly into the penalties inflicted. Then two of the oldest residents—a notary and a priest—were summoned; the lists were gone over with them and their evidence was taken as to the descendants of the culprits, especially whether any had changed their names so as to elude disabilities. Thus a close watch was kept on them and every care was taken that the infamy of their ancestors should be lasting.[3]

As the seventeenth century wore on, it would seem that the zeal of the tribunals in the matter of sanbenitos was flagging. A general carta acordada of February 27, 1657, assumes this, in calling their attention to the Instructions of 1561 and to subsequent orders of similar import. As many autos de fe had recently been held, and as it was understood that, in some places, the sanbenitos had not been hung in the churches, the tribunals were commanded forthwith to make out lists of the relaxed and the reconciled, and to have corresponding sanbenitos suspended in the churches, as well as to renew the old ones which were worn out. In view of the importance of this to the service of God, a full report in detail was imperatively required to be furnished within four months. This may have excited the tribunals to spasmodic activity but, if so, its influence was but temporary for, in 1691, we find the Suprema ordering reports as to the length of time that had elapsed since sanbenitos had ceased to be hung in the churches; lists of deficiencies were called for; the old sanbenitos were to be examined and statements were to be rendered

[1] Archivo de Simancas Inq., Lib. 939, fol. 144; Lib. 942, fol. 20.

[2] Archivo hist. nacional, Inquisicion de Valencia, Leg. 11, n. 1, fol. 65.

[3] Ibidem, Leg. 98.

as to what were lacking and what had become illegible, so that the Suprema might take requisite action.[1]

This looks as if the custom had been falling into desuetude, but it was by no means abandoned and, as late as August 26, 1753, when a deceased delinquent named Horstmann was burnt in effigy at Valencia, two sanbenitos were ordered to be suspended, one in the cathedral and one in the parish church of San Lorenzo.[2] Still the same tribunal furnishes, in 1783, a refreshing evidence of the decline of intolerant zeal in the gradual diffusion of enlightenment. The cathedral had been undergoing restoration, during which the sanbenitos had been carefully stored in a room of the Inquisition. On the completion of the work, the tribunal suggested to Inquisitor-general Beltran that it would not redound to the service of God or of the public to hang them up again, to which Beltran assented; if the chapter did not ask for them, the tribunal was not to raise the question, or to do any thing in the matter and, from an endorsement on the letter, it is to be inferred that the sanbenitos were allowed to repose undisturbed.[3]

It is not to be supposed that, when the Córtes of Cadiz, February 22, 1813, abolished the Inquisition, it was satisfied to permit the continued existence of the sanbenitos which perpetuated so many dreadful memories. A decree of the same day recited that Article 305 of the Constitution provided that no punishment should extend beyond the criminal to his family; that the means by which, in public places, the memory of penalties inflicted by the Inquisition was preserved, brought infamy on families, and even exposed to evil repute persons of the same name. Therefore all portraits, pictures, or inscriptions, recording the punishments imposed by the Inquisition, existing in churches, cloisters, convents and other places, were to be removed or blotted out within three days after receipt of the decree.[4]

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[1] Archivo hist. nacional, Inquisicion de Valencia, Leg. 10, n. 2, fol. 41, 117.

[2] Ibidem, Leg. 30, fol. 40.

[3] Ibidem, Leg. 16, n. 5, fol. 54.

[4] Coleccion de los Decretos de las Córtes generales etc., II, 219 (Madrid, 1820).

The allusion in this to *cuadros* and *pinturas* refers to a custom, not officially recognized, by which exuberant pietistic malignity supplemented the sanbenitos with portraits and pictures bearing the names of the sufferers. For a florid description of this see "Voyage en Espagne par M. le Marquis de Langle," II, 78 (Londres, 1786).

This somewhat notorious work was burnt by order of the Parlement in 1788. Its author was Jérome-Charlemagne Fleuriau and it ran through six editions between 1785 and 1803.

The condition of Spain was not such as to insure any wide obedience of this decree, although it is scarce likely that the French armies had left many sanbenitos hanging in towns occupied by them during the war. What occurred elsewhere may probably be guessed by the example of Majorca, when the Constitution of Cadiz was enthusiastically received and the sanbenitos were removed from the church of San Domingo, but they were providently stored away and were again hung up after the Restoration in 1814. In the Revolution of 1820, however, they were torn down and burnt and the Inquisition was levelled to the ground.[1]

The custom of suspending in the churches the *habitelli* or sanbenitos of the reconciled and relaxed seems to have been borrowed by Italy from Spain, at least in some places. It is to the credit of the Roman Inquisition that it disapproved this barbarous practice, as appears from a decree of 1627 ordering them to be removed from the cathedral of Faenza and to be secretly burnt.[2]

DISABILITIES.

Disabilities have already been considered in their relation to the finances of the Inquisition, arising from the sale of dispensations, but they formed too important a portion of the penal system not to require further treatment in this connection. They differed however from other punishments in that, although specified in the sentences, they were the inseparable consequences of condemnation for heresy and thus, in some sense, self-operative, for the severity of the laws for the suppression of misbelief was not content with confiscating the property of those whose lives were spared. The reconciled heretic was not only turned adrift penniless, but was subjected to restrictions incapacitating him from earning a livelihood. As this refinement of cruelty could not be applied to those who were burnt, it was visited on their descendants.

This latter provision was derived from the imperial legislation against treason, which disabled children of traitors from holding office and succeeding to collateral estates.[3] Frederic II, in his Ravenna decree of 1232, made this applicable to the children and grandchildren of heretics, which was eagerly incorporated

[1] Taronji, Estado religioso etc. de Mallorca, p. 257.

[2] Collectio Decretor. S. Congr. Sti Officii p. 205 (MS. *penes me*).

[3] Const. 5, Cod. x, viii.

into the legislation of Alexander IV and Honorius IV, although Boniface VIII mitigated it slightly by exempting grandchildren in the female line.[1] As part of the canon law this of course governed the Spanish Inquisition and, if there were those who questioned the justice of punishing orthodox children for their parents' heresy, they were triumphantly silenced by Alfonso de Castro, who pointed to Original Sin as an irrefragable proof that this was in accordance with the law of God.[2]

The application of these restrictions to reconciled penitents apparently originated with the Council of Béziers, in 1246, which ordered that penitents should not hold public office, or serve as physicians or notaries, or wear silk garments or gold and silver ornaments or other vanities—in short, that their apparel should befit those whose lives constructively were to be passed in repentance.[3] These provisions were not carried into the canon law but apparently became traditional in the Holy Office.

In the Instructions of 1484 there is nothing said as to the disabilities of descendants, but inquisitors were instructed to order penitents, after completing their penance, never to hold public office or benefices or to serve as procurators, tax-collectors, farmers of the revenue, grocers, apothecaries, physicians, surgeons, bleeders or brokers, thus prohibiting the professions which they had specially made their own. Moreover, they were not to wear gold or silver, coral, pearls or other precious stones or garments of silk or camlet or other finery or to ride on horse-back or bear arms, and all this during life, under penalty of relapse.[4]

There was evidently doubt as to the application of these restrictions to the descendants of those relaxed, but that there was an effort made in that direction is shown by their procuring, in 1486, from Innocent VIII, a brief enabling them to farm the revenues of churches.[5] In the assembly of inquisitors, in 1488, the matter excited considerable debate, resulting in instructions that each tribunal in its own district should enforce, under heavy penalties, the disability of children and grandchildren to hold any office or

[1] Huillard-Bréholles, Hist. Diplom. Frid. II, T. IV, p. 302.—Cap. 2, § 2 and Cap. 5, in Sexto, v, iii.—Cap. 5 Septimi Decret. v, iii.

[2] Alph. de Castro de justa Hæret. Punit. Lib. II, cap. 10, 11.

[3] Concil. Biterrens. ann. 1246, Concil. de Modo procedendi cap. 28 (Harduin. VII, 420).

[4] Instrucciones de 1484, § 6 (Arguello, fol. 4).—Archivo de Simancas, Inquisicion, Lib. 933.

[5] Llorente, Añales, I, 113.

dignity that could be considered public, and the list of prohibited callings was enlarged by including those of merchants, notaries, scriveners, advocates, farmers of revenues and some others. The sumptuary restrictions were not extended to them, for they were not penitents, but they were forbidden to wear the insignia of any dignity, secular or ecclesiastic.[1] The omission was made good in a decree issued by Torquemada, April 22, 1494, but it was so slackly obeyed that when, in 1502, the sovereigns ordered its enforcement, they allowed a certain time for those affected to become acquainted with its provisions.[2] Ferdinand himself had had occasion to recognize the hardship of the rule for, in 1500, the mother of Pero Rúiz, a member of his royal guard, was condemned and consequently he was incapacitated from riding and bearing arms. Unwilling to lose him, Ferdinand wrote to Torquemada for letters of dispensation to be brought back by the messenger.[3]

We have seen how, in the struggle over the profits of dispensation, the sovereigns abandoned to the Inquisition the *cosas arbitrarias*, or sumptuary restrictions, and assumed to themselves, by the pragmáticas of 1501, control over the disability to hold office and to follow certain professions and trades, which limited so greatly the ability of the reconciled and of the children and grandchildren of the condemned to support themselves.[4] A humane exception was made however, in 1502, under which children reconciled below the age of 14 were exempted from the operation of the pragmáticas.[5] As these were municipal laws they were subject to the secular officials, who were ordered to enforce them under pain of confiscation and loss of office for negligence.

It was easier to publish edicts than to get them executed. The civil magistrates seem to have paid little attention to the pragmáticas, while the Inquisition did what it could within its allotted sphere. The Suprema issued orders to the tribunals to punish with all rigor those who disregarded the sumptuary restrictions, who were said to be numerous, in great contempt of the Holy Office. It was probably to stimulate zeal that, in 1509, it modi-

[1] Instrucciones de 1488, § 11 (Arguello, fol. 10).

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 115.

[3] Ibidem, Lib. 1.

[4] Ibidem, Lib. 933, p. 143. As printed in the Nueva Recop. Lib. VIII, Tit. iii, leyes 3, 4, there are some clauses omitted.

[5] Ibidem, Lib. 939, fol. 108, 115.

fied the penalty of relapse to a pecuniary penance, which it authorized the inquisitors to impose at discretion, bearing in mind the gravity of the case and the wealth of the offender.[1] The sums thus realized were considerable enough to tempt the cupidity of the courtiers for, May 9, 1514, we find the king making over to four of his ushers the penalties levied on the sons of Alonso Gallo of Toledo, and on April 1st he ordered Vázquez de Busto, alguazil of Toledo, to collect all the penances of this kind, to pay one-half to the receiver for the tribunal, and divide the other half between the fiscal, Martin Ximenes, and a servant of secretary Calcena.[2] The punishments decreed in the pragmáticas were also modified to fines, as we learn from a letter of June 20, 1515, dividing those incurred in Seville between Calcena and Aguirre, after setting aside one-third for the tribunal, and from another letter of January 8, 1516, bestowing on Fernando de Hoyos, portero of the Cuenca tribunal, the penalties incurred by the wives of Pedro de Vaguera and of Quiros and Jayme Boticario, for exercising the profession of apothecary.[3]

At length it was recognized that the Inquisition was the only instrumentality to be depended upon for the enforcement of the pragmáticas and Charles V, in a cédula of March 30, 1528, placed the whole business in its hands. He recited the laws of Ferdinand and Isabella, with their severe penalties for negligent officials, in spite of which he was informed that, in many places, they were disregarded, wherefore he granted to the Inquisition all necessary powers and ordered it to see to the execution of the law. Possibly there may have been some opposition by the secular authorities to this invasion of their jurisdiction, which called for a repetition of the cédula, March 2, 1543. In pursuance of this the Suprema, in cartas acordadas of 1548, 1549 and 1566, called the attention of the tribunals to the number of persons engaged in prohibited callings or wearing forbidden articles, and it urged them to be active in detecting and punishing the offenders.[4]

The construction of the laws was rigorous. There was a nice question whether, when a parent was condemned *in absentia* as contumacious, the children were subject to the disabilities, for

[1] Archivo de Simancas, Inquisicion, Lib. 933.

[2] Ibidem, Lib. 3, fol. 374, 380.

[3] Ibidem, fol. 419, 445.

[4] Archivo de Simancas, Inquisicion, Lib. 927, fol. 676; Lib. 79, fol. 18; Lib. 939, fol. 108.

the heresy was presumptive and not proven. Farinacci held that they were not, for the absentee, even though burnt in effigy, could always return and prove his innocence. Peña represents the stricter Spanish view, that the fugitive was condemned as a heretic and his children were incapacitated. The matter was threshed out in the case of the son of Antonio Pérez, who was deprived of a pension on the church of Cuenca. This was the final decision of the Rota after full argument; it served as a precedent, and the sentence of the absent contained the same enumeration of disabilities as that of one who was burnt in person.[1] Some doubts arose as to whether the pragmáticas prohibited trade in general; all such points were reserved to the king and when, in 1566, it was proposed to prosecute some merchants, the Suprema ordered the cases to be suspended until he should be consulted. It was less cautious when, in 1542, it forbade all reconciled penitents to keep schools, or even to teach children their letters. A question arose whether the prohibition to ride on horseback comprehended mules, but Simancas decides it in the affirmative, and even desires to include vehicles, as it is fitting that all such persons should walk on foot.[2] Even the limits of the canon law were disregarded in the panic occasioned by the discovery of Protestantism in 1559, for in the Seville auto of September 24th, when Juan Ponce de Leon was burnt, the disabilities of his descendants in the male line were extended to the fourth generation.[3]

An ecclesiastical career was closed to penitents and their descendants, who were forbidden to enter holy orders. There was some question raised whether those who were in orders could obtain or retain benefices, but it was decided in the negative. The practice, as stated about 1640, was that on their visitation the inquisitors dealt summarily with cases concerning the *cosas arbitrarias* while those which involved the holding of benefices or public office were sent to the tribunal for trial.[4] In the Edicts of Faith which they published, denunciations were invited, and all persons were required to give information as to any infractions of the laws of which they were cognizant.[5]

[1] Farinacci de Hæresi, Q. 191, n. 56, 68.—Pegnæ Comment. 164 in Eymerici Director. P. III.—Bibl. nacional, MSS. V, 377.

[2] Archivo de Simancas, Inquisicion, Lib. 939, fol. 109, 115.—Simancæ de Cath. Instt. Tit. XLVII, n. 25, 26.

[3] Archivo de Simancas, Hacienda, Leg. 25, fol. 1.

[4] Bibl. nacional, MSS , V, 377, cap. 26.

[5] Ibidem, D, 118, p. 148.

As everyone who had the misfortune to fall into the hands of the Inquisition was a marked man thereafter, and was liable to the suspicion that he had incurred disabilities—a suspicion apt to grow stronger with time and to affect his descendants—it became important for those who were not thus affected to have some evidence of the fact. In the earlier time the Inquisition was chary about affording this relief, but did not absolutely refuse it when the sufferer applied to the Suprema. It was not everyone however who could obtain the intervention of the Suprema; popular prejudice was strong, and no one knew what took place within the precincts of the tribunals. Blighted careers were thus numerous. Escobar, in his work on Limpieza, tells us that, at the origin of the Inquisition it punished the lightest offences with extreme severity and this, after the lapse of a century and a half, was still disastrously affecting the descendants; it was inhuman that a word inadvertently spoken through levity, or anger, or in jest should bring infamy on the delinquent and his posterity without limitation of time.[1] The memorial of 1623, by a member of the Suprema, discusses the same evil. The writer says that the Inquisition is surrounded by enemies who are daily multiplied through those afflicted by the tribunals. It is not merely those who are relaxed or reconciled or compelled to abjure *de vehementi*, but there are many well-affected Old Christians, punished with lighter penalties who, if they remain defamed and their posterity disabled from honors, must necessarily add to the number of enemies and it is pitiable thus to afflict them for trivial causes.[2]

The tribunals did not cease to afflict the people, but some relief was afforded by a practice, which gradually came into use, of including, in a sentence for light offences or of acquittal, a clause declaring that the party and his descendants were not subject to disabilities and that he could have a certificate to that effect. Two examples of this, occurring in Valladolid in 1638 will suffice. In the case of Agustin López, tried for blasphemy, the consulta de fe could not agree and the Suprema sentenced him to reprimand and exile, adding that the sentence should be no bar to offices of honor or in the Inquisition. So a sentence, acquitting Miguel Rúiz of a charge of sorcery, says that his imprisonment shall not be an obstacle to him and his children, and that he shall

[1] Escobar á Carro de Puritate, P. II, Q. iv, § 3, n. 48.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 24.

have a certificate to that effect. That Rúiz had not even been confined in the secret prison but in the public gaol shows how sensitive was the popular mind.[1] These certificates *de no obstancia*, as they were called, would appear, as a rule, not to be issued unless specially applied for, and yet how important they were to the individual and his posterity is manifested by a petition presented, January 17, 1818, by the Licenciate Mariano de Santander y Alvárez setting forth that, twenty years before, in 1798, his father had been arrested and prosecuted by the Valladolid tribunal because, in his trade as a bookseller, he had sold prohibited books. In the final sentence it was declared that his imprisonment and prosecution did not prejudice him or his descendants in the enjoyment of their civil rights, but the secrecy of the Inquisition, and the loss of the certificate given to the father, prevented the petitioner from furnishing the proofs necessary to his admission as an advocate in the royal chancellery, wherefore he begged for a proper testimonial. The Suprema had the statement verified and ordered a certificate to be duly issued.[2]

From this, as well as from the memorial of 1623, it appears that not merely reconciliation but even abjuration or lesser penalties inflicted disabilities, if not as to the *cosas arbitrarias* at least as to the attainment of an honorable career. In the closing years of the Inquisition this sometimes led to a merciful moderation of the sentence, as in that pronounced, August 27, 1817, on Francisco Mosquera Villamarino, of Santiago, "Bachiller clasico y Profesor del 6° Cuerpo de Canones en su Real Universidad," for certain propositions. He escaped with a reprimand in the audience-chamber and without abjuration, it being expressly stated that he was treated with this benignity in order not to prejudice him in his career, though he was warned that the Inquisition would keep a watch on him.[3]

Popular prejudice, as we have seen, intensified the cruelty of the cruel laws. How inveterate was this is manifested in the case of Josef Calot who, in 1791, sought in marriage the daughter of Pablo Bordo, a merchant of Valencia. The parents refused assent and the lovers eloped. Bordo brought the matter before the royal Audiencia, showing that Calot was the great-grandson of Clara Muñoz who, at the age of 19, was reconciled for Judaism in the

[1] Archivo de Simancas, Inq., Leg. 552, fol. 23.

[2] Ibidem, Registro de Genealogias, n. 916, fol. 61. (See Appendix.)

[3] Ibidem, Inq., Lib. 890.

Barcelona auto de fe of April 2, 1724, and was sentenced to irremissible "carcel y abito," though after two years her husband, Antonio Antonelli, obtained her release. In view of this descent the Audiencia decided that Bordo's opposition to the marriage was reasonable and just, thus inflicting an indelible stigma on Calot and his posterity. In some way the affair reached the Suprema, which wrote to Valencia for details and, in transmitting them, the inquisitors added an expression of sympathy for Calot in the dishonor cast upon him; the punishment of his great-grandmother did not disable him from the professions, but it would be difficult to restore him to his good fame without calling in question the justice of the sentence of the Audiencia.[1] Even the Inquisition did not venture to repair an injustice caused by its assiduous training of the population in an unreasoning abhorrence of heresy.

The penalty for disregarding the disabilities settled down to the thrifty one of a fine. As regards those imposed by the pragmáticas, the Suprema, in 1531, replied to an inquiry from the tribunal of Avila and Segovia that, although the laws prescribed confiscation for infractions, yet the practice was to penance culprits in accordance with their wealth and station and the degree of the offence. So, in respect to the *cosas arbitrarias*, it decreed in 1536, that although the Instructions of 1484 provided the pain of relapse, they did not require the inquisitors to condemn the infraction as such, and the practice was to impose pecuniary and spiritual penances.[2] Cases of prosecution for infraction are not very numerous in the records, chiefly owing, we may presume, to the customary sale of rehabilitations; in the tribunal of Toledo they amount only to ninety-one and of these it is noteworthy that there are only three posterior to 1586—two in 1600 and one in 1616.[3] When they occurred, the penalty was at the discretion of the tribunal, and Toledo exercised this with great moderation, in 1579, when Bernardino de Aldana, a ribbon-weaver, spontaneously denounced himself. His mother, Isabel Alvárez, had been burnt by the Cuenca tribunal, yet he had worn a velvet cap, had carried a sword and had ridden on a mule with a saddle;

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 27.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 109.

[3] Catálogo de las causas seguidas ante el tribunal de Toledo, pp. 131–40 (Madrid, 1903)

he was married and had done this to satisfy his wife and her kindred, and besides his brother had told him that they had been rehabilitated. His artless story seems to have moved his judges, for he escaped with a reprimand and a fine of two ducats.[1] In 1703 the tribunal of Madrid was more severe with Simon de Andrade, a reconciled penitent, who had worn the prohibited articles. He was harshly reprimanded, was fined in fifty ducats, was banished for a year and was required to surrender the *cosas arbitrarias*, but we are told that he was permitted to keep the garments which he had on to cover his nakedness, especially as they were of ordinary cloth.[2]

CLERICAL OFFENDERS.

In a land where theocratic influence was so strong, it was inevitable that there should be especial favor shown to erring ecclesiastics. The Church has ever sought to conceal from the public the knowledge of weaknesses that might diminish veneration for its ministers, and scandal has been more dreaded than sin. The Inquisition established its jurisdiction over both the secular and the regular clergy, but it exercised that jurisdiction in accordance with the general policy of the Church. Every care was taken to keep clerical offences from public knowledge, except in cases of formal heresy or of administering the sacraments by those who held only the lower orders. As a rule, in place of being confined in the secret prison during trial, they were housed in some convenient convent, where their presence need excite no surprise. When convicted, they were not exposed in the public autos de fe, but their sentences were read in the audience-chamber with closed doors, though in certain cases a prescribed number of other clerics were summoned to be present as witnesses; even then they did not wear the penitential habit as did laymen.[3]

For aggravated offences, the ordinary punishment was reclusion in a designated convent for a specified term, a penalty which might be infinitely varied. Perhaps six months or a year was to be passed in a cell; the culprit was to be last in choir and refectory; he might be suspended for a term or perpetually from some or

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo de Simancas, Inq., Lib. 896, fol. 1.
[3] MSS. of Royal Library of Copenhagen, 218b, p. 334.

all of his functions and of the right to vote or to be voted for; spiritual penances might be superadded or, at his entrance, he might be subjected to a *zurra de rueda*, or circular discipline, in which all the members of the house, including the lay-brethren, took a hand. All these greater or less aggravations could be varied or accumulated to meet the exact shades of guilt. This conventual reclusion was adopted, perhaps, partly for concealment and partly as a milder form of incarceration, but the mercy was doubtful if we may trust the story told by Llorente of a Capuchin guilty of aggravated abuse of the confessional who, when condemned to five years' reclusion in a convent of his Order, begged to have it changed to incarceration in the secret prison; he had been, he said, provincial and guardian, he knew how the brethren treated those thrust upon them as criminals, and it would cost him his life. His prayer was refused and his prevision was correct, for he died within three years.[1] I have met, however, with cases in which the recluded fraile survived longer terms; as a rule, no doubt, life was not rendered pleasant, but it depended on circumstances. The Franciscan, Francisco Ortiz, sentenced to confinement for two years in a cell in the convent of Torrelaguna, without intercourse with his brethren, refused to leave his retirement on the expiration of the term and remained there till his death, twelve years later, the object of veneration to all around him.[2] There might or might not be sympathy for the penitent and his treatment naturally corresponded.

When, however, the offence was formal heresy, entailing reconciliation or relaxation, the cleric was obliged to appear in an auto de fe, like any other culprit. Cases of the kind were common enough in the early period, when many Conversos had entered the Church but, after the thorough weeding out by the Inquisition, they became rare. An essential preliminary was degradation from the priesthood, which was of two kinds, verbal and formal—the former sufficing for cases of reconciliation, while relaxation required the latter. Verbal degradation effaced the orders, but not the priestly *character* and, in the later period, publicity was often avoided by executing the sentence in the audience-chamber, as in the Toledo cases of Jacinto Vásquez Aranso, a priest convicted of Judaism and condemned to the galleys, December 4, 1688, and

[1] Llorente, Hist. crit. Cap. XXVIII, Art. ii, n. 10.

[2] Böhmer, Francisca Hernández, pp. 174–5.

of Buenaventura Frutos, cura of Mocejon, sentenced February 19, 1722.[1] Originally the ministration of a single bishop sufficed for verbal degradation, while two were required for formal, until Gregory IX, to facilitate the operations of the Inquisition, decreed that, in cases of heresy, the bishop of the culprit could perform the ceremony, in the presence of some abbots and other learned men, and finally, in 1551, the Council of Trent permitted a single bishop to officiate in all cases of formal degradation, and his vicar-general in verbal degradation.[2]

The ceremony of public formal degradation was impressive. The culprit marched in the procession bearing the mitre and sanbenito of relaxation, which were removed on the staging in order that he might be seen in his priestly vestments and tonsure. In the case of Fray Joseph Díaz Pimiento, a relapsed Judaizer, burnt at the Seville auto de fe of July 25, 1720, we are told that an immense crowd was assembled, for no degradation had been witnessed there since 1623. The auto was celebrated in the church of San Pablo but, as soon as Fray Joseph's sentence was read, he was taken by a number of officials to a scaffold in the Plaza de San Francisco, where the Bishop of Lycopolis, the assistant of the archbishop, performed the ceremony. His tongue, the palms of his hands and finger tips were scraped and rubbed with tow, the tonsure was erased by cutting his hair and he was deprived of his orders one by one in the reverse order of their bestowal. He was then handed over to his superiors of the Mercenarian Order, who stripped him of the habit, after which the mitre and sanbenito with painted flames were replaced on him and he was taken to the *juzgado*, or secular court, and delivered to the deputy Assistente of the city to be formally sentenced and conducted to the *brasero*.[3]

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Cap. 1, Tit. ii; Cap. 2, Tit. ix in Sexto, Lib. v.—C. Trident. Sess. xiii, De Reform. cap. 4.

[3] Archivo de Alcalá, Hacienda, Leg. 473.—Bibl. nacional, MSS., R, 128. p. 35.—Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tom. 4, n. 54.

CHAPTER IV.

THE STAKE.

The condemnation of a human being to a death by fire, as the penalty of spiritual error, is so abhorrent to the moral sense and so oppugnant to the teachings of Christ, that modern apologists have naturally sought to relieve the Church from responsibility for such atrocity. On the surface a tolerably plausible argument can be made. The ministers of religion, the spiritual courts, the Inquisition itself rendered no judgements of blood. Any ecclesiastic who might be concerned in them incurred "irregularity" requiring a dispensation before he could validly perform his functions or obtain preferment. The execution of heretics was a matter purely of secular law and burning them alive is not prescribed in canon or decretal. The earliest recorded example of concremation is that administered by Robert the Pious of France to the Cathari of Orleans in 1017, and its embodiment in positive law has not been found earlier than in the decrees against Waldenses by Pedro II of Aragon in the Council of Gerona in 1197. In 1231 Frederic II included it in the Sicilian Constitutions and, in 1238, by his Cremona decree, extended it throughout the empire, while Alfonso the Wise of Castile, in 1255, adopted it for Christians who turned Jews or Moors.[1] It thus became part of the public law of Christendom, not so much from the initiative of rulers, as from a recognition of what had become a custom through the spontaneous ferocity of popular fanaticism.

The Inquisition, through whose agency heretics were consigned to the stake, did not itself condemn them to it, but merely pronounced them to be heretics of whose conversion no hope was entertained; it cut them off from the Church, which had nothing further to do with them, and abandoned or "relaxed" them to the secular arm for due punishment. It assumed that it con-

[1] C. Gerundens. ann. 1197 (Aguirre, V, 102–3).—Constitt. Sicular. Lib I, Tit. 1.—Huillard-Bréholles, Hist. Diplom. Frid. II, Tom. V, p. 201.—Fuero Real de España, Lib. IV, Tit. 1, ley 1.

demned the crime and the civil judge the criminal and, in relaxing him, it adjured the judge to spare his life and not to spill his blood. This latter was a device invented by Innocent III, before the Inquisition existed, to preserve from irregularity the spiritual courts in degrading clerics guilty of forgery and handing them over to the secular authorities for execution.[1]

This shifting of responsibility to the civil power was not through any sense that the laws punishing heresy with burning were cruel or unjust, for the Church taught this to be an act so eminently pious that it accorded an indulgence to any one who would contribute wood to the pile, thus assuming the responsibility and expending the Treasure of the Merits of Christ in stimulating popular ferocity. That this indulgence was well known in Spain appears in the evidence in the trial of Jan of Antwerp for Lutheranism at Toledo in 1561.[2] In fact, when Luther argued that the burning of heretics was contrary to the will of the Spirit, Leo X included this among his heresies condemned in the bull *Exsurge*

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[1] Gloss. Hostiensis in Cap. *ad abolendam* n. 14 (Eymerici Director. P. II).—Cap. 27, Tit. 40, Extra, Lib. v.

The attitude of the Church is defined in these canons:

"A cleric shall not sentence to death or mutilation, under pain of deprivation of honor and benefice."—Cap. 5, Tit. 50, Extra, Lib. III (Alex. III).

"No cleric shall utter or dictate a sentence of blood, or exercise capital jurisdiction, or be present where it is exercised. Nor shall a cleric write or dictate letters concerning judgements of blood. Nor shall a subdeacon, deacon or priest practise surgery involving cutting or cautery."—Ibid. Cap. 9 (Concil. Lateran. IV).

The German prince-bishops, who had *haute et basse justice*, did not invest their judges with power to pronounce sentences of blood, but procured commissions for them from the emperor, as otherwise they were deemed blood-guilty and were deprived of their office. The secular princes were under no such obligation.—Schwabenspiegel Cap. cxi (Senckenberg, Corp. Jur. German, II, 140).—See also Schwäbisches Lehenrecht cap. xvii (Ibid. II, 17, 18).

A cleric uttering a sentence of blood, causing mutilation or death, becomes irregular and, on this account, although he does not *ipso jure* forfeit his benefices, yet he is to be deprived of them by the Ordinary or forced to resign them.—Thesaurus, De Pœnis ecclesiasticis, s. v. *Judicis laici munus*, cap. 2.—Cf. Ferraris, Prompta Bibliotheca, s. v. *Irregularitas*, Art. I, n. 11; Art. II.

[2] Formulary of the Papal Penitentiary, Rubr. XLII (Philadelphia, 1892).—Archivo hist. nacional, Inquisicion de Toledo, Leg. 110, n. 31, fol. 4.—A commentator of the seventeenth century argues that clerics who seek to gain this indulgence become irregular if the wood they bring actually aids in burning the heretic.—Jac. a Graffiis Decis. aureæ Casuum Conscientiæ P II, Lib. ii, Cap. 19, n. 3.

Domine.[1] Consequently the secular power had no choice as to what it should do with heretics delivered to it; its act was purely ministerial, and if it listened to the hypocritical plea for mercy, it was liable to prosecution as a fautor of heresy and to deprivation of its functions.[2] The Church enforced this by embodying in the canon law a provision that princes and their officials must punish duly and promptly all heretics delivered to them by inquisitors, under pain of excommunication, which became heresy if endured for a year; and inquisitors were required to proceed against them, but were cautioned to speak only of executing the laws, without alluding to the death-penalty, in order to escape irregularity.[3]

As elsewhere, so in Spain. The Inquisition abandoned the unrepentant or relapsed heretic to the secular arm, which was bound to sentence and execute him. In the hurried informality of the early period, it seems to have been indifferent whether the magistrate pronounced a sentence or not. A contemporary account of the Toledo auto of August 14, 1486, describes the reading of the sentences of the inquisitors and the condemned being carried at once to the Vega for execution, where they were burnt till not a bone remained, without any allusion to the formality of intervention by the secular power.[4] When, however, the form of a condemnation by the alcalde was observed, as at Córdova in 1484, he uttered it by virtue of the sentence of the inquisitors, which rendered unnecessary anything more than condemning the culprit to be burnt alive, wherefore he ordered the alguazil mayor to carry it into effect.[5] In the inquisitorial sentences of the period the adjuration for mercy is generally lacking. In that of Mencia Alonso, condemned at Guadalupe, November 21, 1485, not only is it absent but the duties of the secular officials are treated as purely ministerial, for it ends "As a limb of the devil and accursed and excommunicate, she shall be taken to the place of burning so that by the secular justice of this town, or by other laymen, justice shall be executed upon her according to the custom of these kingdoms."[6]

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[1] Bullar. Roman. I, 611.

[2] Astesani Summæ de Casibus Conscientiæ, Lib. I, Tit. lviii. Art. 4.

[3] Cap. 18, Tit. ii in Sexto, Lib. v.

[4] Relacion de la Inquisicion Toledana (Boletin, XI, 300).

[5] Boletin, V, 404.

[6] Archivo hist. nacional, Inquisicion de Toledo, Leg. 132, n. 31.

That the function of the magistrate was not judicial is manifested in the refusal to communicate the trial to him. When those of Brescia, in 1486, refused to execute the sentences of the inquisitor without seeing the trials, Innocent VIII ordered the inquisitor to excommunicate them if they delayed more than six days, no matter what the local laws might be, for heresy was a purely ecclesiastical crime.[1] In accordance with this is the assertion of the *Repertorium de Pravitate Hæreticorum*, printed at Valencia in 1494, that the magistrate has no right to have the process shown to him that he may judge as to the justice of the sentence; inquisitors are not to concede any such right, for his sole duty is to execute it without delay, and if he hesitates he is subject to deprivation of office and condemnation as a heretic.[2] This principle was fully admitted by secular jurists themselves. Torreblanca, who was attached to the royal Chancellery of Granada, states that the duty of the civil magistrate is purely executive and he has no right to examine into the merits of a case or to act in a judicial capacity.[3]

In fact, the secular power could be dispensed with altogether. The Venetian Signory was not always as prompt as it should be in suppressing heresy so, to avoid delays and embarrassing questions, the papal nuncio there, with his fiscal, auditor and other officials, had faculties to condemn to mutilation and death all heretics without incurring irregularity or other ecclesiastical penalties, notwithstanding all canons and decretals to the contrary. Such provisions were issued in 1547 by Paul III and in 1550 by Julius III and were doubtless customary.[4] Peña reduces this to a general principle for, without referring to special papal faculties, he asserts

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[1] Innocent, PP. VIII, Bull. *Dilectus filius*, 30 Sept. 1486 (Pegnæ Append. ad Eymerici Direct. p. 84).

[2] Mich. Alberti Repertorium, s. vv. *Communicare* § *Sed an quando; Executio* § *Qualiter*.

[3] Torreblanca, Epitome Delictorum, sive de Magia, Lib. III, cap. xxix, n. 15–17. "Et eo jure utimur quia potestates sæculares in tali casu sunt meri executores." See also Vol. I, p. 603, in the proclamation of the civil power, on the arrival of an inquisitor, the clauses requiring secular officials to inflict "las debidas penas cada y quando por el dicho venerable inquisidor sera declarado."

[4] Fontana, Documenta Vaticana, pp. 137, 145 (Rome, 1892). The Roman Inquisition made no pretence that its judgements were not final; it assumed that it sentenced to mutilation and death, and in this it claimed that those concerned were immune from the canonical irregularity.—Collectio Decretor S. Congr. Sti Officii, p. 219 (MS. *penes me*).

that the intervention of the secular judge is unessential and that, if he is not accessible, the tribunal can condemn the heretic to death; if accessible he must execute the sentence if he wishes to escape the heavy penalties of fautorship and impeding the Inquisition.[1]

There was little danger of such reluctance on the part of secular officials in Spain, where the oath exacted of them by the Inquisition obliged them to execute whatever sentences the tribunal might require.[2] In fact, the only indication I have met with, of possible hesitation involving punishment, occurs in a mandate, September 5, 1725, to the Toledo tribunal, directing that, in autos de fe, the first sentences read should be those of relaxation—thus reversing the usual order—so that the convicts might be delivered at once to the royal judge, without permitting delay in the execution of the sentences, under any pretext, since the tribunal had complete jurisdiction to compel him, by censures and other penalties, to its exact performance.[3]

The Inquisition regarded the sentence of the magistrate as a mere perfunctory formality. The doctors had pointed out conclusively that heresy was a crime over which he had no jurisdiction, and if he were to assert it he would render illusory the sentence of the bishop or inquisitor.[4] Consequently, in preparation for an auto de fe, the tribunal, in advance, gave to the secular authorities a list of the condemnations so that the sentences might be drawn up and the wood, the stake and the garrotes be prepared for immediate execution.[5] It is true that thrift induced a certain amount of equivocation when, in 1579, the royal alguaziles of Saragossa claimed payment from the confiscations for their services and for the cost of the wood, and Philip II emphatically rejected the demand as unexampled, adding that the inquisitors could not

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[1] Pegnæ Comment. 48 in Eymerici Director. P. II. In view of the unvarying practice of the Church for nearly six hundred years, it requires hardihood for a writer, in 1902, to argue that the civil magistrate and not the Inquisition was responsible for the burning of heretics.—Razon y Fe, T. IV, p. 358 (Madrid, 1902).

[2] Pablo García, Orden de Processar, fol. 74.

[3] MSS. of Royal Library of Copenhagen, 213 fol., p. 126.—"En ellos las primeras causas que deben leerse son las de relaxados, para que incontinenti puedan entregarse al juez real sin permitirle dilacion con pretexto alguno en la execuzion de la sentencia; pues siempre queda al tribunal jurisdiccion segura para obligarle por censuras y otras penas á su puntual cumplimiento."

[4] Arn. Albertini de Agnoscendis Assertionibus Q. xxv, n. 44–5.

[5] Archivo de Alcalá, Hacienda, Leg. 473.—Olmo, Relacion del Auto, p. 287.

order such payment without irregularity, and that the executions were in virtue of the sentences of the secular judges and not of the inquisitors.[1] This, however, was the merest quibble. In *autos generales,* the magistrates were asked to be present to receive the convicts and "execute on them the penalties imposed by the canon law of the kingdom." In *autos particulares,* held in churches which must not be polluted by judgements of blood, the Suprema pointed out, in a consulta of April 7, 1690, that the secular judges could wait at a designated place, when it sufficed that a notary informed them in writing that "N. has been declared a heretic by sentence of the Holy Office," simultaneously delivering the convict, when they must accept this assertion, and without delay execute the sentence, unless they wish the Holy Office to prosecute them as fautors of heretics and impeders of its free jurisdiction. At the same time the judges are to continue as usual to pronounce the formal sentence.[2]

Still, the *estilo* of the Inquisition required the ghastly comedy of asking mercy. In the official formula of the sentence the clause announcing relaxation to the civil magistrate proceeds "whom we ask and charge most affectionately to treat him benignantly and mercifully." In sentences of the absent and dead, where the effigy alone was abandoned to the secular arm, there is no prayer for mercy, as there was no effusion of blood to create irregularity.[3] In the rigid formalism of inquisitorial procedure, after the Suprema had established its minute control, it is safe to assume that this official formula was universally followed.

All this affords ample proof that the avoidance of irregularity was the only motive that actuated the Inquisition in this matter, but if further evidence is required it is furnished by the fact that still greater scruple existed in the exercise of the temporal jurisdiction acquired by the Spanish Holy Office over all matters concerning its officials, because such cases were not provided for in the commissions of the inquisitors-general, from which were delegated the powers of the tribunals. In 1514 the question arose when Micer Castillo, assessor in the Saragossa tribunal, was murdered, and two of his assassins, Joan Uguet and Pere Gasco, were tried and convicted. The inquisitors dared not deliver them to the secular arm for execution, and various devices were

[1] Archivo de Simancas, Inq., Lib. 926, fol. 257.
[2] Ibidem, Lib. 42, fol. 291, 293, 308.
[3] Pablo García, Orden de Processar, fol. 32, 54, 59, 68.

discussed, but the matter was settled by procuring from Leo X his motu proprio *Cum sicut accepimus*, January 28, 1515, in which he granted faculties to the inquisitors to arrest, try and deliver for punishment to the secular authorities, any one who had struck, mutilated or slain an official of the Inquisition, even if it entailed effusion of blood or mutilation or death, without incurring any note of irregularity.[1] Under this the tribunals acted when such cases arose, notably in Granada, about 1545, when seven persons were thus relaxed—six Moriscos and an Old Christian—who, while in prison, killed the alcaide and his assistant and who were hanged before burning.[2]

In time the cardinals of the Roman Inquisition were beset with similar scruples and, to relieve their consciences, Pius V, October 9, 1567, granted a decree empowering them to participate in sentences of blood without incurring irregularity.[3] This applied only to Italy, but it was otherwise with the terrible bull *Si de protegendis*, April 1, 1569, commanding the delivery to the secular arm, for the punishment due to high treason, of any one maltreating or even threatening an official of the Inquisition or destroying or altering its records. This was ordered to be published throughout the world; the Spanish Inquisition claimed the benefit of it, and had a Castilian version of it published every year. It made no illusion to irregularity, tacitly assuming that none was incurred and it was often cited in Spain to that effect.[4] Still, when in 1579, the Toledo tribunal desired the death-penalty for Francisco de la Bastida, for personating an official of the Inquisition, and there was no secular law to that effect, a special brief was obtained from Gregory XIII empowering it to find him guilty of death and deliver him to the secular arm for execution without incurring irregularity.[5]

There seems to have arisen a fresh sense of insecurity about 1605. The brief of Leo X was well-nigh forgotten; some tribunals had copies of it, but most of them had not, and the bull *Si de protegendis* did not specifically meet cases that arose. Application was therefore made to Paul V to extend to Spain the 1567 decree

[1] Bulario de la Orden de Santiago, Lib. I de Copias, fol. 139.—Archivo de Simancas, Inq., Lib. 3, fol. 323, 456; Lib. 927, fol. 349.

[2] Ibidem, Lib. 922, fol. 682.

[3] Bulario de la Orden de Santiago, Lib. IV, fol. 169.

[4] Bullar. Roman. II, 298.—Bibl. nacional, MSS., D, 118, p. 82.—Archivo de Alcalá, Hacienda, Leg. 1049.—Archivo de Simancas, Inq. Lib. 939, fol. 63.

[5] Bulario de la Orden de Santiago, Libro III, fol. 156.

of Pius V, which he granted by a brief of November 29, 1605, repeated in 1607. In this he bestowed the fullest powers, not only on inquisitors but on all their officials, in all cases whether of faith or not, coming within their competence, to participate in sentences of torture, mutilation, or death without incurring irregularity.[1] This would appear ample enough to remove all possible scruples and yet subsequently contingencies occasionally arose which excited debate, or called for papal intervention to quiet sensitive consciences.[2]

In the work of exterminating heresy, the rules which governed the Spanish Inquisition were more merciless than those framed by its predecessor. At first, in the medieval tribunals, it was only the pertinacious and impenitent heretic who was consigned to the stake; he who recanted and professed conversion, even at the last moment, was admitted to reconciliation. Then gradually, as it was found that these enforced conversions were frequently insincere, relapse was regarded as proof of impenitence and pertinacity and was subjected irremissibly to the death-penalty, and this included those who had abjured for vehement suspicion. The treatment is exemplified in the case of Fray Bonato, the head of a little body of Spiritual Franciscans in Catalonia. He was pertinacious until the flames had roasted him one side, when his resolution gave way; he professed conversion and was rescued, but some years later he was found to be still cherishing his heresies and, in 1335, he was burnt alive.[3]

The number of burnings in the Spanish Inquisition, during its first half century, could never have occurred under the old rules. Indeed, in the first rush and fury, the case of Juan Chinchilla in 1483 (Vol. II, p. 468) indicates that even frank confession failed to save from the stake those who had sought reconciliation in a Term of Grace, but had been prevented by causes beyond their control. Even when rules began to be framed, the Instructions of 1484 placed the lives of those on trial at the discretion of the tribunal, for they required that repentance and asking for reconciliation must be expressed prior to rendering the final sen-

[1] Archivo de Simancas, Inq., Lib. 922, fol. 685.—Bulario de la Orden de Santiago, Lib. IV, fol. 169–70.

[2] Archivo de Simancas, Inq., Lib. 42, fol. 246, 255–7; Lib. 17, fol. 70; Lib. 25, fol. 156.

[3] Eymerici Director. P. II, Q. xi.

tence, to entitle the culprit to mercy; while even then, if the inquisitors considered that the repentance was feigned, and they had not fair hope of genuine conversion, they were empowered to declare him an impenitent and relax him to the secular arm—all of which was left to their consciences.[1]

The rule thus expressed presents two points, the development of which requires separate consideration. As regards the time of confessing and begging mercy, which the Instructions limit to the period prior to the rendering of the sentence, this was extended to the time of reading of the sentence at the auto de fe. Yet this was grudgingly admitted by the Instructions of 1561, which say that often when convicts on the staging profess conversion the inquisitors receive them to reconciliation, but this ought rarely to be done, for it is a very perilous thing which should be suspected to come from dread of death rather than from true repentance.[2] Yet, in spite of this warning, it was customary to suspend proceedings with those who, at the auto de fe, before the reading of their sentences, claimed to be penitent. They were remanded to the Inquisition and, if they confessed fully as to themselves and others, they were reconciled with appropriate punishment. Such cases were of constant occurrence; in the Córdova auto of April 12, 1722, there were four. Even while the sentence was being read, the doubt was thrown in favor of the culprit, as in the Murcia auto of May 17, 1722, when Inez Alvárez Pereira, convicted as an impenitent Judaizer, begged mercy during the reading of her sentence, professed that she wished to confess and be converted, and was sent back to prison, where she was reconciled.[3] In fact, in public autos, where there were convicts to be relaxed, there was always a room arranged under the staging to which the repentant culprit was at once transferred and one of the inquisitors descended to take his confession before he should have time to change his good resolutions. In such cases reconciliation was accompanied with confiscation, irremissible prison and sanbenito and usually one or two hundred lashes for tardy confession.[4]

The Instructions of 1561 were justified in claiming that little reliance was to be placed on conversions thus obtained. For the most part the awful experience led penitents, who thus escaped,

[1] Instrucciones de 1484, § 12 (Arguello, fol. 5).
[2] Instrucciones de 1561, § 44 (Arguello, fol. 33).
[3] Royal Library of Berlin, Qt, 9548.
[4] Archivo de Simancas, Inq., Leg. 552, fol. 3.

to cherish their beliefs in secret, but occasionally there was one whose conscience could not pardon the weakness that led to a betrayal of faith. Diego López Duro, an humble retailer of tobacco, condemned for Judaism, recanted while on the staging and was reconciled with imprisonment. In 1700, one day, when hearing mass, he stood apart from his fellow-prisoners and, in a loud voice, told the priest that he lied for the Law of Moses was the only true one. He would have been slain on the spot had he not been hurried out to save him from popular wrath, but for him there could be no mercy. The inquisitors labored long to save his soul by inducing him to recant without success; he was pertinacious to the last and was burnt alive in the Seville auto of October 28, 1703—one of those martyrs whose constancy explains why Judaism has been indestructible.[1]

After the reading of the sentence was concluded, recantation did not avert the death-penalty, as in the elder Inquisition, but it was modified to garrotting or strangling before burning, for it was received as a principle that a Christian was not to be burnt alive. This was recognized at least as early as 1484, when in a Saragossa auto a culprit is recorded as strangled before burning "porque murio reducido."[2] In addition to this, the traditions of the Old Inquisition introduced at first a certain irregularity in practice, and it did not follow that delivery to the secular arm inevitably inferred execution. In a list of *quemados y relaxados* at Ciudad Real, there are several cases, up to 1523, of those who were "relaxed" and yet had penances of various kinds, showing that they had recanted after delivery to the magistrate and yet were spared the death-penalty.[3] In fact, it continued for some time to be a matter of debate, in which opinions were divided, whether a man who had been returned by the secular judge to the inquisitors, because he recanted and promised full confession, could be again relaxed for execution. The older doctors inclined to the merciful view and Simancas tells us of such a case in Cuenca, which was referred to the Suprema, when many experts held that the culprit could not be again relaxed, for he had made a true confession, and the secular arm had renounced its rights. Even as late as 1640 an inquisitor says that the rigor of executing a man

[1] MSS. del Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A., T. 4, n. 53.

[2] See Vol. I, Appendix, p. 593.

[3] Archivo hist. nacional, Inq. de Toledo, Leg. 262.

who repents after delivery to the magistrate is not customary in Spain.[1]

In this he would seem to be mistaken. I have never met with a case, later than those alluded to, in which conversion professed after sentence secured reconciliation. The tendency to rigor was too strong. The Instructions of 1561 make no allusion to such a possibility, as they grudgingly allow mercy for earlier confession. Peña forbids it; he admits that it was the ancient custom, but such conversions are not to be trusted and experience shows that such penitents are only rendered worse.[2] It was the universal practice to garrote those who professed repentance after sentence, and the dreadful alternative of death by fire, when thus impending so imminently, wrought so many conversions on the way to the *brasero*, even among those whose resolve had held out thus far, that burning alive became comparatively infrequent. In the first three autos held at Barcelona in 1488 and 1489, all the converts professed a desire to die in the Christian faith and all were strangled before burning.[3] At the great auto of May 21, 1559, at Valladolid where Dr. Cazalla and other Protestants suffered, there were fourteen relaxed in person, of whom only one, the Bachiller Herrezuelo, is characterized as a pertinacious heretic and consequently burnt alive, the rest being garrotted as repentant converts.[4] In 1571 there were hanging, in the parish church of Logroño, 157 sanbenitos, of which 101 were of those reconciled and 56 of those relaxed. Of the latter nine were in effigy and 47 in person, of whom only four are specified as burnt alive.[5] The weakness of human nature afforded but rare examples of those who could stand the final test of fiery martyrdom.

Notwithstanding the practice of executing all who delayed conversion until after hearing their sentences, there still were those who argued that they should be admitted to reconciliation, basing their contention on the ancient rule and on the silence of the

[1] Simancæ de Cath. Instt. Tit XLVII, n. 73.—Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 13.—Bibl. nacional, MSS., V, 377, Cap. iii, § 5.

[2] Pegnæ Commentt. 36, 46, in Eymerici Direct. P. II.

[3] Carbonell *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 13, 15, 29).

[4] Bibl. nacional, MSS., D, 153, fol. 95. This was the rule also in the Roman Inquisition. Del Bene tells us that strictly according to law the convicted heretic is to be burnt alive, but that "among Christians this is not followed, unless he is pertinacious, in which case there is no reason why he should not be burnt alive."—De Officio S. Inquisitionis, II, 113 (Romæ, 1666).

[5] D. N. Herqueta (Boletin, XLV, 424–33).

Instructions of 1561 on this point. In 1674 the Suprema felt called upon to quiet the doubts of the Granada tribunal, by insisting that this rigor had been the invariable custom of the Holy Office. Still the question was debated until a carta acordada of May 24, 1699, disposed of it authoritatively. This declared that, in consequence of existing doubts, the Suprema had examined the matter carefully, reaching the conclusion that technically the delivery to the secular arm was coincident with the reading of the sentence; the Inquisition thus remained without jurisdiction which had passed to the royal justice for the execution of the sentence. Therefore, if the convict was not converted before the reading of the sentence, he was not to have mercy or to be admitted to reconciliation, even if he begged for it, but the royal justice was to execute and fulfil the sentence. If the conversion was real and not feigned—the latter being presumable at such a time—any of the confessors who assisted the culprit could reconcile him to the church and confess him sacramentally.[1] Thus his body was irrevocably forfeited, although his soul might be saved.

After so formal a definition, no arguments in favor of mercy could be urged. In the sixty-four autos de fe, between 1721 and 1727, there was a total of seventy-seven cases of relaxation in person. In the relations it is not always stated distinctly whether the victim was burned alive or garrotted but, from the details given, the estimate cannot be far wrong that not over thirteen, or about one in six, endured the severer punishment. In the Granada auto of January 21, 1722, there were eleven relaxed, all of whom professed conversion after their sentences were read, and all were garrotted before burning. So rigid was the interpretation of the rule that it could not be dispensed with even to gratify the intense longing for expiation which sometimes possessed the eleventh hour convert. In the Córdova auto of April 12, 1722, Antonio Gabriel de Torre Zavallos, relaxed for Judaism, was converted after the reading of his sentence. At the brasero, with copious tears and signs of repentance, he loudly proclaimed his Christian faith, praising the mercy of God and of the Holy Office and demanding to be burnt alive, in order to offer to God satisfaction for his sins, but this was refused; he was duly garrotted and "he gave his soul to God to the great consolation and edification of all the people."[2]

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10 n. 2, fol 136.

[2] Royal Library of Berlin, Qt. 9548.

An unpleasant doubt obtrudes itself whether in all cases the preliminary strangling really relieved the sufferer from death by fire. Spanish executioners are said to possess such dexterity in manipulating the garrote that they can prolong the death-agony for hours when they are not bribed to give a speedy release. In the universal venality of the period, it is possible that those, whose friends failed to earn the good-will of the minister of justice, were by no means insensible when the torch was applied to the faggots. There may have been more than mere lack of skill in the incident at the Cuenca auto of June 29, 1654, which gave Bartolomé López the opportunity of displaying his nerve. He had delayed professing conversion until after the reading of his sentence and was consequently relaxed for strangulation and burning. At the brasero, seeing that the executioner, Pedro de Alcalá, bungled in garrotting Violante Rodríguez and Ana de Guevara, he said to him "Pedro, if you do not treat me better, you had better burn me alive."[1]

According to inquisitorial jurisprudence, there were several causes which entailed relaxation. The first of these was pertinacity—the obstinacy which led the heretic or apostate to avow and defend his errors, and to resist the well-meant effort of his judges to save his soul by inducing conversion. This heroic temper, which preferred martyrdom to denying what it believed to be the truth, was not common, but the annals of the Inquisition are illustrated by cases of unknown and forgotten victims, whose persistence through torment and persuasion, to the fiery death at the brasero, ennobles human nature, whether they were Moslems or Jews, Protestants or Mystics. It was a blind perversity that refused to see in this aught but hardness of heart, inspired by Satan, and with empty rhetoric sought to draw a distinction between this and true martyrdom. Thus Simancas tells us that we should not be surprised to see heretics sometimes carried rejoicing to the stake. This is not true alacrity but madness, not patience but fierceness, and there is wide difference between barbarous fierceness and the modest constancy of the true martyr. Then there are those who, by certain arts, so benumb the body that it does not feel torments; there are also those who deprive the mind of sense, so that they meet death without fear, but that gentleness and placidity, that sublime humility and humble sublimity, we see only in the martyrs of Christ.[2]

[1] Bibl. nacional, MSS., S, 294, fol. 375.

[2] Simancæ Enchirid. Tit. XXXI, n. 3.

Yet, to do it justice, the Inquisition—at least after the first fury of its career was spent—earnestly sought the salvation of its victims, rather than to send them through temporal to eternal flame. We have seen that, in the case of those sentenced to relaxation, it advanced the notification of their fate, in order to enlarge the opportunity of the ghostly counsellors, whom it deputed to labor with them. Even before this extension, the Instructions of 1561 order inquisitors to do everything in their power to induce conversion, so that, if nothing else can be accomplished, the culprit may not die without the knowledge of God.[1] During the fortnight previous to an auto de fe those sentenced to relaxation were to be summoned to repeated audiences, when they were to be earnestly entreated to confess and recant, with promises of mercy, and learned theologians were required to be present to aid in the exhortations.[2] Even prior to the consulta de fe, pious inquisitors spared no effort to convince the erring of their errors. One relates how, in 1630, he had to deal with two Protestants, an Englishman and a Frenchman, who were pertinacious, saying that they had been brought up in their pretended reformed religion and knew nothing of Catholicism. Their simplicity went so far as to ask to be allowed to return to their native lands, or that persons learned in both religions should dispute before them, so that they might learn which was best for, as they were illiterate, they could not themselves dispute. The inquisitor set theologians to work upon them when, after considerable labor, they were converted; devotional books were given to them, which they eagerly devoured; the trial was delayed and, by the time the witnesses were ratified, the heretics were good Catholics.[3]

When three days' notice of impending relaxation was given, the time was utilized to the utmost. There was a pertinacious heretic to suffer in the Seville auto of December 10, 1719—a Moorish slave, baptized under the name of Francisco Andrés, who had renegaded and was persistent when his sentence was made known to him. Then twelve calificadores—two each from the Orders of Mercenarians, Minims, Franciscans, Dominicans, Augustinians and Jesuits—with eight familiars were assigned to his conversion. They were successful and he escaped with prison

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[1] Instrucciones de 1561, § 43 (Arguello, fol. 33).

[2] Archivo de Simancas, Inq., Lib. 979, fol. 40; Lib. 876, fol. 105b.

[3] Bibl. nacional, MSS., V, 377, Cap. 10.

and sanbenito for four years.[1] A remarkable case, at the Seville auto of July 5, 1722, shows however that, after delivery to the secular arm, the Inquisition considered that its functions were ended. There were four pertinacious Jews, two men and two women. Nine calificadores and eleven familiars labored with them in vain during the three days; they persisted through the reading of the sentences and were delivered to the secular magistrate. The two men and the elder of the women succumbed at the last, professed conversion and were garrotted and burnt. The younger woman, known as La Almiranta, at the brasero begged audience of the deputy assistente, told him that she desired to confess and give evidence as to other Jews and was remanded to the royal prison. Word was sent to the tribunal, which replied that it had nothing further to do with her. She was kept until the 7th and, when taken to the brasero was more pertinacious, than ever, saying that, as her companions had died as Catholics, they were accursed and that she had pretended to yield in order that her ashes, which were holy, should not be mingled with theirs. Of course she had the martyrdom which she craved.[2]

In exceptional cases pertinacity seems to have been allowed the privilege of preliminary strangulation. At a Valladolid auto of May 29, 1691, there were five pertinacious women condemned for Judaism, described as being from 24 to 27 years of age and very handsome, who excited general compassion. On being delivered to the magistrate two of them weakened, while three persisted in their faith, yet they were all garrotted before burning.[3]

A large portion of the cases of pertinacity arose from the death in prison, during trial, of those who did not ask on the death-bed for the consolations of religion, and who had no opportunity of obtaining mercy by conversion. Thus in the Granada auto of May 13, 1725, out of seven burnings in effigy, six were of those who had died in prison.[4] Suicide in prison was treated harshly, for Simancas tells us that the suicide is to be condemned as fully convicted and impenitent, even though he had previously confessed and professed repentance, to which Rojas adds that,

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[1] Bibl. nacional, MSS., R, 128.
[2] Ibidem, R, 118, p. 35.
[3] Ibidem, Pp, 67–10, fol. 101.
[4] Royal Library of Berlin, Qt. 9548.

although his effigy is to be burnt, his heirs are allowed to prove insanity, difficult as that is.[1]

The *negativo*—the man who denied his heresy in the face of what was deemed competent testimony of guilt—was classed as an impenitent heretic and doomed to relaxation. This was the inevitable logic of the Inquisition, although it led to the most tragic of all situations—that of being tortured to death in honor of the faith which the sufferer held. It was impossible, under the inquisitorial system, to allow a possible heretic to escape merely because he unflinchingly affirmed his orthodoxy, and yet when a man asserted it up to the brasero, knowing that it would not avail him, it was impossible not to recognize in him a true believer who would not save his body at the expense of falsely confessing apostasy. Three such there were in the Granada auto of May 27, 1593, burnt as negativos and consequently burnt alive.[2] Such men were true martyrs, especially as rigid constructionists denied them the consolations of religion in their last moments. At the Toledo auto of October 28, 1723, Diego de Quiros was in this position, and a Jesuit who heard him in sacramental confession was severely censured for doing so while he persisted in maintaining his innocence. Again the question came up in the Toledo auto of July 1, 1725. Fernando de Castro was relaxed as an impenitent negativo and was sentenced to burning alive. On account of the heat the execution was postponed until the afternoon, and the convict was meanwhile placed in the public prison. With cries he earnestly begged for sacramental confession, but the frailes in attendance declined unless he should admit his heresy, which he steadfastly refused to do, asserting the witnesses to be perjured, and the judgement unjust. At this juncture there came a Jesuit father who yielded to the despairing appeals of the poor wretch and heard him in confession, whereupon the judge took the responsibility of modifying the sentence to preliminary strangulation. The frailes loudly rebuked the Jesuit, and were joined by the public, disappointed of the promised spectacle of the burning alive of a fellow-creature. Considerable debate followed and a priest named Candido Múñoz wrote an argument justifying the Jesuit, but his labor was superfluous for, while his

[1] Simancæ Enchirid. Tit. LXII, n. 10.—Rojas de Hæret. P II, n. 183–4.

[2] Bibl. nacional, MSS., G, 54, fol. 249.

tract was in the press, the Suprema issued a carta acordada, October 11th, ordering that in such cases the priest should hear the confession and confer absolution or not, according to the disposition manifested, but in future no one but the appointed theologians were to attend the convict to the last.[1]

Thus it was left to this late date to admit the dying victim to the sacraments, probably, we may assume, on the doctrine that the blood of martyrdom is the most efficacious of all sacraments. Such cases could not have been common, but those must have been numerous in which the unjustly convicted negativo found his resolution give way at the approach to the brasero and, in order to escape burning alive and to obtain the sacraments, falsely confessed to having entertained heresies which his soul abhorred.

There was also the *diminuto,* who made a confession that did not "satisfy the evidence" and thus was held to be imperfect. A confession that was not full was regarded as fictitious; it inferred impenitence and therefore entailed relaxation. We have seen how, under the early Edicts of Grace, any omissions in the hurried confessions was construed as rendering them imperfect and subjecting the penitent to prosecution and relaxation. Especially was imperfect denunciation of accomplices regarded as *diminucio;* if the accused confessed all that was in evidence against himself and omitted the acts of accomplices who were proved to have been with him, or if he named only those who were absent or dead or already convicted, it was proof of malice and impenitence; he was not truly converted and was subject to relaxation after torture *in caput alienum.*[2] The denial of heretical intention in acts confessed, which was frequent in those against whom Judaic or Moorish customs were proved, constituted the accused a negativo in the substantial part of heresy, which is intention, or a diminuto, implying, according to the common opinion, impenitence and pertinacity involving relaxation.[3] Thus Hernando de Palma, a Morisco, accused of teaching and conducting Moorish ceremonies, denied and overcame severe torture, whereupon the consulta de fe

[1] Candido Múñoz, Question theologico-moral acerca del Reo de fe, etc. (Madrid, 1725).—MSS. of Royal Library of Copenhagen, 218b, p. 361.

[2] Bibl. nacional, MSS., V, 377, Cap. iii, § 6.

[3] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

voted for appearance in an auto and abjuration *de levi*. Ignorant of this, he asked for an audience and confessed that, for seven or eight years, he had practised some Moorish rites, without regarding them as contrary to the faith. In this he persisted and was burnt in the Toledo auto of 1606. Revocation of confession was similarly impenitence and pertinacity, as in the case of Manuel Thomas, who confessed to Judaism after the accusation was presented, then revoked the confession and persisted in the revocation, for which he was relaxed in the Toledo auto of 1585.[1]

When the Reformation plunged the Church into a struggle for life, of which no man might foretell the result, there arose a demand for sharper measures of repression. The dogmatizer or heresiarch—he who not only condemned his own soul to perdition but sought to carry others along with him, by disseminating his pestiferous doctrines—might recant and make his peace with God, but not with God's earthly ministers. Simancas well expresses the hatred intensified by fear, which was aroused by the teachers of the new doctrines. The heresiarch, he says, the master of errors, is to be relaxed and, under no circumstances, is to be received back into the Church. He is unworthy of pardon who has led others into error, like a murderer who has slain many. He is a crafty homicide, who daily sheds the blood of souls. He who teaches heresy slays, not with the sword, but with the poison of his doctrine; he kills not the body but the soul, not with temporary but with eternal death, wherefore he is worthy of the severest punishment. And, of all others, the teachers of the Lutheran heresies are in no way to be pardoned.[2]

Yet the Church had always professed to welcome to reconciliation its erring children, who renounced their errors and begged for mercy, provided they were not relapsed, and the Inquisition from its inception had acted on this principle. On this were based the powers deputized to it and when, in 1558 the discovery of the Protestants of Valladolid was so exploited as to throw Spain into agitation, and it was desired to make an example of Doctor Agustin Cazalla, some further grant of faculties was felt to be necessary. Paul IV was nothing loath. In 1555 he had apparently desired to show that Rome was not to be outdone by

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Simancæ de Cath. Instt. Tit. xlvii, n. 60–63; Enchirid. Tit. lix.

Geneva in persecuting rigor and that, if Calvin in 1553 had burnt Servet for denying the Trinity, he could be equally zealous for the faith. By the bull *Cum quorundam* he decreed that all who denied the Trinity, the divinity of Christ, his conception through the Holy Ghost, his death for human salvation, or the perpetual virginity of the Virgin, and who did not confess to inquisitors and abjure their errors within three months, and all who in future should maintain those heresies, should be treated as though they were relapsed and as such should be forthwith relaxed to the secular arm.[1] Having thus extended the catalogue of unpardonable heresies, he was quite ready to grant the additional powers sought by the Spanish Inquisition. By a brief of January 4, 1559, he bestowed on the inquisitor-general and Suprema a faculty to relax all heresiarchs and other heretics, even though they were not relapsed, and though they desired to abjure their heresies, when it was believed with verisimilitude that the abjuration was not sincere but was only to escape punishment.[2] This was, in fact, no more than the power assumed in the Instructions of 1484, but under it, as we shall see hereafter, were relaxed some conspicuous heretics, such as Doctor Cazalla at Valladolid and Juan Ponce de Leon at Seville, although they had renounced their errors and sought reconciliation in advance of the autos de fe.

It thus became a principle in inquisitorial jurisprudence that the inquisitor-general and Suprema could relax dogmatizers, irrespective of pertinacity or relapse.[3] This was not confined to Protestants. About 1600, the Suprema had to decide the case of a Morisco alfaquí, accused of being a teacher of Islam, who confessed to teaching his wife but denied other proselytism. A consulta presented to the Suprema argued that, although by law a

[1] Bullar. Roman, I, 821.—On the plea that such heretics claimed exemption from this on the ground of ignorance, Clement VIII, February 3, 1603, renewed and confirmed in perpetuity the act of Paul IV.—Bullar. III, 160.

Although the Spanish Inquisition preserved these decrees in its collections it does not seem to have acted on them. In 1568 there were two cases in Valencia of heretics who, among other errors, denied the virginity of the Virgin. One of these was a Gascon, Bernat de Vidosa, who was reconciled with only reclusion in a monastery; the other was Pedro Sobrino, a fisherman of Naples, more severely treated with ten years of galleys.—Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 63.—Bibl. nacional, MSS., R, 90, p. 252.—Archivo de Simancas, Inq., Lib. 930, fol. 26.

[3] Archivo de Simancas, Inq., Lib. 939, fol, 119.—Bibl. nacional, MSS., V, 377, Cap. ix, § 3.—Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 4).

dogmatizer must be relaxed yet, if he spontaneously denounces himself and is sincerely repentant, he can be reconciled, for his conversion and humility serve as an example to those whom he has misled. In the present case, however, the alfaquí has only confessed partially and to save himself, wherefore he should be relaxed—and to this the Suprema assented.[1] Yet this severity had exceptions. In the Seville auto of July 5, 1722, Pedro de Alpuin, reconciled with perpetual prison and sanbenito, had five years of galleys added for being a teacher of the Law of Moses, and even these were remitted in consideration of his infirmities.[2]

Relapse was the most fruitful source of relaxation, at least after the first rage of the Inquisition had exhausted itself. It has been already stated that, after reconciliation or abjuration *de vehementi*, any backsliding was held to indicate that the conversion had been fictitious, that the culprit was impenitent and pertinacious, and that he was to be abandoned to the secular arm without hope of mercy. This was an unvarying principle of the canon law. The Suprema, in a case brought before it, in 1536, declared that it could not dispense for that which the law enjoined, and therefore it was powerless to relieve the relapsed from his punishment.[3] Simancas is equally emphatic—the relapsed is to be condemned without hope of pardon.[4] In the first audience of the accused, the inquisitor was required to tell him that, if he would discharge his conscience, his case would be despatched with speed and mercy but, if the charge was relapse, the word mercy was to be omitted because no mercy could be shown.[5] Even prompt and full confession was of no avail; the law was absolute and implacable.[6]

This severity was greatly enhanced by the elastic definition given to relapse. The reconciled penitent had to walk warily, for any unconscious return to ancestral habits was sufficient to convict him. About 1500 the Suprema decreed that penitents communicating with unreconciled heretics were to be held as relapsed, and all evidence coming before the tribunals was to

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[1] Archivo de Simancas, Inq., Lib. 937, fol. 199.
[2] Royal Library of Berlin, Qt. 9548.
[3] Archivo de Simancas, Inq., Lib. 939, fol. 121.
[4] Simancæ de Cath. Instt. Tit. LVII, n. 3.
[5] Pablo García, Orden de Processar, fol. 11.
[6] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

be scrutinized for proof that would justify prosecution—evidently of those who might chance to be incidentally named in it—and then, if this proved insufficient for conviction, any admission of the accused, not contained in his former confession, could be used to condemn him as a fictitious convert.[1] How this was construed in practice, we learn from Simancas, who says that he is considered a relapsed who, after abjuring heresy, talks with heretics, or visits them, or makes presents to them, or favors and communicates with them, so that he cannot but be held to do it as a consequence of his heresy.[2] The man who had been reconciled thus lived in unceasing danger that, at any moment, some acquaintance might be tried and convicted and his name might occur in the evidence as being on good terms with him. Safety, indeed, could only be secured by resolutely isolating himself from his family and his race.

It was the same with those who had only abjured for vehement suspicion. The Instructions of 1561 declare absolutely that, if they confess or are convicted, they must be relaxed, for the inquisitors have no power to reconcile them, although they are not truly but only fictitiously relapsed.[3]

Still, there were some exceptions. Self-denunciation for relapse, it was admitted, required relaxation under the law, but it was argued that such second confession was not really a conviction, for it showed that the penitent was not incorrigible and should be admitted to mercy.[4] Such cases must have been exceedingly rare, but we have seen one in that of Ursule de la Croix (Vol. II, p. 572) where, it will be remembered, a third self-denunciation was visited with the stake.

Moriscos enjoyed a special exception. The wholesale enforced conversion of the Moors of Castile in 1502 and of the kingdoms of Aragon in 1525, filled the land with nominal Christians, whose baptism served no other purpose than subjecting them to the Inquisition. They were largely vassals of nobles, to whom their services were indispensable, and to subject whole populations to the penalties of a relapse which was inevitable was a prospect

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[1] Archivo de Simancas, Inq., Lib. 933.

[2] Simancæ *loc. cit.*, n. 4.

[3] Instrucciones de 1561, § 41 (Arguello, fol. 33).

[4] Elucidationes S. Officii, § 23 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4).—Alphonsi de Castro de justa Hæret. Punitione Lib. II, cap. 2.—Bibl. nacional, MSS. V, 377, Cap. ix, § 1.

that might well stagger the statesman if not the churchman. In the unsparing rigor of the canon law, escape from this was to be sought only in Rome and, in March, 1510, Ferdinand asked for a bull enabling the converts to avoid the penalties of relapse.[1] The request was doubtless granted and was followed by numerous papal briefs, issued during the remainder of the century, which bore the shape of empowering the inquisitors-general to appoint confessors with power to absolve Morisco penitents with secret absolution and penance, even if they had relapsed repeatedly, or to proclaim terms of grace, during which absolution could be had irrespective of relapse, together with other devices, the futility of all which we shall see hereafter.[2]

This was but one of the many attempts to solve the increasing difficulties of the Morisco problem, and its only relation to the general policy of the Inquisition is to prove how easily, when sufficient motive existed, the unsparing cruelty of the canon law could be set aside. Under that law, we can readily conceive how large a portion of the executions were due to relapse. Details are lacking as to the earlier period of activity, but the later records are sufficient to indicate how efficient an agent it was in procuring victims. In the great Madrid auto of 1680, there were eighteen Judaizers relaxed in person, of whom ten were for relapse, six for pertinacity and two for denial or imperfect confession.[3] In the terrible Mallorquin autos of 1691, all the relaxed—thirty-eight in person and seven in effigy—were condemned for relapse, having been reconciled in 1679, and of these only three were burnt alive as pertinacious.[4] At the Granada auto of January 31, 1723, of the eleven Judaizers relaxed, all were relapsed; at that of Cordova, April 23, 1724, seven out of eight were relapsed, and the same was the case with all of the six relaxed in the Cuenca auto of July 23, 1724.[5] In these last three autos only one person was pertinacious; the rest all professed contrition and conversion and would have escaped with reconciliation instead of strangulation had it not been for the rigor in the treatment of relapse.

A case already alluded to exemplifies this and is worth relating

[1] Archivo de Simancas, Inq., Lib. 3, fol. 72.

[2] Ibidem, Lib. 926, fol. 49, 53, 57, 63, 67.—Bulario de la Orden de Santiago, Lib. II, fol. 79; Lib. III, fol. 88, 109.—Archivo de Alcalá, Hacienda, Leg. 1049.

[3] Olmo, Relacion del Auto, pp. 252–62.

[4] Garau, La Fee triunfante, pp. 65–112.

[5] Royal Library of Berlin, Qt. 9548.

in some detail, if only for its psychological interest. Fray Joseph Díaz Pimiento was born in Cuba, of Old Christian parents, in 1687. He was bred to the Church and his life was an example of the licence pervading the colonies. He drifted around the shores of the Caribbean, involved in all kinds of disreputable adventures. In Mexico, he forged a certificate of baptism in order to obtain ordination under age. In the Dutch colony of Curaçoa, he professed conversion to Judaism and was circumcised, in the hope of getting a few hundred dollars from the Jews. After incredible hardships he fell into the hands of the Inquisition of Cartagena de las Indias, where he recanted, was reconciled and was sent to Spain for reclusion in a convent. While confined in the episcopal prison he broke gaol, but was captured at Xeres, and was put in a convent, heavily fettered, where he endeavored to get assistance from some New Christians who were under suspicion, but in this he failed, although to excite their compassion, he wrote to the commissioner of the Inquisition that he was a Jew. Then again he escaped and fled to Lisbon, where he worked for a Dutch ship-master, who promised to carry him to Holland, whence he could sail for Jamaica. Then a sudden impulse took possession of him, which carried him to Seville, where he presented himself to the Inquisition. At first he professed to be a Christian but, after a few days, he told the alcaide that he was a Jew, and in this he persisted, stubbornly refusing to make defence. Necessarily, as a relapsed, he was condemned to relaxation in the auto of July 25, 1720, and, during the three days prior to the auto, all the learning and piety of Seville were enlisted in his conversion, while prayers for his soul were put up in all the churches. Then came another revulsion and, after two days, he announced that the grace of God had touched him, and that he was a Christian. But for his relapse, this would have saved him; as it was, it only obtained for him preliminary strangulation and this he sought to reject for, at the stake, he begged to be burnt alive in order to prove that his conversion was the result of conviction and not of fear. This could not be permitted, and the deputy assistente sentenced him to be garrotted and burnt, and his ashes scattered as usual. The pile was fired at 5 P.M.; it took until day-break to reduce the body to ashes, and it was observed that the customary stench was absent. Then the Hermandad de la Caridad asked to have the ashes to give them Christian burial, as he had died a Christian, but the assistente refused and ordered them to be

scattered over the fields, in obedience to the royal pragmáticas and apostolical constitutions—all of which, we are told, was done, to the great honor of the holy Catholic faith.[1]

Yet, notwithstanding the canons that prohibited mercy to the relapsed and withheld, even from the inquisitor-general, the power to pardon, cases, as has been stated above (p. 148), are not infrequent, in which the relapsed were admitted to a second reconciliation. Even as early as 1486, we hear of Micer Gonzalo de Santa María, of the great converso family of Burgos, who was thrice penanced by the Inquisition and who finally died, not at the stake, but in gaol, under a sentence of perpetual prison.[2] Some scattering cases of penances subsequent to reconciliation occur at Barcelona between 1491 and 1502, mingled with others in which the full penalty of relaxation was inflicted, though no reasons are alleged for the distinction.[3] In 1511, at Cuenca, Leonor and Juana Rodríguez who had been reconciled in time of Grace, were reconciled again for fresh delinquencies.[4] In the later period, instances of the same benignity occur more frequently, although accompanied with punishment severe enough to show that the trivial evidence required to prove persistency was far exceeded. Thus, in the Toledo auto of December 27, 1654, Gaspar de los Reyes was sentenced, as a relapsed observer of the Law of Moses, to abjure *de vehementi*, to six years of galleys and a fine of a thousand ducats, while his wife, Isabel Rodríguez, and his mother, María López, both relapsed, had the same sentence, save that exile replaced the galleys and the fine was six hundred ducats each. A more unusual case was that of Manuel Rodríguez Moreira, who was relaxed for relapse in the Toledo auto of September 8, 1704, after rejecting an offer of mercy. There is even an instance, December 8, 1681, of a sentence of reconciliation, *citra pœnam relapsi*—without the punishment of relapse—but this is explained by the tender age of the culprit, Diego de Castro, who was but ten years old.[5]

Remembering the prudent intimation given to inquisitors that sometimes fines were more productive than confiscation, the heavy

[1] MSS. del Archivo Municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tom. 4, n. 54.—Bibl. nacional, MSS., R, 128.

[2] Libro Verde de Aragon (Revista de España, CVI, 254).

[3] Carbonell, *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 62, 141, 152).

[4] Proceso contra Fray Luis de Leon (Col. de Doc. inéd, X, 158–61).

[5] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

mulcts inflicted on the relapsed who were admitted to mercy, suggest that possibly there may have been financial reasons, in special cases, for benignity. We have seen the number of executions for relapse in the Mallorquin autos of 1691. Besides these there were twenty-two cases of those who had been reconciled in 1679 who were not relaxed but penanced in various ways, including fines ranging from one to five hundred libras, and aggregating in all sixty-five hundred libras.[1] It is difficult not to recognize in this a speculative exercise of rigor or mercy.

As the eighteenth century wore on, it would seem that the canonical penalty of relaxation came to be enforced only on the relapsed who were pertinacious, or refused to confess and beg for mercy. In the Valladolid auto of June 13, 1745, there are three illustrative cases. Luis de la Vega, who had been reconciled in 1701, was relaxed as an impenitent relapsed, who persisted in denying his guilt. Miguel Gutiérrez, reconciled in 1699, and Franciso García, reconciled in 1706, were admitted again to reconciliation, with irremissible prison and sanbenito, ten years of galleys and two hundred lashes—a somewhat doubtful mercy but, if the sentence was justifiable, the offence unquestionably under the canons, called for relaxation.[2]

It was only in formal heresy that relapse entailed relaxation for, as we have seen, the stake was reserved for heretics. Where heresy was merely inferential, as in bigamy, blasphemy, solicitation in the confessional, reading prohibited books, and other offences reserved to the Inquisition, relapse was treated only as an aggravation, to be punished with such additional severity as the circumstances might indicate. Even relapse in the crime of administering the sacraments without being in orders, which the Roman Inquisition treated as the equivalent of heresy, was visited in Spain only with the ordinary penalties in somewhat rigorous measure. Thus Juan Vicente Esquirel y Morales—a man with a number of aliases who had been a foot-soldier—was penanced for this offence at Granada in 1727. He persisted in his evil courses and, in the Córdova auto of March 4, 1731, he was forbidden to wear clerical garments and was sentenced to two hundred lashes and ten years of galleys.[3]

[1] Garau, La Fee Triunfante, pp. 39–42, 114–22.

[2] Royal Library of Berlin, Qt., 9548.

[3] Elucidationes S. Officii, § 19 (Archivo de Alcalá, Hacienda, Leg. 544,[2] Lib. 4). —Matute y Luquin, Autos de Fe de Córdova, p. 270.

The latter half of the eighteenth century witnessed the gradual disappearance of relaxation. Llorente tells us that during the reign of Carlos III (1759–1788) he has found accounts of only ten autos de fe, in which there were but four cases.[1] Probably the latest instance was that of Isabel María Herraiz, an impostor known as the *Beata de Cuenca*, who died in prison without confession and, being thus unable to recant and beg mercy, was burnt in effigy in 1802.[2] When it came to relaxing a living fellow-creature, however, the Inquisition by this time was honestly desirous of escaping the necessity. Padre Miguel Sorano, cura of Esco in Aragon, was an unmanageable heretic, who discarded tradition and the fathers and held that Scripture was the sole authority; purgatory and limbo were human inventions; fees for masses were simony; tithes were a fraud; the pope was not the vicar of Christ and his decretals were mere devices to raise money. All this he embodied in a book which he audaciously submitted to his bishop and other theologians. Tried by the Saragossa tribunal, he was pertinaciously impenitent, impervious alike to argument and threats, and there was no alternative but to vote for relaxation. Then the Suprema ordered fresh testimony to be sought and renewed efforts at conversion, but all proved fruitless and again relaxation was voted. As a last resource the Suprema ordered an investigation into his sanity. All the population of the vicinage was examined, and one doctor was found to say that some years before he had been dangerously sick, which might have affected his brain, and since then he had talked freely of these heretical doctrines. Taking advantage of this, renewed efforts were made to convert him without coming to a vote. While this was in progress he was attacked with mortal illness and, at the end of twenty days, he was told that the end was near. He merely said that he was in the hands of God; he refused all the consolations of religion and passed away unrepentant in 1805, to be buried in unconsecrated ground, when the Suprema ordered the case to be closed, without proceeding to conviction and burning in effigy.[3] We shall see that twenty years later the episcopal Inquisition was less merciful.

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[1] Llorente, Hist. crít., Cap. xlii, Art. i, n. 14.
[2] Ibidem, Cap. xliii, Art. iv, n. 1.
[3] Ibidem, Cap. xliii, Art. iv, n. 4.

CHAPTER V.

THE AUTO DE FE.

THE Act of Faith—the Auto de Fe—was the name by which the Spanish Holy Office dignified the *Sermo* of the Old Inquisition. In its full development it was an elaborate public solemnity, carefully devised to inspire awe for the mysterious authority of the Inquisition, and to impress the population with a wholesome abhorrence of heresy, by representing in so far as it could the tremendous drama of the Day of Judgement.[1] It was regarded as an eminently pious duty. Ferdinand, in 1499, congratulating the inquisitors of Saragossa on the reports of their autos, and the consequent edification of the people, exhorts them to continue to serve God and to discharge their consciences and his. In a similar mood Cardinal Adrian, in 1517, urged the tribunal of Sicily to celebrate one as early as possible for, besides the service to God, it would greatly edify the people.[2] The old designation of Sermo was derived from the sermon with which the proceedings commenced—originally preached by one of the inquisitors, but subsequently by some eloquent fraile, who dilated on the supreme importance of preserving the faith in its purity and of exterminating heresy and heretics. To insure a large attendance, an indulgence, usually of forty days, was granted to all present at the pious work.

At the height of its power the Inquisition spared no labor or expense to lend impressiveness to the *auto publico general*, as a demonstration of its authority and of the success with which it performed its functions. In the earlier and busier period, the exhibition was simpler, and confined to the practical work in hand. Thus in the first one celebrated in Toledo, August 16, 1486, the victims were marched on foot to the plaza, their hands tied with ropes across the breast, wearing sanbenitos of yellow linen with their names and the inscription "herege condenado," and bearing

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[1] Páramo, p. 597.

[2] Archivo de Simancas, Inq. Lib. I: Lib. 933, p. 551.

mitres on their heads. In the plaza they were ranged in tiers on a staging, while the inquisitors and their officials occupied another staging opposite. The sentence of each one was read and, although the culprits were numerous, the affair, commencing at 6 A.M., was over by noon, when the convicts were carried to the *brasero* or *quemadero* for burning. Apparently the exhibition consisted only of those condemned to the stake, to the exclusion of the reconciled or otherwise penanced.[1] The autos of the period, moreover, were not confined to the seats of the tribunals. We hear of them in the smaller towns, and, from a letter of Ferdinand, November 21, 1498, it appears that the convicts were distributed to their several bishoprics where the celebration and execution, though on a minor scale, would bring the terror of the Inquisition and the danger of heresy more directly home to the people.[2] By 1515, however, we may assume that they were centralized in the tribunal cities, for a royal cédula of that year orders the tribunal of Murcia to confine its autos to the city of Murcia and not to celebrate them in Orihuela.[3] It was evidently desired to render them more impressive, and this was further accomplished, about the same time, by requiring all penitents to appear in them for, in 1517, we find the Suprema instructing the tribunal of Navarre that, in future, abjurations *de levi* were not to be made privately, but in the public autos, which were to be celebrated with all solemnity.[4] There was cruelty in this, for appearance in an auto was in itself a severe punishment, and we shall see that subsequently *autos particulares*, or private autos, were instituted which enabled those guilty of lighter offences to escape without public humiliation.

Thus far autos were held at the discretion of the tribunals, which celebrated them whenever there was an accumulation of finished trials requiring relief to the prisons. A consulta de fe would be assembled, the sentences would be agreed upon, and a day would be appointed. It probably was not often that any external interference was apprehended, as at Cuenca, in 1520, where the tribunal had so excited popular passion by arresting the deputy corregidor, in some collision of jurisdictions, that it was obliged to procure a royal cédula instructing the corregidor

[1] Relacion de la Inquisicion Toledana (Boletin, IX, 300).
[2] Archivo de Simancas, Inq., Lib. I.
[3] Ibidem, Lib. 979, fol. 38.
[4] Ibidem, Lib. 72, fol. 73.

not to permit the inquisitors to be impeded in the performance of their functions.[1] Gradually, however, in this, as in so much else, the Suprema assumed control. A commencement of this is seen, in 1537, when it ordered that, whenever an auto was proposed, it should be apprised before any one else, but even the Instructions of 1561 leave as yet the determination with the tribunals.[2] It could not have been long after this, however, that the permission of the Suprema became requisite for, in 1585, we find the Inquisitor of Cuenca, Ximenes de Reynoso, writing, September 3d, for a decision of certain cases, and for authority to hold an auto, as there were thirty penitents, many of whom being poor were a charge on the fisc. The Suprema delayed its answer and, on October 14th, Reynoso sent a special courier, asking the reply to be returned by him; the auto was necessary for the benefit of the sick prisoners, as there was a pestilence raging, and also for the relief of the treasury; it was only by special entreaty that the receiver had paid the expenses of the last month, saying that there were no funds. This brought a speedy answer, with the desired permission.[3] Finally, the customary routine was for the tribunal to send a list of the cases in readiness and to ask for licence to hold an auto; if the Suprema approved, it ordered the auto to be celebrated without delay. Apparently in the active work of the eighteenth century there was an effort to regain control of the matter, for a carta acordada of June 5, 1720, orders that no auto be held without advising the Suprema and awaiting its commands.[4]

As public autos became less frequent, they lost the simplicity of the earlier period and grew to be imposing demonstrations of the authority of the Inquisition. Possession was taken of the principal square of the city, and two vast stagings were erected, one for the penitents and their ghostly attendants, and the other for the inquisitors with their officials and all the ecclesiastical and secular authorities, while the windows of the surrounding houses were filled with the notables of the place and their families. The participation of prelate and magistrate, in the processions and spectacle, was compulsory, for though, as a rule, they were proud to take their places, causes of quarrel were too frequent and bitter

[1] Archivo de Simancas, Inq., Lib. 4, fol. 9; Lib. 5, fol. 24, 29.
[2] Ibidem, Lib. 939, fol. 121.—Instrucciones de 1561, § 77 (Arguello, fol. 37).
[3] Archivo de Simancas, Inq., Leg. 1157, fol. 154, 155.
[4] MSS. of Royal Library of Copenhagen, 213 fol., p. 126.

not occasionally to render them unwilling thus to do honor to their imperious adversaries. In 1486, the local authorities of Valencia absented themselves from an auto and, when this was reported to Ferdinand, he rebuked them and ordered them in future always to be present, for nothing was so important as the service of God.[1] Similar commands had to be repeated not infrequently. About 1580, a royal cédula to the viceroy and officials of Majorca instructs them to lend the weight of their authority to the Inquisition, by accompanying the inquisitors in the procession to the staging, and then conducting them back to their palace. In 1588, the President of the Royal Council of Castile issued a general order to all the judges of the royal courts to march in the processions and, in 1598, the inquisitors were empowered to compel by excommunication the attendance of all public officials.[2]

The staging, on great occasions, was elaborate and costly, and the question of defraying the expense was variously decided. In 1553, we find the Suprema settling it, in Cuenca, by requiring the city to erect it, as was customary in Toledo. These two cities and Madrid remained charged with it, but elsewhere it was paid by the tribunals. At the great Madrid auto of 1632, Philip IV ordered the city to construct the staging in conformity with plans drawn by his chief architect, and the same course was followed in that of 1680, where we have long details of the complicated structure erected under the superintendence of commissioners of high rank, who esteemed the duty to be an honor.[3]

It was essential that both inquisitors should be present, and a single inquisitor was forbidden to celebrate a public auto in the absence of his colleague. The day selected must be a feast-day—ordinarily a Sunday—in order to insure a larger attendance. It sometimes chanced, however, in the eccentricities of spiritual jurisdiction, that the city lay under an interdict on the day appointed and, in such case, the Inquisition had to yield. In 1582 the Suprema instructed the tribunals that, when this occurred, they should endeavor to have the interdict lifted for the occasion, but, if those who had cast it refused, the inquisitors must not assume

[1] Archivo gen. de la C. de Aragon, Regist. 3684, fol. 91.

[2] Archivo de Simancas, Inq., Lib. 10, fol. 2; Lib. 926, fol. 326–50; Lib. 937, fol. 222; Lib. 939, fol. 126—MSS. of Royal Library of Copenhagen, 213 fol., p. 126.

[3] Archivo de Simancas, Inq., Lib. 939, fol. 123.—Archivo de Alcalá, Hacienda, Leg. 473.—Juan Gómez de Mora, Auto de la Fé celebrado en Madrid este año de 1632, §§ 4, 5.—Olmo, Relacion del Auto, pp. 30–44.

to lift it of their own authority, and must postpone the auto or do the best they could.[1]

In all other respects the inquisitors were masters of the situation. Repeated royal cédulas, commencing in 1523, addressed to the authorities of the cities, made the inquisitors virtual rulers for the time. They were authorized to erect stagings in the public plazas, to regulate the police arrangements of the towns, and even to assign to the secular and clerical officials such seats and precedence as they saw fit. The climax would appear to be reached when Philip II empowered them to distribute at their will the windows of the private houses overlooking the scene. Against this, in 1595, the president and judges of the Audiencia of Granada protested, begging that house-owners should be allowed to rent their windows, and pointing out the hardship of a gentleman of high degree securing the use of a window for his family, and being turned out because the inquisitors chose to give it to a notary for the use of his wife. Philip, however, held good, except in so far that he gave the inquisitors instructions to have special consideration for the houses of the judges and alcaldes.[2] How the tribunals exercised the police power thus conferred on them is exemplified in the Seville auto of September 24, 1559, when they forbade any one, between the preceding midnight and the close of the solemnity, to carry arms or ride on horseback in the city, under penalty, for common folk, of a hundred lashes, and for gentlemen, of forfeiture of the horse or mule, thirty days of prison, and a fine of fifty thousand maravedís.[3]

Numerous relations are extant, in print and in MS., of the great *autos publicos generales*, giving in more or less detail the elaborate ceremonial which developed itself, in the effort to render impressive these crowning manifestations of the piety that regarded, as the highest service to God, the extermination of those who persisted in worshipping him according to their own consciences. These show that fashions varied somewhat with time and place; they give the point of view of the spectator, and we may preferably take as our guide a memoir of the seventeenth century showing the internal machinery, according to the custom of Toledo,

[1] Archivo de Simancas, Inq., Lib. 939, fol. 123.
[2] Ibidem, Lib. 926, fol. 313–25.
[3] Ibidem, Hacienda, Leg. 25.

drawn up for the instruction of succeeding inquisitors.[1] The minuteness of the rules prescribed shows what importance was attached to rendering the spectacle imposing and to making manifest the subordination of the civil power, while the care taken to designate the exact place of every man or body of men indicates how fruitless was the authority granted to the tribunal in these matters to prevent the inveterate quarrels as to precedence. At the great Madrid auto of 1632, the Franciscans, indignant at the position assigned to them in the procession, after lively altercation, retired sullenly to their convent, for which the Suprema prosecuted them. These undignified squabbles were so much a matter of course that our author, in describing the report to be made to the Suprema, assumes that a place must be reserved in it for them, and for the reasons which governed the tribunal in its decisions.

When cases sufficient for an auto have accumulated, the tribunal reports them to the Suprema, which orders it to be held. Then the inquisitors determine on a feast-day, which should be at least a month off, in order to give sufficient time for the preparations. Word is then sent to the corregidor and the dean of the cathedral chapter to convene their respective bodies at nine o'clock the next morning, to receive a communication from the Inquisition and, at the appointed hour, some of the higher officials, with familiars, announce to them and to the bishop the expected celebration. Then in due time mounted familiars and notaries, with drums and trumpets and clarions and the standard of the Inquisition, move in procession through the streets, and at stated places a bell-man rings a bell and the town crier proclaims "Know all dwellers in this city that the Holy Office of the Inquisition, for the glory and honor of God and the exaltation of our holy Catholic faith, will celebrate a public auto de fe at such a place on such a day."

No time is lost in making preparation. Commissioners are appointed for the erection and ornamentation of the staging, and wax is provided for the candles in the procession of the Green Cross on the evening before the auto. All the Mendicant Orders and the parish churches are invited to take part in the procession and the auto. Letters of convocation are despatched, summoning all familiars, notaries, commissioners, consultores and calificadores of the district, under penalties and censures, to come on the day

[1] Archivo de Alcalá, Hacienda, Leg. 473.

previous to the procession of the Green Cross.[1] The frailes, who are to assist the condemned during their last night on earth, are selected and notified. *Corozas* (conical mitres, about three quarters of an ell in height) are ordered, with flames for those who are to be relaxed, and in the ordinary form for biganists, sorcerers and false-witnesses; also sanbenitos with flames for the relaxed, with two aspas for the reconciled, and with one aspa, behind and before, for those abjuring *de vehementi;* also halters for the relaxed and for those to be scourged. If there are effigies, they are made half length, to be carried on poles by porters; if there are bones, the boxes containing them are black, to be placed at the foot of those to which they belong; the effigies wear mitres with flames, and sanbenitos with flames on one side and, on the other, the name, residence and crime of the culprit.[2] Green crosses are also provided to be carried by the relaxed, yellow wax candles for the penitents and bundles of osiers for the reconciliation ceremonies. There must also be a box for carrying the sentences, of crimson velvet with gold fringe and a gilt lock and key, while a list of the relaxed and the effigies is given to the magistrates, so that they may have the sentences ready. Besides these there is the large green cross to be borne by the Dominican prior, and the white cross by the mayordomo of the Cofradia, in the procession of the preceding evening. The standard to be carried by the fiscal is to be made of crimson damask, richly embroidered on one side with the royal arms, a green cross rising from the crown, and the

[1] In the Logroño auto of November 7, 1610, there marched in the procession a thousand familiars, commissioners and notaries. In that of Barcelona, June 21, 1627, there were five or six hundred familiars and alguaziles.—Auto de fe celebrado in Logroño, 7 y 8 de Noviembre, 1610 (Logroño, 1610).—Parets, Sucesos de Cataluña (Mem. hist. español, XX, 20).

[2] In the early autos, where there were large numbers of the dead and absent, an economical though somewhat grotesque device was that of *statuæ duplicatæ*—effigies with Janus faces, one before and the other behind. At Barcelona, January 25, 1488, there were five married couples thus represented by five effigies and, on May 23d, of the same year, twenty effigies were made to do duty for forty-two fugitives, while, on February 9, 1489, ten effigies served for thirty-nine absentees.—Carbonell, *op. cit.* (Col. de Doc. de la C. de Aragon, XXVIII, 13, 15, 30).

As regards the corozas or mitres, the Roman Inquisition, with a finer sense of what was fitting, forbade their use in 1596, as derogatory to the episcopal dignity, which was distinguished by the use of mitres.—Decr. S. Congr. Sti Officii, p. 458 (Bibl. del R. Archivo di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

sword and olive-branch to right and left, on the other side a shield with arms of San Pedro Martir; the staff is to be gilt, ending in a cross, with pendant cords bearing gold and silver tassels. Elaborate trappings are to be provided for the mules ridden by the officials, and silver-plated batons for the familiars who marshal the procession. The parish church usually supplies the carpets, hangings, and other adornments of the staging, and the singers for the evening procession and the reconciliation ceremonies. Then the preacher is appointed—usually a Dominican calificador—though in Galicia a bishop is generally selected and, in Madrid, the royal confessor. The day before the auto, the altar on the staging is decorated, and torches and candles are arranged around the place where the green cross is to be set. The inquisitors assign all the windows overlooking the plaza; they order that no coaches shall traverse the streets, and decide where the barriers are to be erected; the municipal authorities surrender the city to them and do whatever they require.

In the evening preceding the auto, the procession of the Green Cross takes place—a solemn affair in which the standard is borne by a crowd of familiars and gentlemen; the white cross follows with the religious Orders, the cross of the parish church with its clergy, the Green Cross carried by the Dominican prior and his frailes with torches and chanting the Miserere. The procession winds through the designated streets to the plaza, where the Green Cross is planted above the altar and is guarded by Dominicans during the night. The white cross is carried on to the brasero, where it is guarded by a body, existing in some cities, known as the soldiers of the Zarza, whose function is to guard the brasero and plaza and to furnish the wood for the burning.[1] The Inquisition itself is guarded during the night by soldiers who, before day-break, arouse the officials by beat of drum. Within the building, the sanbenitos and insignia are arranged in order and porters are assembled in readiness to carry the effigies and bones and such penitents as have been disabled from walking. At 9 P.M. the senior inquisitor, with a secretary, visits those who are to be relaxed and informs them of their approaching fate; with each of them he leaves two frailes to guide them. If any of the pertinacious or negativos are converted, they are to be heard imme-

[1] The procession of the *cruz verde* was not universal. It was practised in Valladolid, Toledo, Murcia and probably some others.—Archivo de Simancas, Inq., Lib. 979, fol. 40.

diately and their confessions received, when the inquisitors with the Ordinary determine whether to admit them to reconciliation, and the same is done with those converted on the staging.

Before dawn mass is celebrated in the audience-chamber, and also at the altar of the Green Cross. By daylight breakfast is given to all who are to appear in the auto, and also to the frailes assigned to the relaxed.[1] They are not taken from their cells till the hour of forming the procession, when the penitents are ranged along the walls of the audience-chamber in the order of their marching; all are dressed in their sanbenitos with the requisite insignia.

The procession starts with the soldiers of the Zarza at its head; then the cross of the parish church, shrouded in black, with an acolyte who tolls a bell mournfully at intervals. Then come the penitents, one by one, each with a familiar on either side; first are the impostors, then personators of officials of the Inquisition, followed in order by blasphemers, bigamists, Judaizers, Protestants, the effigies and chests of bones and finally those to be relaxed, each with two frailes. Mounted officials follow, then familiars in pairs, the standard of the Inquisition, and finally the inquisitors bring up the rear. Thus the procession moves through the designated streets, filled with a densely packed crowd, kept off by railings, to the plaza, where the culprits are seated in the same order, the lightest offenders on the lowest benches.

The staging is provided with two pulpits, from which the sentences are read alternatively. Between them is a bench elevated on two steps, on which the penitents are brought successively, to sit with their faces to the tribunal and hear their sentences read; the bench is furnished with a rail, kindly provided for them to cling to, in case of fainting, for, with the exception of the relaxed, this is the first definite announcement to them of their fate. Below the seats of the tribunal there is a room handsomely fitted up for refreshments, to which the inquisitors, officials, municipal officers and clergy resort from time to time, and a similar one is provided

[1] The cost of these meals was scrutinized. In 1571 the Suprema ordered Logroño not to spend more than twelve ducats on the breakfast. A carta acordada of January 25, 1574, refers to the heavy expenses for collation and breakfast given to inquisitors and officials, confessors and penitents. In future they are to be confined to confessors and penitents; if the inquisitors and officials want meals it must be at their own expense, and evidence of this must accompany the reports of the autos.—Archivo de Simancas, Inq., Lib. 82, fol. 9; Lib. 942, fol. 39.

for the familiars and persons of note. To the former is brought any pertinacious convict who may be converted on the staging previous to hearing his sentence, and there an inquisitor and secretary take his confession, after which the inquisitors and Ordinary consider the case: if he is to be admitted to reconciliation he is sent back to the Inquisition in a coach or chair, or is replaced on the staging, to return with the rest of the penitents. If any culprit dies on the staging, if he is condemned to relaxation his sentence is read, and his body is delivered to the secular arm; if he is one of those to be reconciled, he is absolved and the parish church buries him in consecrated ground; if simply one penanced, he is absolved *ad cautelam* and the church buries him.

After the preaching of the sermon, a secretary mounts a pulpit and, in a loud voice, reads the customary oath, elaborately pledging all the officials and people present to obedience to the Holy Office, and to the active persecution of heretics and heresy, to which every one responds Amen! If the king is present, the senior inquisitor goes to his balcony and, on the cross and gospels, administers to him an oath to defend the faith, to persecute heretics and to show all necessary favor to the Inquisition.[1]

Then the sentences are read from the alternate pulpits, the alguazil mayor producing each culprit to hear his sentence. In this there must be no interruption, as all the sentences must be read, if it lasts till nightfall, for which torches and torch-bearers must

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[1] The royal oath, taken by the young Carlos II, at the Madrid auto of 1680, with one hand on the cross and the other on the gospels, was as follows. The inquisitor-general said "Vuestra Magestad jura y promete por su fe y palabra real, que como verdadero y Catolico Rey, puesto par la mano de Dios, defenderá con todo su poder la Fe Catolica que tiene y cree la santa madre Iglesia Apostolica de Roma y la conservacion y aumento della, y que persiguirá y mandará perseguir á los Hereges y Apostatas contrarios della, y que mandará dar y dará el favor y ayuda necessario para el Santo Oficio de la Inquisicion y ministros dello, para que los hereges perturbadores de nuestra Religion Cristiana sean prendidos y castigados conforme á los derechos y sacros canones, sin que aya omision de parte de Vuestra Magestad ni excepcion de persona alguna de qualquier calidad que sea." To this the king replied "Assi lo juro y prometo por mi fee y palabra Real." (Olmo, Relacion del Auto, p. 125.) Such an oath was administered to the prince Don Carlos at the Valladolid auto of May 21, 1559 (Gachard, Don Carlos, I, 47); also to Philip II at that of October 8, 1559 (Cabrera, Vida de Felipe II, Lib. v, cap. 3); also to Philip III at that of Toledo, March 6, 1600 (MSS. of Library of University of Halle., Yc, 20, T. VIII), and to Philip IV at the Madrid auto of 1632 (Mora, Auto de la Fee, § 27).

be in readiness.[1] Although the sentences of the relaxed are left to the last, yet, if the auto is prolonged into the night they are introduced earlier, as it is essential that the burning should be executed in broad day-light. As these sentences are read, the effigies and chests of bones are ranged on one side of the stage, and the living convicts on the other. They are then delivered to the secular arm, and the judge who utters the sentences does so, either on the stage, or at the table of the secretaries or outside of the staging. If there is a *compañia de la Zarza*, it marches in squadron into the plaza, when the sentences are read, and the men discharge their arquebuses. They surround the condemned and march with them to the brasero, to protect them from the populace which, in some places, is accustomed to maltreat and even to kill them, against which the inquisitors give special instructions. The magistrates provide the asses on which they ride and the wood to burn them. The frailes in charge attend them to the last breath and exhaust all effort to bring about their repentance and conversion.

The public solemnities conclude with the ceremonies of abjuration and reconciliation, after which the alguazil mayor and familiars conduct the penitents back to the Inquisition, where they have supper and are locked up, three or four in a cell. The priests of the parish church remove the black veil from their cross and take it back, while the Dominicans bear the green cross to the Inquisition, singing psalms and escorted by the municipal officials. The next morning the reconciled have the terms of their sentences read over to them; they and the other penitents take the oath of secrecy, and they are conveyed by the alcaide to the penitential prison. At ten o'clock the alguazil mayor, with a secretary and familiars, all mounted, with the public executioner and town-crier, take out those sentenced to scourging and vergüenza, and the punishment is duly administered through the customary streets. On their return, those whose sentences include the galleys are furnished a certificate of their length of service and are transferred to the royal prison, and with this concludes the stately ceremony

[1] At the great Logroño auto of Nov. 7–8, 1610, where there were fifty-three culprits, including twenty-nine witches, the sentences were so long that the day was consumed with the eleven cases of relaxation. The second day was occupied from dawn till nightfall; some of the sentences had to be curtailed, and the reconciliations were performed after dark.—Auto de Fe de Logroño (Logroño, 1611; Madrid, 1820).

by which the Holy Office, at the height of its power, impressed its terror on the population.

The place of burning—the quemadero or brasero—as a rule was outside of the city. With this the tribunal had nothing to do, except that a secretary and alguazil were present to certify and report as to the execution of the sentences.[1] Consequently the documents of the Inquisition furnish no details, but some may be gleaned from a relation of the Madrid auto of 1632. For this occasion the city had constructed the brasero beyond the Puerta de Alcalá; as there were seven to be burnt, it was made fifty feet square, and had the requisite stakes with garrotes. The confusion and crowd were great, and so also was the fire, which lasted until eleven o'clock at night, by which time the bodies were reduced to ashes, so that the memory of the impious might vanish from the earth.[2] The scattering of the ashes over the fields, or into running water, was a prescription of old standing, to prevent disciples of heresiarchs from preserving fragments to be venerated as relics. This was not an easy matter, for the total calcination of a human skeleton requires a prolonged intensity of heat not likely to be maintained where wood was expensive, and the bones found with the cinders on the site of the old quemadero of Madrid, when, about 1868, the Calle de Carranza was cut through it, would indicate that part, at least, of the remains of the victims were allowed to lie where they had perished.

The *auto público general*, while looming large in popular imagination, represented, in truth, but a small part of inquisitorial activity. It was a solemnity on a grand scale, in which the Holy Office magnified its importance, but by far the greater number of cases were despatched in *autos particulares* or *autillos*, held in churches, or in the audience-chamber, or anywhere that circumstances might dictate. In the Toledo record, from 1575 to 1610, there are contained but twelve autos generales, in which three hundred and eighty-six culprits appeared, while seven hundred and eighty-six cases were settled in autos particulares.[3] As stated above, appearance in a public auto was, in itself, a severe punishment, and the sentence always specified whether the offender was

[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 221.
[2] Mora, Auto de la Fee de 1632, § 44.
[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

to be subjected to a humiliation entailing consequences on him and his family so greatly dreaded that, at a Toledo auto of December 13, 1627, Juan Nuñez Saravia, a wealthy Portuguese, vainly offered twelve thousand ducats to escape it.[1] The great majority of cases deserved no such severity. The jurisdiction of the Inquisition extended over a wide field; it was, in a certain sense, a *custos morum* and took cognizance of a vast number of comparatively trivial offences—careless speeches, blasphemies, propositions of all kinds, indecent writings and works of art, sorceries and conjurations more or less innocent and the like—which it disposed of without summoning the entire population as spectators. Clerical offenders, moreover, as we have seen, unless degraded for formal heresy, were shielded from the scandal of publicity in the audience chamber.

The *auto particular*, or private auto, was often celebrated in a church, to which the spiritual and civil authorities were not invited, but where such portion of the public as could find room were at liberty to be present. More frequently it was held in the *sala*, or audience-chamber, and here again there was a distinction, for the sentence defined whether it should be with open doors or closed and, in the former case, the bell was often tolled in order to invite a curious crowd of spectators. Even the apartments of the senior inquisitor were sometimes used in this manner, as when, March 23, 1680, three alguaziles of the corregidor of Toledo, for maltreating the purveyor of the tribunal, were sentenced in the apartments to various terms of exile. When nuns were the culprits, the *autillo* was customarily performed in their convent, as in the case, August 8, 1658, of Sor Josefa de Villegas, for superstitions and sorceries, who was sentenced to various penances, through the grating of the Augustinian nunnery of San Torquato, in presence of the nuns and, on February 13, 1685, Sor Dionisia de Rojas was sentenced in the choir of the Franciscan house of Santa Isabel, in the presence of the superior and four elderly sisters.[2]

As financial distress grew more and more acute, in the seventeenth century, the tribunals shrank from the heavy expenses attendant on the elaborate demonstrations of the great public autos which, however gratifying to their pride, bore too heavily

[1] Ant. Rodríguez Villa, La Corte y Monarquía de España, p. 238.
[2] Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.

upon their diminishing resources, exposed as they were to the royal exactions. In Barcelona, there would seem to have been no public auto between 1627 and the revolt of 1640; in Valladolid, none between 1644 and 1667. In Toledo one was held, after prolonged consideration, January 1, 1651, in which the number of culprits shows that it relieved the prisons of a long accumulation; it was the last public auto celebrated in Toledo, and there was none even in a church, between 1656 and 1677.[1] Seville appears to have been less hampered and celebrated public autos generales in 1631, 1643, 1648, 1656, and a most impressive one in 1660 at which less fortunate tribunals unloaded their convicts, for there were seven relaxations in person, twenty-seven in effigy and fifty-two penitents, but this appears to be the last of its kind there.[2]

In fact, the public auto would have been abandoned ere this, but for the rule that judgements of blood must not be rendered in churches. As early as 1568 the Suprema had decreed that, when there was a relaxation, the auto must be held in the plaza and not in a church, which was in accordance with the ancient authorities.[3] When the public autos became an onerous burden, we can imagine that this led to hesitation in pronouncing death-sentences for, when this was unavoidable, the convict became a troublesome personage. A suggestive case was that of Juan López, condemned to relaxation for Judaism, at Valladolid, in 1633; after he lay in prison for thirty months with no prospect of getting rid of him, the Suprema ordered him to be tortured and another vote to be taken, which resulted, September 1, 1637, in a revised sentence of reconciliation, with severe punishments.[4] A device less damaging to the purity of faith was to transfer a convict from one tribunal to another for execution. Thus when, at Valencia, the Morisco Gerónimo Buenaventura was condemned for pertinacity, there was no auto in which to execute the sentence. On November 19, 1635, the Suprema ordered him to be sent to Valladolid, appar-

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Archivo de Simancas, Gracia y Justicia, Inq., Leg. 621, fol. 171.

[2] Relacion histórica de la Judería de Sevilla, pp. 85 sqq. (Sevilla, 1849).

[3] Archivo de Simancas, Inq., Lib. 937, fol. 123.—A commentator on this cites Azpilcueta and Peña to prove that in Rome autos that included relaxations were held in churches and also that, in 1611, at Cuenca an auto comprehending four relaxations was held in a church by order of the Suprema.—Bibl. nacional, MSS., V, 377, Cap. iii, § 2.

[4] Archivo de Simancas, Inq., Leg. 552, fol. 17, 22, 23.

ently under the impression that he could be burnt there but, after two years, Valladolid reported that it had no public auto in which to despatch him, so, in 1638 the Suprema ordered his transfer to Saragossa.[1] Whether he met a speedy death there we have no means of knowing, but there is something peculiarly revolting in thus sending a poor wretch from one corner of Spain to another, in order to find some place in which to burn him economically.

When any tribunal managed to celebrate a public auto, it was utilized to disembarrass the others. Thus the Toledo auto of 1651 had effigies contributed by Cuenca, Córdova and Seville. In 1655 Santiago celebrated a public auto, to which Valladolid sent for relaxation one living person and four effigies, two of the latter having been kept waiting since 1644 and 1648. The consulta de fe of Mucria, on July 18, 1658, voted to relax nine fugitive Judaizers of Beas, but the formal sentence was delayed until December 5, 1659, in preparation for the great public auto at Seville, April 13, 1660, when the effigies were duly cremated.[2] The imposing Madrid auto of 1680—the last of its kind—was a general gaol delivery to which all the tribunals contributed their embarrassing convicts.

There was no prospect of an improvement in the situation, although it was supremely humiliating to the Inquisition that it could not afford to burn those whom it condemned, promptly and on the scene of their transgressions, under the alternative of exercising a compulsory mercy. Some relief must be found, and a partial attempt was made, in a carta acordada of September 4, 1657, permitting effigies to be relaxed at autos particulares in churches. Toledo promptly availed itself of this by relaxing, December 9th, eight effigies of fugitives in such an auto,[3] but the other tribunals seem to have discountenanced the device. The further step, of overthrowing the traditional prohibition of uttering sentences of blood in churches, appears to have been under consideration in 1664, when the Suprema called on the tribunals for information as to relaxations in person or in effigy in autos particulares. In reply, Valencia reported that the sentence of Gaspar López, to be relaxed in effigy, voted in 1641, had never been published, for lack of an auto, although the corresponding sentence of

[1] Archivo de Simancas, *loc. cit.*

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Archivo de Simancas, Inq., Leg. 552, fol. 40.—Proceso contra Diego Rodríguez Silba, fol. 32–4 (MS. *penes me*).

[3] Archivo de Simancas, Inq., Lib. 42, fol. 289.—Archivo hist. nacional, *ubi sup.*

confiscation had been executed—which the Suprema pronounced to be highly irregular.[1]

It required time to familiarise the conscience with so revolutionary a measure, and the project slumbered for a quarter of a century, but the pressure to escape the burden of public autos increased, and the Suprema finally conquered its scruples. A carta acordada, of September 23, 1689, pointed out that, in view of the diminished resources from confiscations and of the increased cost of celebrating these public functions with due solemnity, they were avoided as far as possible, and it was no longer practicable to reserve for them the relaxed, whose numbers unfortunately were daily increasing. They had to be fed while lying forgotten in their cells, after their cases were finished; even the expense of transferring them from one tribunal to another was considerable, and it was kindly added that there was risk to their souls in detaining them so long while in ignorance of their fate. Weighing all this and, in view of the fact that there were cases of relaxation in churches both before and after the Instructions of 1561, and that the Council of Constance, sitting in the cathedral, had condemned Jerome of Prague, the Suprema reached the conclusion that judgement of relaxation could be rendered in churches, provided the sentence of the civil magistrate was uttered outside. The tribunals were therefore instructed that they could relieve themselves of their convicts in autos particulares in churches, delivering them to the secular arm outside of the sacred limits. To such autos the civic and cathedral chapters were not to be invited, and the rule as to time was to be observed, so that the burning could be performed by daylight.[2]

Against this there arose a protest on the part of the secular magistrates, who felt slighted at not being invited and having seats allotted to them. To meet this, the Suprema, April 7, 1690, addressed to the king a consulta deploring the impossibility of celebrating the autos with the ceremonial and impressiveness of old. But great numbers of those deserving relaxation had accumulated in most of the tribunals; there were not funds to maintain

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 1, fol. 220, 230, 240.

[2] Archivo de Simancas, Lib. 42, fol, 239. Whether through design or carelessness, this was not sent to the Valencia tribunal until October 14, 1699, when it was enclosed in a letter saying that as it had not been forwarded at the time it was now sent for their instruction.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 138.

them in prison, or to despatch them in general autos, and to bring them together would excite horror, as occurred in the auto of 1680. It therefore proposed that the secular officials be stationed outside of the church, where the convicts could be delivered to them, but this was not acceptable to the civil authorities and a compromise was effected, July 20th, designating the single official who was to represent the secular arm. The tribunal was to send him a message, appointing time and place; he was to be at the church door when the procession arrived; he was to follow the inquisitors, the fiscal and the Ordinary, and have a seat near them and, after the sentences of relaxation were pronounced, he was to leave the church for a place agreed upon, where the convicts were to be brought to him, when he sentenced them and executed the sentences.[1]

Thus came to an end the gorgeous general public autos in which, during its more prosperous days, the Inquisition had made so profound an impression on the imaginations of men. Thenceforth, no matter how many living beings and effigies were consigned to the quemadero, the ceremony was conducted within the sacred precincts of a church, in a simpler and more economical fashion. The great autos of Majorca, in 1691, in which so many unfortunates perished, were held in the church of San Domingo. Yet still there was elaboration of display. A writer, in 1724, giving an account of the autos celebrated in Seville since 1719, is vastly more concerned with enumerating the names of officials and familiars, with describing the ceremonial and dilating upon the crimson velvet chairs and cushions and canopies embroidered in gold and silver and the diamond badges worn by the functionaries, than with the real work of the tribunal, grim and cruel though it continued to be.[2]

These gauds might gratify the vanity of the Inquisitors, but the old attractiveness of the imposing public ceremonial had vanished. The population no longer poured in from all the surrounding district, camping out in the fields, in the vast crowds described with so much pride in the relations of the great autos. When we remember the thousand familiars and officials in Logroño, and the grandees who eagerly competed for positions of honor in the processions, we can estimate the change that compelled the complaint of the Seville tribunal, in 1729. It denounced the luke-

[1] Archivo de Simancas, Inq., Lib. 42, fol. 291, 308.

[2] Bibl. nacional, MSS., R, 128.

warmness of the familiars in accompanying its processions, whereby it was losing the respect of the people, and compared unfavorably with the public demonstrations of the Audiencia and civic authorities. It was with this object that the familiars had been so greatly increased in numbers and had been favored with so many privileges and exemptions. Besides the occasional autos, the tribunal made *salidas*, or processions, on five principal feasts of the year, and it ordered the Hermandad de San Pedro Martir to nominate eight familiars, from among whom it would select four, two to accompany it on the regular salidas and two for the autos, with threats of fine and imprisonment for neglect of duty.[1]

Yet it would not be safe to conclude from this that fanaticism was extinct. At the Llerena auto of June 25, 1752, there were six effigies of fugitives to be burnt and one of a dead woman with her bones. It had always been the custom to have these borne in the procession and to the brasero by carriers of the lowest class, drawn from the hospital for vagrants, who were paid for the service but, on this occasion, it chanced that none of these could be had. The inquisitors were greatly exercised and, as a last expedient, they represented to the Lieutenant-governor, Don Manuel de la Fuente y Dávila, that this was an exalted religious duty which the noblest might be proud to perform, and they offered that the officials of the Inquisition would carry the effigies to the church and then to the secular magistrate, if Don Manuel and other nobles would bear them thence to the brasero. Don Manuel assented and his example was followed by the Governor, the Marquis of Torre Mexia and other nobles; the officials were persuaded to do their share, and thus, we are told, the old custom, so derogatory to the sacredness of the function, was successfully discarded. The procession to the brasero was a triumphal march, to the sound of trumpets, with the escort of all the troops that could be assembled.[2]

Notwithstanding such occasional bursts of zeal, the glory of the Inquisition was rapidly departing and, with the extermination of the few remaining Judaizers, its functions continuously dwindled. In the Toledo tribunal, the last auto held in a church was on March 7, 1778, for a single penitent condemned to vergüenza for sorcery. After that, to the close of the century, it had but nine autillos, all held in the audience-chamber, sometimes with open

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).
[2] Ibidem.

and sometimes with closed doors, and in each of them there was but a single penitent. Five of the cases were for propositions, two for solicitation in the confessional, one for bigamy, and one for administering sacraments without priests' orders.[1] To this had shrunk the activity of a once prominent tribunal and with this shrinkage the power to impress the popular imagination with its imposing demonstrations.

There is one aspect of the auto de fe which reflects the intensity of Spanish fanaticism in a most suggestive manner. When the Spaniard regarded it as a celebration fitted for a day of rejoicing, or as a spectacular entertainment acceptable to distinguished national guests, he did so in the conviction that it was the highest exhibition of piety, and a service to God, glorious to the land which organized it, and stimulating the devotion of all participants. Probably no autos were celebrated in honor of Ferdinand and Isabella, for the stern and rapid work of the period scarce admitted of the pageantry requisite to adapt the spectacle to royal courtliness, and the Burgundian fashions had not superseded the ancient Castilian simplicity. None of their successors, however, of the House of Hapsburg, were without such a testimonial of pious loyalty. When, in 1528, Charles V passed through Valencia, there was celebrated in his honor an auto, in which there were thirteen men and women relaxed in person, besides ten in effigy.[2] In 1560, the Toledo tribunal contributed an auto, with several relaxations, to the joyous celebration of the marriage of Philip II with Isabelle de Valois, daughter of Henry II of France. It was a notable spectacle, for the royal wedding and the meeting of the Córtes to swear allegiance to the young Don Carlos brought to Toledo all that was most distinguished in Spain.[3] When, in February, 1564, Philip was in Barcelona for the Catalan Córtes, an auto was arranged in his honor, in which there were eight relaxations in person and numerous condemnations to the galleys. They were mostly Frenchmen whom Saint-Sulpice, the French ambassador, had vainly sought to protect.[4]

The accession of Philip III was celebrated by an auto at Toledo, March 6, 1600, in the presence of the king, his queen, Margarita

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[2] Danvila y Collado, Expulsion de los Moriscos, p 106.
[3] Llorente, Hist. crít., Cap. XXIV, Art. 1, n. 2.
[4] Gachard, Don Carlos et Philippe II, I, 106–7.

of Austria, the Duke of Lerma and all the court, where Philip took the oath to protect and favor the Holy Office. Toledo had but few culprits, as it had held an auto the year before, but a total of forty-six were accumulated by drawing upon Córdoba, Granada, Cuenca, Llerena, Valladolid and Seville. There were but two relaxations in effigy and one in person—the latter being a Huguenot named Jacques Pinzon, whom the Granada tribunal had been leisurely endeavoring to wean from his heresy for a couple of years. He was needed to complete the attraction at Toledo, and his trial was concluded so hurriedly that the Suprema ordered his transfer thither before it had received for confirmation the vote condemning him, so the sentence was made out in blank and sent after him for the Toledan inquisitors to sign. As he is characterized as pertinacious he was probably burnt alive.[1] The great auto of Madrid, in 1632, was held there by the special order of the king, in celebration of the recovery from confinement of Isabelle de Bourbon, wife of Philip IV, and was graced with the presence of both and of their son Don Carlos. There were thirty-seven penitents besides seven relaxations in person and two in effigy.[2] The revolted Catalans, who had given themselves to France, took the same means of honoring the Viceroy Condé, on the eve of his departure for Paris, by an auto celebrated November 7, 1647, in which there were two relaxations in person and two in effigy.[3] The ostensible purpose of the crowning glory at Madrid, June 30, 1680, which fitly ended the long series of *autos publicos generales*, was to honor the marriage of the young Carlos II with Louise Marie d'Orléans. There were sixty-seven penitents and fifty-one relaxations, of which nineteen were in person. A *compañia de la Zarza* was formed, numbering two hundred and fifty members, with Francisco de Salcedo as captain. On June 28th they were taken to the puerta de Alcalá, where each man was furnished with a fagot. Then they marched to the royal palace, where Salcedo took a fagot, specially prepared for the purpose, and handed it to the Duke of Pastrana, who carried it to the king. Carlos with his own hands bore it to his queen and exhibited it and then sent it back by Pastrana with the message that it should be taken in his name to the brasero and be the first that was thrown

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I; Tom. VIII.
[2] Moro, Auto de la Fee (Madrid, 1632).
[3] Parets, Sucesos de Cataluña (Mem. hist. español, XXIV, 297).

upon the fire.[1] The religious training of the young monarch had evidently not been neglected. It was an earnest of better things in store for Spain when, in 1701, Philip V refused to be present at an auto general proposed to be celebrated in honor of his accession, and the project was abandoned.[2]

We have thus considered the organization of the Inquisition and its general methods of action. It remains for us to examine the application of those methods to the various classes of offenders subjected to its extensive jurisdiction.

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[1] Olmo, Relacion del Auto, p. 47.

[2] Llorente, Hist. crít. Cap. XL, Art. 1, n. 3.—Vicente de la Fuente, Hist. eclesiástica de España, III, 378.—"Preparose un *auto* de fe para obsequiar al Rey, pues habian llegado los *autos* á ser un obligado de todas las fiestas régias, como los toros y los fuegos artificiales. Felipe V se negó por primera vez á concurrir á ellos; mas adelante se le vio asistir á uno (1720)."

BOOK VIII.

SPHERES OF ACTION.

CHAPTER I.

JEWS.

As the apostasy of the enforced converts from Judaism was the proximate cause of the establishment of the Spanish Holy Office, so they continued to be almost the exclusive object of its energies, until the similar treatment of the Moors created, in the Moriscos, a class with even greater claims on its solicitude. The rooting out of the latter, however, in the early years of the seventeenth century, was so complete that they virtually disappeared from the records of the tribunals, while the Jewish New Christians remained, and, for more than another century provided the major portion of their more serious work.

It had been easy, since 1391, to compel baptism by the alternatives of exile or death, but it had never been deemed necessary to supplement this by instruction in the new faith, or by efforts to effect a real conversion. When Ferdinand and Isabella were aroused to the fact that the Conversos were Christians only in name, terrorism was the sole method that suggested itself of accomplishing the great task of securing the desired unity of faith. So, when the expulsion of 1492, filled the land with a new multitude of neophytes, there was the same disregard of the duty of persuasion and instruction. The only utterances on the subject seem to assume that they would in some way instruct and fortify themselves in their new religion. When, in 1496, a royal pragmática forbade them for three years to farm the royal revenues, the reason alleged was that such occupation would distract them from obtaining due instruction in Christian doctrine. In 1499, the Suprema ordered that the Conversos anterior to 1492 should live scattered among Old Christians, while the recent ones should be separated from their rabbis, living by themselves in towns and strengthening their faith by punctual attendance on divine service.[1] It was not

[1] Amador de los Rios, Hist. de los Judíos, III, 381–3.

until 1500 that it bethought itself to provide that all the banished Jews who returned, claiming to be baptized, must exhibit certificates of baptism for themselves and their children; they must observe the feasts and attend mass and sermons, and all children, over six years of age, must, within six months, know the four prayers, the seven mortal sins and the confession of faith.[1] When the enforced conversion of the Moriscos created an even greater multitude of nominal Christians, there were a few equally ineffective instructions issued as to both classes, to which little attention was paid. The simplicity of belief in the adequacy of these measures was apparently grounded on faith in the effectiveness of the inquisitorial process, of which we have incidentally seen so many illustrations during the early period.

That confidence continued unabated, and the enforcement of uniformity in this fashion was followed energetically, with only such intermissions as might arise from the lack of accessible material, or from indolence in searching for it. Where there was zeal there was little scruple, as appears from a letter addressed, about 1540, by the tribunal of Llerena to all the inquisitors of Spain and Portugal. It had arrested twenty-one persons, in addition to three fugitives and two deceased, on suspicion—probably because they were on their way to Portugal—and it now asked to have all the registers of the Peninsula ransacked for evidence to justify their prosecution.[2] We have had occasion to see how slender was the proof required for this—the slightest adherence to any of the ancestral customs of Judaism, whether of religious significance or not, sufficed, and lists of these observances were carefully drawn up for the guidance of inquisitors. The more obvious, such as the avoidance of pork and lard, the removal of fat from meat, the observance of the Sabbath by changing linen, lighting lamps and abstaining from work, the killing of fowls by decollation, the keeping of stated fasts, eating meat in Lent and the like, were known of all men, and perpetual watch was kept by Old Christians on the households of Conversos, so that all such lapses were eagerly reported to the tribunals, as required by the Edicts of Faith. They furnished ample ground for suspicion, justifying arrest and trial, when inquisitorial methods insured that no lurking Judaic tendencies could escape detection.

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[1] Archivo de Simancas, Inq., Lib. 939, fol. 108.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 389.

An illustrative case was that of Elvira del Campo, tried at Toledo in 1567. She was of converso descent and was married to Alonso de Moya, a scrivener of Madridejos, who seems to have been an Old Christian. According to witnesses who had lived with her as servants, or were her near neighbors, she went to mass and confession and gave all outward sign of being a good Christian; she was kind and charitable, but she would not eat pork and, when she cooked it for the household, she handled it with a rag so as not to touch it, which she explained by saying that she had a throat-trouble which made it disagree with her, and that handling it made her hands smell. There was a little cumulative evidence about putting on clean linen on Saturdays and not working, but this was insignificant and the case rested on pork. The chief witnesses were two of her husband's employees, Pedro de Liano and Alonso Collados, who lived in the house, and their evidence went much into detail as to their spying about the kitchen, peeping into cupboards, and watching all the details of her housekeeping. Liano testified that once he and Collados talked about her putting a leg of mutton into water to soak over night, when Collados said he thought there was some Jewish ceremony in this, and it would please him much to know it, for he would accuse her to the Inquisition, as he was on bad terms with her. Yet Collados, before the tribunal, concluded his testimony by saying that he wished her well for her good treatment of him, that he held her to be a good Christian, because she went to mass and spoke ill of no one and was very reserved, rarely leaving her home and talking with but few people.

Elvira was arrested early in July, and at first her trial was pushed with speed, as she was pregnant, but her confinement, August 31st, caused a delay of three months. She admitted not eating pork, but attributed this to medical advice, for a disease communicated to her by her husband, which she desired to conceal. Little stress was laid on the other charges and she strenuously asserted her orthodoxy. Of the twelve witnesses against her she identified six, but her effort to disable them for enmity failed, except as regarded the two most damaging ones, Collados and Diego Hernández. Of thirteen witnesses for character, consisting of ecclesiastics and neighbors, all but one—who professed ignorance—gave emphatic testimony as to her being a good Christian, attentive and regular in all religious duties, obedient to the precepts of the Church, and in no way the object of suspicion. There was evi-

dently nothing to do but to torture her. This, as we have seen above (p. 24) was administered twice, and resulted in her stating that when she was eleven years old her mother had told her not to eat pork and to observe the Sabbath, and she knew this to be against the Christian Law—but, as her mother had died when she was eleven years old, we can not unreasonably doubt its truth. The next day a ratification was obtained in the shape that her not eating pork, changing her chemise and observing the Sabbath, were in pursuance of the Law of Moses as taught her by her mother; she had never mentioned this to anyone, for her father would have killed her and she feared her husband.

On the strength of this, in the consulta de fe, there was one fanatic who voted her relaxation, but the rest agreed upon reconciliation with its disabilities, confiscation and three years of prison and sanbenito, which were duly imposed in an auto of June 13, 1568, but, in a little more than six months, the imprisonment was commuted to spiritual penances, and she was told to go where she chose. Thus, besides the horrors of her trial, she was beggared and ruined for life, and an ineffaceable stain was cast upon her kindred and descendants. What became of the infant born in prison is not recorded, but presumably it was fortunate enough to die. Trivial as may seem the details of such a trial, they are not without importance as a sample of what was occupying the tribunals of all Spain, and they raise the interesting question whether in truth the inquisitors believed what they assumed in the public sentence, that they had been laboring to rescue Elvira from the errors and darkness of her apostasy and to save her soul. The minute points on which the fate of the accused might depend are illustrated by the insistence with which they dwell on her abstinence from pork, on her refusal to eat buttered cakes, on her use of two stewing-pots, and on the time at which she changed her chemise and baked her bread.[1]

Subjected, on the one hand, to the ceaseless espionage of servants and neighbors and, on the other, to the pitiless zeal of the tribunals, even the heroic obstinacy of Judaism, which had triumphed over the countless miseries of the Dispersion, gradually succumbed to this all-pervading persecution, so ceaselessly and relentlessly applied. As generation succeeded generation, with no hope of relief, this unremitting pressure seemed gradually

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 128. For illustration of the trivial evidence which justified prosecution for Judaism see Vol. II, p. 566.

to be attaining its object. The prosecutions for Judaism commenced to diminish sensibly. Valencia had a large converso population and, during the first quarter of the sixteenth century, the trials averaged between thirty and forty a year. Then came the enforced baptism of the Moors, who for some time furnished a predominant contingent. The latter were temporarily released from inquisitorial jurisdiction in 1540, and, during the three years, 1541, 1542 and 1543, there was not a single trial for heresy. In 1546 they were again relieved from the Inquisition and, in the following sixteen years, until 1562, the total number of trials for heresy was but forty-eight—in fact, in the ten years between 1550 and 1560, there were but two, showing that Judaism there had almost ceased to be the object of inquisitorial activity.[1] In Toledo, which included Madrid, during the sixteen years, 1575–1590 inclusive, there were but twenty-three cases.[2] In 1565, an auto at Seville presented seventy-four penitents without one Judaizer, and there were none in a Cuenca auto of 1585 in which figured twenty-one Moriscos.[3] Even as early as 1558, when the Suprema was magnifying its services to obtain from Paul IV the grant of prebends, it admitted that for some years there had been but few Judaizers found, but it alluded vaguely to some recent discoveries of them in Murcia, who would soon be punished.[4] In fact, not long afterward, Paolo Tiepolo, the Venetian envoy, alludes to the arrest in Murcia of a large number of Jews.[5]

Coincident with this diminution of material for persecution, there seems to have been a disposition to resort to milder methods, attributable perhaps to an expectation that Judaism would ere long disappear. In 1567, Pius V, at the request of Philip II, empowered Inquisitor-general Espinosa, for three years, to have the Judaizing New Christians of Murcia and Alcaraz absolved, either publicly or privately, with a salutary and benignant, but not pecuniary, penance; clerics, however, were not to be habilitated to obtain orders or benefices.[6] There is a story that Dom João Soares, Bishop of Coimbra, after the Council of Trent, made

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 98.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[3] Archivo de Simancas, Inq., Leg. 787; Leg. 1157, fol. 155.

[4] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 177.

[5] Relazioni Venete, Serie I, T. V, p. 19.

[6] Bulario de la Orden de Santiago, Lib. III, fol. 109, 111.—Archivo de Simancas, Inq., Lib. 926, fol. 129.—Archivo de Alcalá, Hacienda, Leg. 1049.

a pilgrimage to Jerusalem, in the course of which, at Cyprus, he met many Spanish and Portuguese refugees, from whom he gathered information which he communicated to the tribunal of Llerena, resulting in the detection of many Judaizers in Extremadura.[1] They were treated like those of Murcia, for Philip, in 1573, obtained from Gregory XIII a brief similar to that of 1567, for the benefit of the Judaizers of the district of Llerena, except that the faculty was limited to one year.[2] Even greater privileges were granted, in a brief obtained by Philip, in 1597, to the Judaizers of Ecija and its district, for not only were they to be absolved like those of Murcia, but all prisoners under trial were to enjoy the benefit of the pardon, with no note of infamy on themselves or their descendants, and this time of grace was to endure for four years.[3] These may not have been the only instances of such favors, and they indicate a tendency towards an entire change of policy. That there was hopefulness that the Inquisition was accomplishing its work is seen in a careful state paper drawn up for the Suprema, in 1595, by a distinguished prelate, Juan Bautista Pérez, Bishop of Segorbe, who felt justified in assuming that the baptized Jews remaining in Spain, after the expulsion of 1492, had now become good Christians, except one here and there, and that their Law was forgotten.[4]

In this the good bishop was careful to limit his praise to the descendants of those who had been baptized a century before,

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[1] Vicente da Costa Mattos, Breve Discurso contra a Perfidia do Judaismo, fol. 100 (Lisboa, 1623).

[2] Bulario de la Orden de Santiago, Lib. IV, fol. 5.—Archivo de Simancas, Inq., Lib. 926, fol. 127.

[3] Bulario de la Orden de Santiago, Lib. IV, fol. 130.

The district of Galicia would seem to be an exception to this, probably arising from the lateness of the organization of the tribunal of Santiago. Jews there had been quite numerous, wealthy and respected, and there had not been time to enforce their conversion or extermination. The severity of the tribunal earned for it the reputation of the most cruel in Spain and, pitiless as was that of Portugal, many Galician Conversos took refuge there. Towards the close of the century Inquisitor Pedro Pérez Gamarra acquired for himself an infamous distinction by his relentless activity, and the archbishop and chapter protested publicly against the proceedings of the tribunal. Its rapacity was rewarded with abundant confiscations. We hear of Méndez of Valdeorras, whose estate was reckoned at more than 40,000 ducats, of that of Antonia de Saravia at 233,707 reales and of Marcial Pereira at 363,444.—Benito F. Alonso, Los Judíos en Orense, pp. 8, 26, 28–30, 32 (Orense, 1904).

[4] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

three full generations having passed under the chastening hands of the Holy Office. He evidently was aware that a new factor had been injected into the religious problem—a factor which was to give the Inquisition occupation for nearly a century and a half more. This was due to the conquest of Portugal by Philip II, in 1580. Although the union of the two kingdoms was merely dynastic, and their separate organizations were preserved, the facility of intercourse which followed led to a large emigration of New Christians from the poorer to the richer land. They had not been exposed as long as their Spanish brethren to inquisitorial rigor and, for the most part, they were crypto-Jews. The fresh justification which they afforded for the activity of the Inquisition, after the suppression of spasmodic Protestantism and the expulsion of the Moriscos, and the part which they played in Spanish Judaism seem to require a brief review of the curious history of the early Portuguese Inquisition. It also affords an insight into the relations between the New Christians and the Holy See, and thus throws a reflected light on the struggles of Ferdinand and Charles V with the curia.[1]

We have seen (Vol. I, pp. 137, 140) the reception by João II of the multitudes who flocked to Portugal at the time of the expulsion and their kindly treatment by King Manoel at his accession in 1495. In contracting marriage, however, with Isabella, daughter of Ferdinand and Isabella, the condition was imposed on him of expelling all refugees who had been condemned by the Spanish Inquisition and, under this impulsion, seconded by his confessor the Frade Jorje Vogado, he issued a general edict of expulsion, excepting children under fourteen, who were torn from their parents—a measure which caused the most deplorable distress, many of the Jews slaying their offspring rather than surrender them to be brought up as Christians. By various devices the departure of the exiled was delayed, until after the time when they incurred the alternative of slavery, and thus they were coerced to accept baptism. To temper this, Manoel granted, May 30, 1497, that for twenty years they should be exempt from perse-

[1] Ample authentic material exists for this in the twelve volumes of the *Corpo Diplomatico Portuguez* (Lisboa, 1862–1902)—material of which Herculano had skilfully utilized a portion in his classical *Da Origem e Estabelecimento da Inquisição em Portugal* (Lisboa, 1854). Some gaps in this have been filled by A. Ronchini, in his *Giovanni* III *di Portogallo, il Cardinal Silva e l'Inquisizione* (Modena, 1879).

cution; that subsequently all accusations of Judaism should be brought within twenty days of the acts charged; that the trial should be conducted under ordinary secular procedure, and that confiscations should enure to the heirs. Moreover, he promised never to legislate for them as a distinct race.[1]

This latter pledge was soon broken, by edicts of April 21 and 22, 1499, forbidding them to leave the kingdom without royal permission and prohibiting the purchase from them of lands or bills of exchange. Popular aversion increased and culminated in the awful Lisbon massacre of 1506. This wrought a revulsion of feeling; in 1507 the restrictive laws of 1499 were repealed; the New Christians were allowed freely to trade and to come and go; they were in all things assimilated to the natives, and were entitled to the common law of the land. In 1512 the twenty years' exemption was extended to 1534, and although, in 1515, Dom Manoel applied to Leo X for the introduction of the Inquisition, on the request being delayed the matter was dropped and was not revived. Until Manoel's death, in 1521, the New Christians thus enjoyed toleration and flourished accordingly. They grew rich and prosperous, they intermarried with the noblest houses, and they largely entered the Church. Externally their religious observance was unimpeachable, and Portugal naturally became a haven of refuge for Spanish Conversos, nor is it likely that the restrictions on such immigration, enacted in 1503, were rigidly observed.[2]

His successor, Dom João III, a youth of 20, was a fanatic of narrow mind and limited intelligence, but the influence of Manoel's counsellors, who continued in the direction of affairs, procured, between 1522 and 1524, the confirmation of the privileges granted by the late king. Ecclesiastical pressure and popular prejudice, however, made themselves felt and, in 1524, a secret inquest brought the testimony of parish priests that the New Christians were suspected of being Christians only in name.[3] Then João's marriage, in 1525, with Catalina, sister of Charles V—the only Portuguese queen admitted to a seat in the Council of State—brought a powerful influence to bear; the growing strength of

[1] Osorii de Rebus Emmanuelis Lib. I.—Monteiro, Historia da S. Inquisição de Portugal, Liv. II, c. 43.—Amador de los Rios, III, 358, 360, 614–15.—Herculano, I, 113–14, 116–18, 124–30.

[2] Herculano, I, 133, 153–4, 158–9, 164–8.

[3] Herculano, I, 179, 189–90.

these tendencies gradually overcame considerations of plighted faith and, early in 1531, Dr. Brás Neto, the ambassador at Rome, was instructed to procure secretly from Clement VII briefs establishing in Portugal an Inquisition on the Spanish model. We have seen in Spain the objections of the Holy See to the royal control of the institution and to the abandonment of all share in the confiscations, and these probably explain the delays which postponed, until December 17th, the issue of a brief conferring on the royal nominee, Frade Diogo da Silva, the requisite faculties as inquisitor-general. This was followed, January 13, 1532 by one ordering him to assume the office; the two reached Lisbon in February, but it seems to have been feared that their publication would lead to an immediate exodus of the New Christians, and they were kept secret until laws could be framed reviving, with additional rigor, the edicts of 1499, prohibiting, for three years, departure from the kingdom, the sale of real estate and the negotiation of bills of exchange. These were issued June 14th, after which there was a pause, explicable only by the lavish employment of money in both Lisbon and Rome. The New Christians evidently had obtained knowledge of the threatened measure; much of the active capital of the kingdom was in their hands, and the danger called for energetic work and sacrifice. A fitting emissary to Rome was found in Duarte da Paz, a Converso of no ordinary ability, energy and audacity; the king was entrusting him with a mission beyond the borders, under cover of which he made his way to the papal court, where for ten years he continued to act as agent for his fellows. Then, in September, there came Marco della Rovere, Bishop of Sinigaglia, sent as nuncio on this special business, who was speedily bought by the New Christians, and they probably won over by the same means the Frade Diogo da Silva, who complicated matters irretrievably by refusing to accept the office of inquisitor-general. Duarte da Paz also was not idle, and the confusion became inextricable when, by a brief of October 17th, Clement VII suspended temporarily the one of the previous December, and prohibited not only da Silva but all bishops from proceeding inquisitorially against the New Christians.[1]

As we have seen in Spain, the curia recognized that here was a numerous and wealthy class of heretics, to whom it could sell

[1] Herculano, I, 228–86.—Corpo Diplomatico, II, 335, 338, 409, 410.—Anno histórico Portuguez, I, 253 (Lisboa, 1744).

protection and then abandon them, until their fears or their sufferings should produce a new harvest. This speculation in human agony was all the more undisguised and lucrative that Portugal was a comparatively feeble kingdom, which could be treated with much less ceremony than Spain, and João III a man of wholly different type from Ferdinand or Charles V, while his invincible determination to have an Inquisition in his realm prolonged the struggle and rendered especially productive the game of inclining to either side by turns. This was so self-evident that João almost openly reproached Clement VII with it, and the committee of Cardinals entrusted with the conduct of the affair rejoined that inquisitors were ministers of Satan and inquisitorial procedure a denial of justice.[1]

João's reproaches were justified when Clement, by a brief of April 7, 1533, granted what was virtually a pardon for all past offences, without disability to hold office in Church or State, while those defamed for heresy could justify themselves before the nuncio—a function which he turned to account for, when recalled in 1536, he was said to have carried with him to Rome some thirty thousand crowns. João threw obstacles in the way of the execution of this brief, which called forth from Clement, in July and October, strenuous orders for its enforcement, followed by another of December 18th suspending it. It became the subject of active negotiation and Cardinal Pucci or Santiquatro, the "protector" of Portugal, suggested that it might be modified and, in the guise of fines, some twenty or thirty thousand ducats be extorted from the New Christians, to be divided with the pope. In transmitting this proposal, Henrique de Meneses, the Portuguese ambassador, added that nothing could be done in the curia without money, for this was all they wanted, and that Clement was dissatisfied with João because he had received nothing from him. Clement, however, who was rapidly approaching his end, on July 26th, ordered the nuncio to overcome by excommunication all opposition to the pardon and forbade all prosecution for past heresies, moved to this, as Santiquatro told Paul III, by his confessor, who insisted that, as he had received the money of the New Christians, he was bound to protect them.[2]

Clement died, September 25, 1534, and the struggle was renewed

[1] Corpo Diplomatico, III, 1, 11, 29, 47, 64, 75.

[2] Corpo Diplomatico, II, 430, 452; III, 76, 82, 124.

under Paul III, who referred the matter to a commission, and meanwhile suspended the pardon-brief but ordered that all prosecutions must cease, for an active episcopal inquisition had been organized, which continued its operations in spite of the papal commands. The commission reported in favor of the pardon-brief and of an Inquisition under limitations, with appeals to Rome. João refused to accept this, and a lull in the negotiations occurred, during which the nuncio della Rovere entered into a contract with the New Christians, dated April 24, 1535, under which they promised to pay to Paul III thirty thousand ducats if he would prohibit the Inquisition, confining prosecution to the bishops, who should be limited to ordinary criminal procedure; smaller sums moreover were provided for less desirable concessions. The curia honestly endeavored to earn the money, and made several propositions to João, which he rejected; then, on November 3d, a bull was solemnly published in Rome, renewing the pardon-brief, annulling all trials, releasing all prisoners, recalling all exiles, removing all disabilities, suspending all confiscations, prohibiting all future prosecutions for past offences, and enforcing these provisions by excommunication.[1]

In this Rome held that it had fulfilled its part of the bargain, but the New Christians thought otherwise; they declined to pay the full amount, and della Rovere was not able—at least so he said—to remit more than five thousand ducats. This parsimony came at an unfortunate moment. Charles V was in Rome, radiant with the glory of his Tunisian conquest, and warmly supporting the demands of his brother-in-law. The result of this was seen in a brief of May 23, 1536, which constituted an Inquisition on the Spanish model, except that for three years the forms of secular law were to be observed, and for ten years confiscations were to pass to the heirs of the convicts. Diogo da Silva was to be inquisitor-general, with the right of the king to appoint an associate. Diogo was solemnly invested with his office, October 5th, and the brief was published on the 22d.[2]

This probably taught the New Christians a lesson on the subject of ill-timed economy for a brief of January 9, 1537, addressed

[1] Ibidem, III, 117, 121, 125, 166, 169, 171, 177, 181, 190, 206, 210, 218, 220, 228, 249–50, 252, 254, 275, 290–4. The bull of Paul III, embodying the previous one of Clement VII, is in the Bullarium, I, 712.

[2] Herculano, II, 146–62.—Corpo Diplomatico, III, 283, 286, 288, 290, 302, 332; XI, 358.

to Girolamo Recanati Capodiferro, a new nuncio appointed for Portugal, gave him complete appellate power, even to evoking cases on trial and deciding them, while a supplementary brief of February 7th authorized him to suspend the Inquisition. His instructions also required him to labor vigorously for the repeal of the law prohibiting expatriation, and this was emphasized by a brief of August 31st threatening excommunication and suspension for any interference with those leaving the kingdom to carry their grievances and appeals to Rome.[1] These appeals were a source of large profit to the curia, which sold at round prices absolutions and exemptions to all applicants; the tribunals threw all possible obstacles in the way of this traffic and it was important to Rome to keep open the course of the golden stream. At the moment it was of less interest to the New Christians, for Capodiferro was as venal as his predecessor and exploited his large powers to the utmost, selling absolutions and pardons for what he could get. As João asserted, in a letter of August 4, 1539, his scandalous traffic had rendered the Judaizers so sure of impunity that they sinned with audacity. While demanding his recall, the king sought to curb him by appointing his brother Dom Henrique, a young man of 27, to the vacant post of additional inquisitor-general. Henrique was Archbishop of Braga, a post which he resigned in favor of Diogo da Silva, who retired from the inquisitor-generalship, and Henrique remained, until his death in 1580, at the head of the Inquisition. At the moment the plan was of little avail, as Capodiferro treated him with imperious arrogance, and even called in question his powers owing to defect in age, and Paul III refused to confirm him.[2]

Paul yielded in so far to João's urgency as to promise that Capodiferro should leave Portugal on November 1st. At the same time, as the three years were about to expire during which the Inquisition was restricted to secular procedure, he listened to the supplications of the New Christians and in the bull *Pastoris æterni*, October 12, 1539, he modified in many ways the inquisitorial process, so as to limit its powers of injustice and to provide ample opportunity of appeals to Rome. A leading clause was that witnesses' names were only to be suppressed when grave dangers to them were to be apprehended. Through the treachery

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[1] Corpo Diplomatico, III, 348, 353, 354, 358, 402.

[2] Herculano, II, 200–5.—Corpo Diplomatico, IV, 8, 11, 95.

of a courier employed by the New Christians, this bull did not reach Lisbon until December 1st. Capodiferro delayed his departure until December 15th, and then left Lisbon without publishing it, because, as Mascarenhas the Portuguese ambassador reported, the New Christians refused to pay the extortionate price demanded for it. Mascarenhas intimates that the pope was privy to this, which is not unlikely, for Capodiferro was received with all favor. He and della Rovere were placed in charge of the affairs of the Portuguese Inquisition; he was soon afterwards promoted to the great office of Datary, and eventually reached the cardinalate. His nunciature had not proved as profitable as he had expected, for he lost fifteen thousand cruzados at sea, and brought with him to Rome only as much more. On his arrival in Portugal he had demanded of the New Christians two thousand cruzados to start with, and was regularly paid by them eighteen hundred per annum during his stay, and this in addition to his pardon traffic. There was nothing unusual in this. In 1554, Julius III, in a moment of wrathful candor, told the Portuguese ambassador that nuncios were sent there to enrich themselves as a reward for previous services.[1]

With the return of Capodiferro, after a little diplomatic sparring, Paul III dropped the whole question for nearly two years. João was quite content; the three years' limitation to secular procedure had expired, the bull *Pastoris æterni* had not been published, the Inquisition had full swing, and its activity began to rival that of Spain. Its first auto de fe was celebrated in Lisbon, September 20, 1540, with twenty-three penitents and no relaxations and was speedily followed by others.[2] It is not until December

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[1] Corpo Diplomatico, IV, 128–33, 134, 148, 158, 172–8, 186, 188, 195, 200, 205, 206, 271–6; V, 165; VIII, 294, 295. The Portuguese cruzado was nearly the equivalent of the Spanish ducat.

[2] Historia dos principaes Actos e Procedimentos da Inquisicão de Portugal, p. 256 (Lisboa, 1845).

In this year 1540 occurred the curious episode of the False Nuncio, Juan Pérez de Saavedra, a skilful forger and impostor, who presented himself with forged papal briefs, lived in great state in Lisbon for three months, and traversed the land for three more, collecting large sums, after the manner of nuncios. The Spanish Inquisition got upon his track; he was decoyed to the border, seized on Portuguese soil, January 23, 1541, and conveyed to Madrid. For this daring imposition he paid with nineteen years of galleys. He assumed the credit of introducing the Inquisition in Portugal, and this secondary imposture had currency nearly to our own times.—Llorente, Hist. crít. Cap. XVI, Art. iii,

2, 1541 that Christovão de Sousa, then ambassador, refers to the New Christians who, he says, were earnestly at work to have another nuncio sent, and he had had a thousand discussions over it with the pope whose intention was fixed, because so many were burnt and so many thousands more were in prison. The New Christians offered to pay eight or ten thousand cruzados to the pope, and two hundred and fifty a month to the nuncio. At a subsequent audience, Paul said that the nuncio would have a salary of a hundred cruzados a month, to which the New Christians could add a hundred and fifty, thus raising him above the temptation of bribery, to which Sousa rejoined that this would convert him from their judge to their advocate. Then, on a later occasion, he read a remonstrance from the king so vigorous that the pope walked up and down the room, crossing himself and saying that it was the work of the devil. Sousa replied by dwelling on the misdeeds of preceding nuncios, and even offered to let the Inquisition be withdrawn if it would relieve the kingdom from the evil of a nuncio.[1]

Further discussion was abruptly terminated by an explosion. Miguel da Silva, Bishop of Viseu and minister of João, a man of high culture, had been ambassador at Rome in the time of Leo X, and had formed lasting friendships with the future Clement VII and Paul III. He had recently fallen into disfavor at court and was about to be arrested, when he fled and found refuge in Italy. João tried to entice him back with flattering letters, while employing, as Silva says, bravos to follow and assassinate him. Paul could wound the king in no more sensitive spot than by announcing, as he did on December 2, 1541, Silva's appointment as cardinal. João's rage was unbounded; he promptly deprived the new cardinal not only of his offices and temporalities, but of his citizenship, thus rendering him an outlaw and, on January 24, 1542, a special courier carried to Sousa peremptory orders to leave Rome as soon as he could present his letters of recall. His report of the manner

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n. 1–21.—Páramo, pp. 227–32.—Illescas, Hist. Pontifical, Lib. vi, cap. iv.—Ant. de Sousa, Aphorismi Inquisit.; De Origine Inquisit. § 6.—Feyjoo, Theatro crítico, T. VI, Disc. iii.—Hernández, Verdadera Origen de la Inquisicion de Portugal (Madrid, 1789).

Salazar de Mendoza (Chronica de el Cardenal Don Juan de Tavera, pp. 119–21) puts Saavedra's gains at 300,000 ducats and states that Paul III released him from the galleys by a special brief.

[1] Corpo Diplomatico, IV, 381, 404–5, 422–5

in which this abrupt sundering of relations was received indicates that it gave rise to fears that Portugal was about to withdraw from the Roman obedience.[1]

This deprived the New Christians of such aid as they had purchased in Rome and left Henrique in peaceable possession of the inquisitorship, which he improved by establishing six tribunals—Lisbon, Evora, Coimbra, Lamego, Porto and Thomar—of which the first three remained permanent and the others were subsequently discontinued as superfluous.[2] On the other hand, Paul III persevered in his intention to inflict another nuncio on Portugal, and appointed to that post Luigi Lippomano, coadjutor-bishop of Bergamo. An intercepted letter of Diogo Fernandez, the Roman agent of the New Christians May 18, 1542, shows the anxiety with which his coming was awaited and throws light on their relations with the curia. He is expecting the money with which to pay the thousand cruzados to the nuncio, who demands it at once, although his orders were not to pay it until Lippomano was outside the walls of Rome. Every one is clamoring for money, until he is near losing his senses. He has agreed to pay a hundred and forty cruzados apiece for the pardons of Pero de Noronha and Maria Thomaz, which he sends, and asks for an immediate remittance. Then, on the 19th, he adds that he has that day been compelled to pay the thousand cruzados to the nuncio; he has raised the amount by giving security and, though he has disobeyed orders, he prays that the money be sent, as without it all their labor and expense would be wasted. A postscript on the 20th alludes to a general pardon which the pope had agreed to grant at a future time. People, he says, are wasting their money in getting special letters; the pope prefers that it should all be done in a general provision, to which all should contribute, and it is the most important of all things to accomplish. It would appear from the case of Antonio Fernandez of Coimbra that, when letters of exemption were obtained, the king promptly banished the recipients, who then procured fresh letters requiring the king to grant them safe-conducts and permission to sell their property, real and personal.[3]

João wrote to Lippomano not to come, and he persisted in this

[1] Herculano, II, 304–17, 332–40.—Ciaconii Vitt. Poutiff., III, 675.—Corpo Diplomatico, IV, 388, 392, 399; V, 41, 54; XI, 388, 472, 473, 496.

[2] Herculano, III, 8–9.

[3] Corpo Diplomatico, V, 34, 70, 83, 114.

against the entreaties of Charles V. Nevertheless the nuncio set out, and we hear of him in Aragon in August, where he encountered the Portuguese treasurer sent to detain him. The latter was fully aware of the payment of the thousand ducats and of the monthly stipend, as to all of which the nuncio professed the most innocent ignorance, and he further stated that the intercepted letters showed that Cardinal Silva was to receive two hundred and fifty crowns a month to act as "protector" of the Jews. Nevertheless the treasurer was finally persuaded to write favorably to his master, and Lippomano resumed his journey towards Valladolid.[1] João refused to be placated. On learning that the nuncio had reached Castile he wrote ordering him to advance no further until he should hear from the pope, to whom, on September 18th, he addressed a vigorous letter, demanding that no nuncio should be sent to interfere with the Inquisition; he was not actuated, he said, by greed, for there was no confiscation, and indeed, from another source we have the assertion that the maintenance of the Inquisition was costing him ten or eleven thousand ducats a year.[2]

Lippomano had assured the Portuguese treasurer that he did not come to interfere with the Inquisition; that his orders were only to see whether the inquisitors observed justice; if they did not, conscience would require the pope to make the necessary provisions. His secret instructions, however, were of a very different tenor. He was told that he need not hesitate to act with energy, though observing external courtesy, for Portugal was fatally weakened and approaching ruin; the king was completely impoverished, oppressed with debt, at home and abroad, hated by his people, and wholly under the influence of the friars, while his relations with France and with the emperor were unfriendly. As for the Infante Henrique, if he was not to be deprived of the inquisitor-generalship, he must at least seek a dispensation for lack of age, ask absolution for the past and ratify or annul all the preceding trials. As for the Inquisition, it would be a most holy thing to abolish it and commit the jurisdiction to the bishops; the nuncio was furnished with faculties to do this, or to suspend it, and these he was to show openly, that it might be known that this was at his discretion. Meanwhile he could issue letters to all

[1] Ronchini, pp. 6–12.—Herculano, III, 64–5.

[2] Corpo Diplomatico, V, 90, 96, 98, 104–5, 113, 115–16, 117–20.

who asked for them, on their making payment, and even if the price was small the aggregate would be large, as there were fifty thousand of them. The declaratory bull of November 13, (*sic*) 1539, suppressed by Capodiferro, was to be published without consulting the king; it need not be affixed to the church-doors, but copies could be given to all who asked, so that they could use it when on trial, and Henrique was to be notified that all procedure must conform to it; if he protested, he was to be told that such was the papal will and he could write to the pope if he so chose. Lippomano was finally told that pressure of all kinds would be brought to bear on him, but he must be firm and remind them that he had power to abolish the whole institution. Whatever we may think of João's blind fanaticism, we cannot wonder at his objection to admitting in his kingdom an emissary who came to set him at defiance and to upset all his most cherished plans. On the other hand, a letter in December, from the spokesman of the New Christians to their Roman agent, remitting to him two thousand cruzados, depicts their agonized anxiety for the coming of the nuncio; it will be their salvation and his absence is their destruction; it is useless to spend money on briefs when there is no one to enforce them.[1] They might well feel desperate, for the Inquisition was active and unsparing. At an auto held in Lisbon, October 14, 1542, there appeared a hundred culprits, of whom twenty were relaxed and João de Mello, in reporting this to the king, complained that it left the prisons still crowded with those on trial. Nor was this all, for Herculano gives a terrible picture, full of revolting details, of the atrocities perpetrated everywhere, such as we have seen set forth in the memorials of Llerena and Jaen.[2]

Although ignorant of the nuncio's instructions, João persisted in refusing him admittance, until he should have an answer to his letter of September 18th. This was long in coming, and Lippomano vainly complained of the disrespect to the Holy See shown in making him wander from one tavern to another. For awhile he remained in Salamanca and then, on false news that he would be received, he went to Badajoz, only to find the frontier closed to him, and there he was forced to stay, for some months, hopeless and querulous.[3] Meanwhile, Francisco Botelho, who had been

[1] Ronchini, p. 11.—Corpo Diplomatico, V, 134, 135, 140, 145, 149, 152, 164.
[2] Herculano, III, 116–199.
[3] Ronchini, pp. 16, 17, 20, 23.

sent with João's letter, was conferring with the pope, who blandly assured him that Lippomano's mission was only to notify the king of the approaching convocation of the Council of Trent. At length it was arranged that he should confine himself to this, and to such other matters as the king should permit. A brief to this effect, satisfactory to the Portuguese agents, was framed and despatched from Rome November 3d. It can scarce have reached Portugal before the early months of 1543 for a letter of João of March 2d mentions its arrival and his satisfaction at the settlement, in which he hopes that the pope's acts may correspond with his words. Lippomano, thus shorn of his powers and with no financial prospect before him, was anxious for his recall, but he was not permitted to return until the close of 1544; he obeyed the final instructions and abstained from aiding the New Christians.[1]

Possibly Paul's yielding in this may be explained by a negotiation on foot early in 1543. Through the Cardinal of Burgos, it was proposed to João that the pope would concede to Portugal an Inquisition identical with that of Castile, if, for a term of years, one half of the confiscations should belong to the Holy See. This cold-blooded offer to sell out the New Christians shows how purely mercantile had been the fluctuating protection accorded to them hitherto, and it was met by João in the same spirit. Protesting that he had never sought for gain in his efforts to serve God, he instructed his envoy that he might agree to three years, but must endeavor to reduce the papal share to a quarter.[2] The attempted bargain came to naught, but Rome was apprehensive that Portugal might follow the example of England, and João was propitiated with a renewed offer of a cardinal's hat for the Infante Henrique. To this he at first replied surlily, that when he had asked for it, it had been given to Silva, and now that he had not asked, it did not seem fitting to accept it. Subsequently, however, he assented and, in December, 1545, Henrique received the honor. Moreover, in October, 1543, a signal favor was granted to the Inquisition, by a perpetual brief empowering the officials to enjoy the fruits of benefices *in absentia*, although, as we have seen, in Spain the grant was only quinquennial. It is true that this was not wholly gratuitous, for it cost two hundred and fifty cruzados in addition to the regular fees of seventy.[3]

[1] Corpo Diplomatico, V, 169–71, 179, 184, 187.
[2] Ibidem, V, 176.
[3] Ibidem, V, 186, 196, 222, 506.—Ronchini, p. 24.

The Inquisition was assisted in another way. Through the subsidized Cardinal of Paris, the Portuguese ambassador, Balthasar de Faria, was enabled to inspect all papal letters granted to New Christians. In a letter of February 18, 1544, he describes the use made of this information, for he opposed each one, and it was fought over bitterly, the unfortunate pope being assailed on both sides and driven to change his decisions repeatedly, as the rival influences prevailed. Information, moreover, was sent in advance to Henrique, so as to enable him to forestall the papal graces or render them ineffective. Henrique was instructed to disregard as surreptitious everything that Faria had not seen, to appeal to the pope and to report to Faria, for this was the way that the Castilian inquisitors managed. It was a kind of guerrilla warfare, in the interval of the greater struggles.[1]

One of these conflicts was close at hand. Paul III resolved to send another nuncio, charged with the duty of wrenching from the king Cardinal Silva's temporalities and of moderating the severity of the Inquisition. For this he selected Giovanni Ricci da Montepulciano who, at the same time, was advanced to the archbishopric of Siponto. Faria flattered himself that he had succeeded in postponing the nuncio's departure till the king should be heard from, but in spite of this Ricci started July 17, 1544.[2] He travelled leisurely and did not reach Valladolid until November 5th, where he found awaiting him Christovão de Castro with letters from the king forbidding his admittance. He succeeded in making de Castro believe that he had no instructions concerning Silva or the Inquisition that would offend the king, who accordingly wrote November 28th, cautiously admitting him under these presumptions. It so chanced however that, before the courier started with this letter, Lippomano, who was still acting as nuncio, received and affixed at the church doors a papal brief of September 22d, inhibiting all inquisitors and ecclesiastical judges from executing any sentences pronounced on New Christians, or from proceeding to sentence in any cases, until Ricci should arrive, investigate and report as to the conduct of the Inquisition, after which the papal pleasure should be made known. This settled the question; copies of the brief were sent to de Castro to justify to the Spanish court the absolute refusal to admit Ricci until

[1] Corpo Diplomatico, V, 225, 273, 281–2.
[2] Ibidem, V, 291; XI, 503.—Ronchini, p. 26.

João should have an answer to letters demanding explanation and reparation, despatched by a special courier. At the same time the brief was obeyed, for there were no more autos after June, 1544, until 1548.[1]

Considering all that had occurred during the past ten years, there was an inexcusable aggravation about all this, which it is difficult to understand in the absence of information as to the secret working of the New Christians in Rome, unless it was to convince João that he would have to pay roundly for the pleasure of persecuting his subjects. He exhaled his wrath in one or two letters to Balthasar de Faria and, on January 13, 1545, he despatched Simão da Veiga in hot haste with instructions to demand the installation of the Inquisition in satisfaction of the royal grievances; the recent brief must be revoked, and Ricci must come under the limitations imposed on his predecessor and must say nothing about Cardinal Silva. A prolix letter to the pope, to be read in consistory, was free-spoken but not intemperate and, considering the provocation, was much more moderate than the papal duplicity had deserved.[2]

This letter remained unanswered for nearly six months, during which another experiment was tried on João's credulity. Cardinal Sforza, one of the papal grandsons, wrote in the name of the pope that, if the nuncio was admitted, all that he asked for the Inquisition would be conceded, and Cardinal Crescenzio confirmed this verbally. With natural distrust, however, the king asked to have Paul himself ratify this to Faria, and then he would admit Ricci. As late as June 22, 1545, he was writing in this sense, not knowing that on June 16th the pope had responded to his letter in a brief in which, with exasperating affectation of benignity, he pardoned João's asperity; against João's assertions of the wickedness of the New Christians and the mildness of the Inquisition, he set the constant complaints reaching him of its cruelty and injustice, and the numerous burnings of the innocent; as it was under his jurisdiction, he was responsible and he could not forego the duty of investigating the truth of these conflicting statements; there was also the spoliation of Cardinal Silva which must be redressed. The brief closed with the significant threat

[1] Corpo Diplomatico, V, 306, 308, 311, 315, 317; XI, 507.—Archivo de Simancas, Patronato Real, Inquisicion, Leg. unico, fol. 34.—Historia dos principaes Actos, p. 256.

[2] Corpo Diplomatico, V, 320, 321, 324, 330, 344.

that, if these matters were not remedied, he could not expose himself before Almighty God to the charge of negligence in an affair of such moment.[1]

The devious ways of the papal court are hard to follow. Four days before the date of this brief, on June 12th, Cardinal Sforza sent to João the written assurance that was demanded, promising that if he would admit the nuncio, the pope would grant all that he desired as to the Inquisition. On receiving this in August, the king at once replied that, in reliance on the cardinal's assurances, he would permit Ricci to enter Portugal and he asked to have the necessary bull made out and sent by Simão da Veiga. At the same time he gave Ricci permission to come, cautiously adding that it must be under the limitations imposed on Lippomano. Ricci, detained by sickness, did not arrive until September 9th, and then he was the bearer of the minatory brief of June 16th. That João was thunderstruck may well be believed and he wrote to his envoys that he knew not what to say.[2]

The pope sought a compromise, offering to revoke the brief of September 22, 1544, and that, after the nuncio had reported, he would leave everything in the king's hands, but he refused to carry out the promises of Cardinal Sforza. No answer was given to this, but the brief of revocation was made out and reached Ricci, January 18, 1546, accompanied with one empowering him to act in case he discovered abuses in the Inquisition, but the only investigation that João would permit was that he should examine the papers in four or five cases and interrogate the inquisitor concerning them. The first case submitted was that of a septuagenarian, burnt some years before. He was one of those who had been converted by force; he had at once confessed more than had been testified against him, and had begged for mercy. Ricci asked the inquisitor, João de Mello, why he had burnt him, as this was not a case of relapse, to which Mello replied that his repentance was simulated because he had varied in the three examinations, but on investigating the record the variations were found to be trifling. Ricci asked for a copy of the process to send to Rome, and it was promised but not given. His report was naturally adverse to the Inquisition and the pope, assuming that the brief of 1536 had established it for ten years only, notified João that

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[1] Corpo Diplomatico, V, 405, 434, 442.—Raynald. Annal. ann. 1545, n. 58.
[2] Corpo Diplomatico, V, 448, 451, 453, 460, 470.

the term had expired: in deference to him it was prolonged for a year, but he was told that, within that time, the question as to the New Christians must be definitely settled; it was suggested that a general pardon could be granted, or that he could banish them all from his kingdom.[1]

We may fairly assume that, in such a crisis as this, the gold of the New Christians had not been spared in Lisbon or in Rome. João evidently felt that the turning-point had come and that some supreme effort must be made to outbid his subjects. He had not been niggardly, on his side, in responding to the urgent calls of his ambassadors for liberality towards the cardinals. Cardinal Farnese, the favorite grandson of Paul III, and the most influential member of the Sacred College, had a pension from him of thirty-two hundred cruzados, assigned in 1544 equally on the sees of Braga and Coimbra to assure its continuance: at a critical moment, in 1545, the arrearages and two years in advance were paid to him, in a lump sum of thirteen thousand cruzados. So little reserve was there in these matters that, after the death of Cardinal Santiquatro, the "protector" of Portugal, João actually suggested the employment of Paul III as his successor, pointing out the large "propinas" that would enure to him from certain provisions as to bishops which the king was soliciting. For these and for the payment to Farnese, he forwarded bills of exchange for thirty-three thousand cruzados. Julius III was as mercenary as his predecessor. In 1551 João, in response to a hint that a present was desirable, sent him a magnificent diamond, valued by the Roman jewellers at a hundred thousand cruzados. Julius was greatly pleased and declared that he would make it an heirloom in his family, but when the next year he intimated that another gift would be acceptable, João, who was dissatisfied with him at the time, refused to respond, saying that when the pope acceded to his demands to make Henrique perpetual legate it would be time to think of giving him something. This brought Julius to terms; in 1553 the appointment was made and in 1554 João sent him a brooch.[2]

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[1] Corpo Diplomatico, VI, 23, 42.—Ronchini, pp. 31–2.

[2] Corpo Diplomatico, V, 361, 391, 398, 399; VII, 32, 51–3, 204, 216, 241, 327; VIII, 111.

After João's death, the regency, in 1562, in return for a favor, sent to Pius IV a couple of rings, to which he loftily replied that he did not desire such gifts,

In such matters it was difficult for subjects to compete with their monarch. Under the pressure so skilfully applied by Rome, a brilliant idea occurred to João and, in a letter of February 20, 1546, to Balthazar de Faria, he suggested that, in return for a free Inquisition, he would grant to Cardinal Farnese the administration and revenues of the see of Viseu, which he had been withholding from Cardinal Silva, thus at once obtaining the object of his desires and gratifying his rancor against that unfortunate prelate by depriving him of papal support.[1] This dazzling bribe overcame Paul's scruples as to his responsibility to the Almighty and his friendship for Silva. The Holy See has been stained with many examples of nepotism and rapacity, but its history has furnished few transactions of more shameless effrontery in sacrificing those whom it was pledged to protect. Still, Paul strove to maintain some semblance of decency in abandoning the New Christians, and he advanced a demand that there should be a general pardon for past offences and the granting of a term during which those desiring to emigrate could leave Portugal. João was determined to get all that he could, and a series of intricate negotiations took place, occupying the whole of 1546 and 1547, inwhich each side endeavored to outwit the other with little regard to consistency. Matters were complicated by the question of the accrued revenues of Viseu, which João was loath to refund, and which Paul demanded, for the convenient receptacle of the fabric of St. Peter's. Ignatius Loyola took a hand in the fray and so did two members of the Council of Trent, Frade Jorje de Santiago, an inquisitor, and the Carmelite Balthazar Limpo, Bishop of Porto, an honest and free-spoken fanatic, who was much scandalized by ascertaining that a brief of safe-conduct had been secretly issued, inviting the Portuguese New Christians to Italy, with assurance of not being disturbed on account of their religion. Thus, as the bishop said, those who had been baptized at birth came and were immediately circumcised and filled the synagogues under the very eyes of the pope—the inference being that he desired free emigration from Portugal, in order that Italy might benefit by the intelligence and industry of the apos-

but he had previously had them appraised and found that they were of little value. There was some indignation felt in the papal palace and Alvaro de Castro, in reporting it, dwelt on the importance of keeping the pope well-disposed.—Ibidem, X, 19, 20, 21.

[1] Corpo Diplomatico, VI, 23.

tates, an argument which was freely used and was not easy to answer.[1]

In the spring of 1547, as matters seemed to approach a settlement, the necessary briefs were successively drafted. One of May 11th granted a general pardon for past offences; all prisoners were to be released, all confiscations returned, all disabilities removed, and reincidence was not to incur the penalty of relapse. One of July 1st addressed to Cardinal Henrique announced to him that the pope had granted the Inquisition, with full powers

[1] Corpo Diplomatico, VI, 95, 101, 105–25, 139, 141, 144, 170–5, 176–77, 180, 183, 186, 198–208.—Ronchini, pp. 37–8.—Stewart Rose, St. Ignatius Loyola and the early Jesuits, p. 406 (New York, 1891).—Gothein, Ignatius von Loyola und die Gegenreformation, p. 611 (Halle, 1895).

It was freely stated that Julius III continued the practice and sold, for a thousand cruzados a year, licence to seventy heads of families who had been baptized in Portugal to Judaize in Ancona, a privilege of which two hundred took advantage, with their wives and children.—Corpo Diplomatico, VII, 378.

The facts of this curious episode are that Paul III issued letters of safe-conduct to foreign merchants in Ancona, including both Turks and Jews. Then, February 21, 1547, in an elaborate brief, specially favoring the New Christians of Portugal, he promised that, for all accusations of heresy or apostasy, they should be subject exclusively to the pope in person, all judges and inquisitors being forbidden to prosecute them. Feeling their position uncertain, they bargained with the local authorities that, for five years, they should be undisturbed and that any one prosecuted should have free permission to depart. In 1552 they presented these articles to Julius III for confirmation, which he gave by a brief of December 6th, forbidding judges and inquisitors to molest them. Paul IV, however, April 30, 1556 withdrew this and ordered their prosecution, even if they denied under torture their baptism, as it was notorious that for eighty years no Hebrew could live in Portugal except as a Christian. This was at the instance of Cardinal Caraffa and his other nephews, who thereupon seized the persons and property of the Jews, who arranged a compromise for 50,000 ducats, but were unable to raise the money in the time specified, whereupon the Caraffas held the property, estimated at 300,000 ducats. A contemporary states that more than eighty of them were burnt or sent to the galleys.—Collect. Decret. S. Congr. Sti Officii, s. v. *Judaizantes* (MS. *penes me*).—Decret S. Congr. Sti Officii, pp. 327, 334–6 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).—Bibl. nationale de France, fonds italien, 430, fol. 109.

During the first half of the seventeenth century, the popes earnestly endeavored to force Venice to exclude the Portuguese refugees, when the decrees of Paul III and Julius III were persistently quoted in their favor. The inquisitors in all Italian cities were urged to active work against them, but they seem to have been favored by the local authorities. Those of Pisa and Leghorn were especially liberal.—Collect. Decret. *loc. cit.*—Albizzi, Riposta all'Historia dalla S. Inquisizione del R. P. Paolo Servita, pp. 194–212.

of procedure. One of July 5th, to João informed him that the bearer, Cav. Giovanni Ugolino (a nephew of the late Cardinal Santiquatro) carried the bull for the Inquisition and exhorted him to see that the inquisitors exercised their powers with moderation. Ugolino was also empowered to take possession for Farnese of the see of Viseu and the other benefices of Silva, and to collect the arrears of revenue for the fabric of St. Peter's. There were two briefs of July 15th, one appointing Farnese administrator for life of the see and the benefices; the other withdrew and annulled all the letters of exemption from the Inquisition which the New Christians had been for so many years purchasing at heavy cost. Finally, under date of July 16th, came the long sought-for bull, *Meditatio cordis*, instituting for Portugal a free and untrammelled Inquisition. It declared that the pope, desiring the rigorous punishment of the atrocious crime of heresy, revoked all previous limitations on its powers, and conferred on it all faculties at any time granted to inquisitors. To render effective the withdrawal of the letters of exemption, it evoked to the pope all cases pending before other judges than Cardinal Henrique, and committed them to him and his deputies with full powers. That Paul did not, without some qualms of conscience, thus abandon the New Christians who had contributed so liberally to the curia, is suggested by a subsequent brief of November 15th, in which he told the king that, as he had granted to Portugal a free Inquisition, he earnestly exhorted him to see that the inquisitors acted with charity and not with judicial severity, in consideration of the weakness of the neophytes, for this would be most gratifying to him.[1]

The pope's anxiety to save appearances is visible in the instructions to Ugolino. Those from Paul bore that his wishes were that, under the pardon brief, all prisoners were to be discharged; those who had to abjure should do so before a notary and not in an auto de fe; that for a year no one was to be relaxed, no arrests were to be made save for public and scandalous offences, and prosecutions were to be conducted as in other crimes, while, if the law prohibiting emigration could not be repealed, it should be kept quiet for a year—thus hiding for a twelvemonth his betrayal of the friendless.[2] The instructions from Farnese were more openly

[1] Corpo Diplomatico, VI, 152, 159, 160, 163, 164, 166, 210.—Raynald. Annal. ann. 1547, n. 131, 132.

[2] Corpo Diplomatico, VI, 220.

cynical. To disarm João's distrust, he had agreed not to take possession of Silva's temporalities until the affair of the Inquisition should be settled, while Ambassador Faria and the Bishop of Porto had pledged that João should raise no difficulties; it was on that condition that the pope had granted the Inquisition, in the confidence that both should be settled together. João was to be persuaded to accede to the general pardon and graces asked for, in lieu of the permission to emigrate, for that would enable the pope to answer the appeals and complaints of the New Christians, by telling them that these were sufficient. The pope was anxious that, for a year, the Inquisition should not employ rigor and that procedure be that of secular law; this was of slender importance but it would seem to them a great matter. They were also to be told that, as in previous cases, the pope could have had from them twenty thousand cruzados for the pardon, while he had granted it without getting a single farthing. It was further significant that both Ugolino and the nuncio Ricci were warned to be specially careful to exact nothing from the New Christians.[1]

How João regarded these pleadings for the victims is seen in a letter to Faria after the settlement. He had accepted, he said, the conditions as to the Inquisition, knowing that further protests would only bring worse terms, but he intended that the Inquisition should proceed in the form conceded by the bull. Those pardoned under the pardon brief, if they committed heresy during the year, could be arrested and prosecuted at once, but should not be sentenced or relaxed until after the expiration of the year. For a year the inquisitors should be directed to proceed mildly, but, as for treating heresy like other crimes, it would be unreasonable, because the pope ordered otherwise in the bull itself. As for the prohibition of emigration, it was not for the service of God to repeal the law as the pope desired. The pardon should be published and the prisoners released; those who had to abjure should not so do on a staging but publicly at the church doors.[2] Thus brutally was brushed aside the mask under which Paul had sought to disguise his abandonment of the New Christians.

Since May, 1547, Ugolino waited in daily expectation of orders to start, but it was not until December 1st that he left Rome with the bulls that decided the fate of Portugal. It was probably in January, 1548, that he reached Lisbon,where fresh delays occurred

[1] Corpo Diplomatico, VI, 219–21.
[2] Ibidem, VI, 250–2.

in settling details, and only on March 24th was the agreement respecting Silva's temporalities signed; João grumbled at the assignment of the accrued revenues to the fabric of St. Peter's; he had not agreed to surrender them and did not intend to do so, but he finally submitted. The pardon was published in Lisbon, June 10th, the prisons were emptied and the abjurations, we are told, for the most part were private.[1] Thus, after a contest lasting through seventeen years, the Inquisition was fastened upon Portugal and, in reviewing the kaleidescopic vicissitudes of the struggle, we cannot trace, in any act of the Holy See, a higher motive than the sordid one of making, out of human misery, a market for the power of the keys and selling it to the highest bidder.

The New Christians promptly sought to save a fragment from the wreck, by obtaining the publication of the names of witnesses, based on the canonical provision that they were to be suppressed only in the case of powerful delinquents, who could wreak vengeance on accusers. With this view they procured from Paul III a brief of January 8, 1549, defining that New Christians and others could only be deemed powerful men, in respect to the communication of witnesses' names, provided they were nobles exercising jurisdiction over vassals, public magistrates, or officers in the royal palace. There seems to have been some delay in the publication of this but, when it came to the knowledge of the king, he sent, August 13, 1550, a copy of it to Julius III, with an urgent

[1] Corpo Diplomatico, VI, 248-9.—Ronchini, p. 41.

There is some satisfaction in knowing that Cardinal Farnese made but little out of this wretched business. The death of his grandfather, in November, 1549, deprived him of influence and, in 1550, João had the effrontery to demand his resignation of the see of Viseu. Farnese interposed difficulties but, in 1552, Gonsalvo Pinheiro was installed in his place. Soon afterwards, in September 1552, we hear of his taking refuge in his legation of Avignon, partly for safety and partly on account of his necessities.—Corpo Diplomatico, VI, 422, 423; VII, 151, 165, 174, 184.

João's malignity towards Cardinal Silva was unquenchable. On the accession of Julius III, he heard that the new pope felt compassion for Silva and he instructed his ambassador to tell him that any honor or grace conferred on Silva would be regarded as an injury. By this time Silva was reduced to penury and the ambassador out of compassion forbore to deliver the message, when João angrily repeated his instructions with additional emphasis. In spite of this Julius wrote, some three years later, asking João to pardon Silva, who was borne down with age and infirmities. João left the letter unanswered for eight months, until March, 1554, and then wrote with studied evasiveness. Silva died in June, 1556.—Corpo Diplomatico, VI, 389; VII, 25, 244, 330.

request for its revocation as it would prove the total destruction of the Inquisition.[1] A long struggle ensued between the Portuguese ambassadors and the New Christians, in which, for some time, the latter were successful. Into these details it is not worth while to enter, but the final incidents are too illustrative of the course of business in the papal court to be passed over. Paul IV succeeded to the pontificate May 23, 1555; while yet a cardinal he had expressed opposition to the brief, and the ambassador, Affonso de Lencastro, with the assistance of the Grand Inquisitor, Cardinal Alessandrino—the future Pius V—had not much difficulty in winning him over. The brief of revocation was drafted and approved and sent to the dataria for despatch. The deputy there chanced to be a Castilian New Christian and, when the ambassador's secretary called for the brief, he was told that Paul III had done a just and holy thing, and that in Portugal the inquisitors wanted to burn everybody. The brief was withheld and, when complaint was made to the pope that his datary refused to obey orders, he promised to look into it. Nothing more could be got from him at the time, and his reckless war with Philip II gave him ample occupation for the next few years. Lencastro however continued his efforts until replaced, in April, 1559, by Lourenço Pirez de Tavora, who brought urgent instructions to procure the brief of revocation. Peace with Philip was proclaimed April 5, 1559, but Paul IV, in his 84th year, was broken and was moreover engrossed with his prosecution of Cardinal Morone. Lencastro and Pirez, however, labored with the Congregation of the Inquisition which, on July 22, approved of the revocatory brief. They carried it at once to the pope and, with the aid of Cardinal Alessandrino, obtained the promise of his signature. To their dismay they learned the next day that it had not been signed. Paul had called for his signet-ring, had drawn it from its bag and was about to append it, when he glanced over the brief; the preamble did not suit him, for it was not easy to give a reason for revocation without inferring blame. He laid it aside, and this was almost his last act, for he died August 18th and for three weeks no briefs had been expedited. The conclave was prolonged and Pius IV was not elected till December 26th. Pirez lost no time and, on his visit of congratulation, January 2, 1560, before the coronation, he urged the matter on the pope. Cardinal Alessandrino was sent for and gave his approval. The secretary Ara-

[1] Corpo Diplomatico, V, 391, 392; VIII, 291.

gonia was instructed to draft the brief and it was, as Pirez thought, the first one signed after the coronation. Pirez attributed his success to the profound secrecy which kept the measure from the knowledge of its opponents and, in the midst of his self-congratulation, he twice solemnly warned Cardinal Henrique to use his powers with moderation for, under the brief, it would be easy to burn the New Christians. It was in vain that they sought to obtain its revocation; their agents and their memorials were alike disregarded, and the suppression of the names of witnesses became the established practice in Portugal as in Spain. All hope of relief, moreover, was extinguished when, in September, Prospero de Santa Croce was sent as nuncio, Cardinal Henrique was reappointed legate *a latere*, in all matters concerning the faith, thus cutting off all appeal and all interference with the Holy Office.[1] The earnest persistence with which permission to withhold the names of witnesses was sought shows how great a hindrance to condemnation their publication proved, and this probably explains the fact that, during the continuance of the prohibition, the activity of the Inquisition was restricted. A list of autos de fe, as complete as research could compile, indicates that of the three established tribunals, Lisbon celebrated no auto prior to 1559, nor Coimbra until 1567. There may be some defect in the archives to account for this, and they may have been better preserved in Evora, for there we find autos recorded in 1551, 1552, 1555 and 1560. After this they became more frequent and increased in severity, but, up to the time of the conquest by Philip II, in 1580, the whole number of autos recorded in the three tribunals was only thirty-four, in which there were a hundred and sixty-nine relaxations in person, fifty-one in effigy and nineteen hundred and ninety-eight penitents.[2] The insignificant number

[1] Corpo Diplomatico, VII, 49, 255, 291, 336, 437, 458, 479; VIII, 82, 94, 108, 142, 150, 161, 181, 185, 195, 197, 205, 225, 239, 275, 289, 296, 310, 460, 466, 475, 476, 491; IX, 40, 81, 120, 125, 150.

[2] Historia dos principaes actos, etc., pp. 256–9, 292–5, 312–13

The numbers in the respective tribunals are—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	37	2	270
Evora	87	12	1023
Coimbra	45	37	705
	169	51	1998

The interesting list of autos, from which I have summarized this and succeeding tables, is probably based on the compilation from the records made about

of relaxations in effigy, when compared with the multitudes that figure in the early Spanish autos, would seem to indicate that they were merely those who escaped from prison or died during trial and that, in the absence of confiscation, the Portuguese inquisitors were not earnest in tracing the heresies of ancestors or in following up the records of fugitives.

The question of confiscation, in fact, had been left by Paul III in the hands of the king, who found in it a financial resource for his bankrupt treasury by granting, for a consideration, decennial periods of exemption—a practice continued by the Regency after João's death. Probably in 1568, the New Christians hesitated to pay the price demanded, for a brief of Pius V, dated July 10th of that year, recites that the last term had expired on June 7th, and that King Sebastian had not renewed it, finding that it served as an incentive to heresy, and that he had asked the pope not to listen to appeals. This Pius willingly promised and withdrew all privileges which the New Christians might enjoy. Doubtless this induced them to come to terms, for the exemption was renewed. After this decennium, Sebastian again granted it in his efforts to provide for his ill-starred African expedition, but Henrique, on succeeding to the throne, felt his conscience much disturbed at this concession to apostasy. He applied to Gregory XIII who, by a brief of October 6, 1579, renewed the one of 1568, and permitted Henrique to revoke the grant made by Sebastian.[1] As Portugal the next year passed into the hands of Philip II, we hear nothing more of exemption from confiscation.

It is somewhat remarkable that João neglected to extend to his colonial possessions the blessings of the Inquisition. The New Christians had largely availed themselves of the opportunities presented by the colonial trade, and had established themselves in Goa and its dependencies. The comparative freedom there had doubtless encouraged them to observe less caution than at home, for St. Francis Xavier had scarce begun his missionary labors when he was scandalized by what he saw and, on November 30,

1767, by Diogo Barbosa Machado, of which there are copies in the Public Library of Coimbra. See Professor R. J. H. Gottheil, in *Jewish Quarterly Review*, October, 1901, pp. 90–1.

These lists are probably defective for the early years. A contemporary, writing in 1564, states that for a number of years there had been burnt annually from twenty to forty persons and two hundred penanced.—Bibl. nationale de France, fonds italien 430, fol. 109.

[1] Corpo Diplomatico, IX, 150; X, 315, 546, 556.

1545, he wrote urgently to the king as to the necessity of an inquisitorial tribunal. No response was made to his appeal. João died June 11, 1557, leaving the crown to his grandson Dom Sebastian, a child in his third year, under the regency of the dowager Queen Catalina, who resigned it, in 1562, in favor of Cardinal Henrique. The Regency was more mindful of the spiritual needs of the Indies than the late king and, in March, 1560, Henrique sent to Goa as inquisitor Aleixo Diaz Falcão who, by the end of the year, founded a tribunal which in time earned a sinister renown as the most pitiless in Christendom.[1] When Lourenço Pirez, the ambassador at Rome, learned through Egypt of this establishment, he expressed to the Regency his apprehension that this zeal for religion would prove a disservice to God and to the kingdom, for it would drive to Bassorah and Cairo many who would aid the enemy in both finance and war.[2] His prevision was justified more fully than he anticipated for, to the activity of the tribunal was largely attributable the decay of the once flourishing Indian possessions of Portugal. After exhausting the New Christians, it turned its attention to the native Christians, who rewarded so abundantly the missionary labors of the Jesuits, for Portugal did not follow the wise example of Spain in exempting native converts from the Inquisition. It was impossible for these poor folk to abandon completely the superstitious practices of their ancestors, and any relapse into these, however trifling, was visited with the rigor with which were treated similar lapses by the Conversos of the Peninsula. Even Philip II recognized the impolicy of this and, in 1599, he procured from Clement VIII a brief empowering the inquisitors to commute the penalties of relaxation and confiscation for relapse, up to a third relapse but no further, and the faculty was limited to the term of five years.[3]

It is not a little remarkable that no tribunal was established in Brazil, although the New Christians who abounded there proved a very troublesome element, from the encouragement which they

[1] Sousa, Aphor. Inquis., De Origíne, § 6.—The *Relation de l'Inquisition de Goa* by Dr. C. Dellon (Paris, 1688) giving an account of his sufferings there, is well known. It has been translated into Portuguese, with copious notes and documents, by Miguel Vicente d'Abreu (Nova-Goa, 1866), to whom we shall have occasion to refer.

[2] Corpo Diplomatico, IX, 112.

[3] Ibidem, XII, 77. A similar brief was issued by Urban VIII, April 22, 1625 (Ibid. p. 246) but, as it makes no reference to any preceding act, the presumption is that these were sporadic and not continuous grants of power.

gave to the Dutch in their efforts to obtain a foothold.[1] There was a commissioner there, but his powers were limited to collecting evidence and transmitting it with the accused to Lisbon, where they were tried and punished.[2] It may be worth noting that, in the treaty of 1810 with England, Portugal bound itself never to establish the Inquisition in its American possessions.[3]

In general, it may be said that the Portuguese Inquisition was modelled on that of Castile. A series of edicts issued by Dom Sebastian and Dom Henrique and confirmed by later kings, granted to officials and familiars the privileges, exemptions and immunities which they enjoyed in the sister kingdom. This gave rise to similar quarrels and *competencias*, and to a multiplication of the privileged class even greater than in Spain. In 1699 we find Dom Pedro II endeavoring to enforce a decree of 1693, which limited to six hundred and four the familiars allowed in the larger towns, while small places were to be reduced to one or two each.[4] The main difference in the organization of the Inquisitions of the two kingdoms was in the Portuguese officials known as *deputados*, of whom at least four were appointed by the inquisitor-general, as assistants to the three inquisitors constituting each tribunal. They were required to possess qualifications entitling them to promotion as inquisitors; they performed such duties as might be assigned to them and, in the consulta de fe, they replaced the Spanish consultores, with the distinction that they cast decisive and not merely consultative votes. To render a sentence legal at least five votes were required besides that of the Ordinary.[5] There was no appeal from a definitive sentence, for the reason that it was not made known to the culprit before the auto in

[1] For these forgotten struggles see some elaborate papers by the Rev. George Edmundson in the *English Historical Review* for 1899 and 1900.

[2] In the Lisbon auto of March 14, 1723, there are few Judaizers and all are residents of Portugal. In that of October 10, 1723, the Judaizers are numerous and a large portion of them are from Brazil. Evidently a fleet had arrived during the interval.—Royal Library of Berlin, Qt. 9548.

In 1618, however, we hear of an inquisitor sent from Portugal to Brazil, whose operations speedily drove numerous New Christians to seek refuge in Spanish territory.—J. T. Medina, La Inquisicion en las Provincias del Plata, pp. 155–61 (Santiago de Chile, 1900). [3] Miguel Vicente d'Abreu, p. 115.

[4] Did. Guerreiro Camacho de Aboym, De Privilegiis Familiarum etc., pp. 12–18, 21 (Ulyssipone, 1759).

[5] Francisco de Castro, Regimento do Santo Officio da Inquisição dos Reynos de Portugal, Liv. I, Tit. i, § 1; Tit. iii, §§ 13, 14; Tit. v, § 6; Liv. II, Tit. ii, § 13 (Lisboa, 1640).—Sousa Aphor. Inq. Lib. I, Cap. i, n. 14.

which it was pronounced, but all interlocutory sentences and intermediate proceedings were subject to appeal, and the Supreme Council came to exercise minute supervision over every act of the tribunals even earlier than we have seen was the case in Spain.[1] The minuteness, indeed, of the details prescribed in the *Regimento* of Inquisitor-general de Castro, printed in 1640, left little to the discretion of the inquisitor, and their systematic arrangement, in an authoritative code of procedure, affords a strong contrast to the cumbersome and often contradictory *cartas acordadas*, which lumbered up the *secreto* of the Spanish tribunals.

Although the object of the Inquisition was the purification of the land from Judaism, it was not confined to this, and it early proved that it could exercise its blighting influence on the intellectual development as well as on the material prosperity of Portugal. Among the learned foreigners whom André de Gouvêa, at the request of João III, brought to Portugal, in 1547, to found a college of arts in his University of Coimbra, was George Buchanan, as professor of Greek. Gouvêa died within a year, and soon afterwards the foreigners were driven out to be replaced by Jesuits, who were becoming the dominant power in the land. The process was a simple one. Buchanan and two others were prosecuted by the Inquisition and thrown in prison. The accusation against the former was that he had written a poem against the Franciscans, that he had spoken disrespectfully of the friars, that he had eaten meat in Lent, that he had said that St. Augustin's views on the Eucharist were akin to those condemned by Rome, and generally that he was thought to be ill-affected towards the Holy See. After incarceration for eighteen months, he was sentenced to reclusion in a monastery for instruction by the monks, whom he describes as good-natured enough but wholly ignorant. On his liberation João offered to retain him, but he took the earliest opportunity to escape to England.[2]

[1] De Castro, Regimento, Liv. II, Tit. xxiii.

[2] Georgii Buchanani Vita ab ipso scripta.—Lopez de Mendonça, Damião de Goes e a Inquisição de Portugal, p. 21 (Lisboa, 1859).

The poem on the Franciscans was written at the request of James V of Scotland. It forced Buchanan to leave the country and, before venturing to Portugal, he made his excuses for it to King João. A brief extract will show its temper:—

> At nunc posteritas, vera pietate relicta,
> Degenerem quæstum sordesque secuta, caducas
> Cogit opes, ficta et sub relligione pudendos
> Occultat mores et, fama innixa parentum,
> Seducit stolidum pietatis imagine vulgus.

A still more effective deadening of intellectual aspiration was the persecution of Damião de Goes, the foremost scholar of Portugal in the sixteenth century. When a youth of 22, he had been sent to Flanders as secretary to the Portuguese factory. It was not until 1528 that his thirst for learning was awakened, he studied Latin, went to Padua, and speedily made himself known to scholars throughout Europe. In 1545, João recalled him to Portugal, where rivalry arose between him and Simon Rodríguez the Jesuit Provincial, who had met him in Padua and now accused him to the Inquisition for heretical utterances made there nine years before, the details of which he could not remember, but had a general impression that they were Lutheran. Nothing came of this and, in 1550, Rodríguez repeated his accusation, with the same result. Goes made enemies in his literary career and, in 1571, the denunciation of Rodríguez, made twenty-six years before, was resuscitated. He was now seventy years old, he had been an invalid for twenty years, and was scarce able to stand, but he was cast into a dungeon, April 4, 1571, while his trial dragged on. No further evidence of any account could be found against him, but he freely confessed that, when he went to Flanders, he fell into the errors of considering indulgences of little value, and that general confession sufficed, that after learning Latin and studying, he had abandoned these errors and had since been strictly orthodox, at the request of Cardinal Sadoleto he had written to Melanchthon, in hopes of winning him over, and he had given a letter of introduction to Luther to Frei Roque de Almeida, whose object was to acquire a knowledge of the heresy so as to confute it. On this confession exclusively was based the sentence, which declared him to be a Lutheran heretic, but considering that it was when he was an ignorant youth of 21 and that, on learning Latin, he had abandoned his errors, he was mercifully condemned only to reconciliation, confiscation, and perpetual prison, the abjuration to be private in view of his quality and his reputation abroad. The monastery da Batalha was assigned as his prison, and the certificate of his delivery there is dated December 16, 1572; on the 9th the *juez do fisco* had already received the certificate of confiscation. The "perpetual" prison of the Portuguese Inquisition must have been temporary, like the Spanish, for Goes is said to have died in his own house, either by apoplexy or killed by his own servants, at a date which is not

known.[1] If forty years of orthodoxy could not atone for a youthful vacillation on one or two points of faith, it can readily be estimated how potent an instrumentality was the Holy Office in stunting the development of Portuguese intellect.

When, in August, 1578, Cardinal Henrique succeeded to the crown of his grand-nephew Sebastian, he did not resign the inquisitor-generalship for fifteen months. He had previously, however, on February 24, 1578, on account of age and infirmity, procured the appointment as coadjutor, with the right of succession, of Manoel Bishop of Coimbra, but the latter disappeared with his sovereign in the disastrous rout of Alcazar-Quibir, and it was not until December 27, 1579 that, at Henrique's request, Gregory XIII replaced him with Jorje de Almeida, Archbishop of Lisbon.[2] Henrique's death soon followed, January 31, 1580, when he passed away, universally detested and only regretted because, in the rivalry of claimants to the throne, and in the exhaustion of the land through famine and pestilence, the way was open to the easy conquest by Philip II. In the reorganization under the Spanish crown, the Inquisition was not merged with that of Castile, but was left as an independent institution under the Archbishop of Lisbon, for Gregory XIII refused the request of Philip II for a brief adding it to the jurisdiction of the Spanish inquisitor-general.[3] The nomination, however, accrued to the Spanish crown and, in 1586, on Almeida's death, the post was given to the Cardinal-Archduke Albrecht of Austria, who was also Governor of Portugal.[4] With his advent, the activity of the Inquisition increased. In the twenty years, 1581–1600, the three tribunals held in all fifty autos de fe. Of these the records of five are lost, but in the other forty-five there were a hundred and sixty-two relaxations in person, fifty-nine in effigy, and twenty-nine hundred and

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[1] Mendonça, Damião de Goes e a Inquisição de Portugal.

[2] Corpo Diplomatico, X, 537, 569.

[3] Llorente, Hist. crít. Cap. XIX, Art. iii, n. 6.

[4] Corpo Diplomatico, XII, 23. As Cardinal Albrecht was only 25 years of age a special derogation of the minimum rule was necessary in his case. More remarkable is the fact that his commission granted him jurisdiction over bishops

When Albrecht left Portugal, the commission of his successor, Antonio Bishop of Elvas July 12, 1596, contained no such provision; it enlarged his jurisdiction however from simple heresy to sorcery and divination and the censorship of the press.—Ibidem, p. 70.

seventy-nine penitents.[1] As the penitents, for the most part, must have suffered confiscation, we can estimate the severity of the persecution in a population so limited.

Large as must have been the receipts, from the beginning, derived from the confiscations of the wealthy New Christians, they were insufficient to satisfy its exigencies, diverted as they had been by the compositions paid to the crown. Sebastian, in continuing this practice, satisfied his conscience by representing to Gregory XIII that the income of the Inquisition did not exceed 5000 cruzados, which was insufficient for its support, wherefore the pope granted to it two-thirds of the fruits of the first prebend falling vacant in each of the Cathedrals of Lisbon, Evora and Coimbra and one-half of one in each of the other sees of the kingdom. It is probable that this evoked a sturdy resistance on the part of the churches, for it was never carried into effect and, when Philip II became master of Portugal, although the confiscations were no longer compounded for, he renewed the request, stating that 14,000 cruzados a year were requisite while the revenues did not exceed 10,000 ducats. Gregory responded with a brief of June 28, 1583 in which he renewed the grant, at the same time reducing it to one-half of a prebend in Lisbon, Evora and Coimbra and one-third in the other sees, nor is it likely that, under the stern rule of Philip, the grant was allowed to be nugatory.[2]

It is not difficult to apprehend the impulses which led to a wholesale emigration to Spain of those who felt themselves aliens in the land of their birth. Under Spanish rule the condition of Portugal was deplorable, as described, in 1595, by the Venetian envoy Francesco Vendramini. Lisbon, which had been a rich and populous city, was almost uninhabited; it formerly owned seven hundred ships, but five hundred had been captured by the enemy (mostly by the English) and but two hundred remained. All

[1] Historia dos principaes Actos, pp. 258–61, 294–7, 312–15.
The numbers in the respective tribunals are—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	29	6	559
Evora	98	16	1384
Coimbra	35	37	1036
	162	59	2979

[2] Corpo Diplomatico, XII, 14.

this was not, he says, displeasing to the king, who desired to keep them impoverished, because they were unwilling subjects.[1] Thus the rewards of commercial enterprise were more promising in Spain, and the emigrant might hope that, in the absence of knowledge of his antecedents, the danger of persecution would be less. The immigration thus was large, and before long its effects began to show themselves in the records of the Spanish Inquisition. Convictions for Judaism, which had become comparatively few, increased rapidly and, where the nativity of the delinquents happens to be specified, the term Portuguese occurs with ominous frequency. In 1593, Toledo had seven Portuguese on trial but, as there was but a single witness and they did not confess under torture, their cases were suspended. The next year the same tribunal held an auto in which appeared five Portuguese in person and nine effigies were burnt of others, either fugitive or dead.[2] In 1595, at Seville, there was an auto in which were punished eighty-nine Judaizers, besides four burnt in effigy, and soon afterwards, in Quintanar del Rey (Cuenca), there were thirty discovered, of whom the obstinate ones were burnt and the rest were reconciled.[3]

The Portuguese New Christians, both at home and in Spain, were growing restive under increasing pressure; they were wealthy and could afford to pay for a respite in the shape of a general pardon for past offences, including cases on trial. In 1602 negotiations were opened with Philip III for a papal brief to that effect; Portuguese orthodoxy took the alarm, and the Archbishops of Lisbon, Braga and Evora hastened to Valladolid, where the court lay, to present remonstrances. Spanish piety, to which such transactions were a novelty, was no less exercised, and direful predictions were made as to the evils that it would bring upon the land. Philip and his favorite Lerma, however, were desperately in need of cash, and all scruples were overcome by the dazzling bribe of 1,860,000 ducats to the king, besides fifty thousand cruzados to Lerma, forty thousand to João de Borja and thirty thousand to Pedro Alvarez Pereira, members of the Suprema Council, and thirty thousand to its secretary Fernão de Mattos. The papal brief was issued, August 23, 1604 but, at the last moment, the bargain came near being wrecked by the demand of the New

[1] Relazioni Venete, Serie I, T. V, p. 449.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[3] Páramo, p. 304.

Christians to have eight years in which to raise the sum. A threat, however, to suspend the execution of the brief sufficed to bring them to reason.[1]

It empowered the Portuguese inquisitor-general, the Archbishop of Lisbon and the papal collector, or any two of them or their deputies, to reconcile all Portuguese New Christians, wherever they might be settled, with the injunction only of spiritual penances. It included all who were on trial, or who had been condemned provided their sentences had not been published. It released all confiscations that had not been covered into the fisc, and it gave to the Portuguese in Europe a year and to those outside of Europe two years, in which to come forward and avail themselves of its provisions. The reconciliation thus obtained was not to entail relaxation in case of relapse, and all inquisitors were forbidden to interfere.[2]

The brief was received in Valladolid about October 1st, but was not published in Lisbon until January 16, 1605. A royal cédula, however, was obtained, prohibiting the publication or execution of any sentences until this brief should take effect, thus including in its benefits all Portuguese who were in the hands of the Spanish tribunals, as well as in those of Portugal.[3] The effect of this was dramatically exhibited without delay. On October 20th the Seville tribunal announced a great auto de fe for November 7th. The stagings erected were on an unusually large scale; on the evening of the 6th took place the procession of the Green Cross, in which more than five hundred familiars participated; the people

[1] Cabrera, Relaciones, pp. 135, 141, 152, 227, 229.—Historia dos principaes Actos, p. 261.

The wealth of the Portuguese New Christians rendered such a payment an easy matter. In the memorial praying for pardon they admitted themselves to be worth eighty millions of ducats and, when Juan Nuñez Correa made an assessment among them, it was on the basis of seventy five millions.—Verdades Catholicas contra Ficciones Judaicas § 9 (MSS. of Bodleian Library, Arch Seld A, Subt. 17).

This is a memorial by Luys de Melo, dean of the Chapter of Braga, written in 1652, when he was a refugee in the Spanish court. He had probably been involved in the conspiracy against the Braganza dynasty, for which the Archbishop of Braga, Sebastian de Noronha, was executed in 1641. His paper is bitter against the New Christians but, as we shall have occasion to see, it contains much that throws light on the subject.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 119.—Corpo Diplomatico Portugues, XII, 121

[3] Cabrera, Relaciones, pp. 230-1.

flocked in from the country in numbers beyond the capacity of the city to accommodate them. At night the confessors were introduced in the cells of those condemned to relaxation and, after completing all the preparations for the solemnity, the junior inquisitor, Fernando de Acebedo, sought his bed about eleven o'clock. Suddenly a courier arrived, armed with an order to admit him to the inquisitors, wherever they might be, whether in their houses or their beds, in consulta de fe or on the staging at the auto. He had left Valladolid at midnight on the 3d and, at break-neck speed, had made the distance to Seville in seventy-two hours, getting through the closed gates of the towns on the road, and arriving in time to serve on the inquisitors a royal cédula forbidding the celebration of the auto. Some there were who held that a royal decree was not to be obeyed unless rubricated by the Suprema, but this was an opinion not as yet established and, after a brief consultation, measures were hurriedly taken to suspend the celebration, to the blank astonishment of all Seville. Surmises were various, some explained it by the recent treaty with England, under which Englishmen in Spain were not to be troubled on account of heresy; others attributed it to the planets; others thought that among the condemned there was some one of lofty station and influence, whose friends had been able to save him, but the suggestion which found the widest acceptance was that it was due to the Portuguese New Christians, numerous and wealthy, who had offered large sums, estimated at eight hundred thousand ducats, to stave it off, and this was supported by the fact that the midnight horseman, before going to the Inquisition, had stopped at the house of Etor Autunez, a wealthy Portuguese merchant, who had given him fifty ducats for his good news.[1]

Under this *perdon general*, the three tribunals in Portugal liberated four hundred and ten prisoners simultaneously on January 16, 1605,[2] and there can be no doubt that the great body of Portuguese Judaizers in Spain obtained valid absolution for all past

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[1] MSS. of Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo 4.

A quarter of a century later, in an argument against granting a similar pardon, we are told that the displeasure of God was not delayed for, on the very day when this auto was postponed, the silver fleet under Don Luis de Córdova was destroyed, inflicting an irreparable loss on Spain.—MSS. of E. N. Adler (Revue des Etudes Juives, No 99, p. 56).

[2] Historia dos principaes actos, pp. 261, 297, 315.

sins during the twelvemonth of its duration, although the Inquisition threw what obstacles it could in their way. In 1605, at Toledo, Antonio Fernández Paredes, a Portuguese on trial with three witnesses against him, was obliged to insist on his right under the pardon, and to argue that his wife Isabel Díaz had been released at Coimbra in virtue of it, until the tribunal referred the matter to the Suprema, which ordered his discharge, although subsequently, during the same year six other Portuguese were tried and sentenced without any reference being made to it.[1] Still, the hands of the Inquisition were tied and it lent its energies to detecting the Portuguese in new delinquencies. It sent out the brief to the tribunals, April 15th and, on April 20, 1606, it called their attention to the fact that the year had expired on January 16th, wherefore they were immediately to examine their records as to the Portuguese who had been discharged in virtue of the brief and to proceed against all who had not taken advantage of it as well as against those who had been guilty of heresy after its expiration.[2] Notwithstanding this, there must have been for some years a marked interruption of persecution. A writer remarks, in 1611, that in Seville the Castle of Triana was used as a penitential prison, for there was no one on trial, the Judaizers having all been pardoned, the Moriscos expelled and the Protestants suppressed.[3]

This episode, however could have no permanent influence and its chief interest lies in its manifestation of the numbers and wealth of the new class of offenders coming forward to replace the expelled Moriscos in furnishing material for autos de fe and in stimulating activity with the prospect of fines and confiscations. After this we hear little of the old Spanish Conversos; nearly all Judaizers are Portuguese and all Portuguese are presumably Judaizers—suspects who existed only on sufferance. In 1625, at Salamanca, the corregidor, in his nightly round, entered a tavern to arrest a priest who had committed murder. He had words with a party of Portuguese and forthwith arrested them all, charging them with being fugitives from the Portuguese Inquisition. He reported this to the Suprema, which communicated with the tribunal of Coimbra and they were all sent to it for trial.[4] When, in 1633,

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo de Simancas, Inq., Lib. 942, fol. 60.
[3] Revista de Archivos, Marzo, 1903, p. 216.
[4] Archivo de Simancas, Inq., Leg. 552, fol. 6.

an effort was made to remove the disabilities under which the New Christians labored, the Licenciate Juan Adan de la Parra, in an argument against it, urged as his principal reason the obstinacy of the Portuguese neophytes; even the advocates of the measure admitted that it would be inapplicable to them, and Parra pointed out the impossibility of distinguishing between them and the Castilians.[1]

Some efforts were made to check this influx and to prevent transit through Spain to France and Holland, where the refugees were of material assistance to the national enemies. In 1567, during the minority of Dom Sebastian, the old laws were revived forbidding New Christians to leave the kingdom, or to seek the colonies, or to sell real estate without a special royal licence. Sebastian subsequently repealed this, but it was renewed by Philip II, in 1587, and remained at least nominally in force, though difficult of execution. Partial relief was obtained, in 1601, when they paid Philip III two hundred thousand ducats for an irrevocable free permission to go to the colonies of both crowns, and to sell landed property but, with the faithlessness customary in dealing with the proscribed race, this irrevocable permission was withdrawn in 1610 and, in 1611 and 1612, the Suprema forwarded to the viceroy of Goa a royal provision ordering him to expel all of Jewish blood, to which he refused obedience, saying that all commerce was in their hands and the colonies would be ruined by their expulsion.[2]

Another decree of Philip III, April 20, 1619, called the attention of the inquisitor-general to the evils resulting from the multitudes of Portuguese passing, with their families and property, to France. All who could not show a licence under the Portuguese crown to leave that kingdom were to be seized and their property sequestrated without further orders, in accordance with which the Suprema promptly issued the necessary instructions to its commissioners in the sea-ports and frontier towns.[3] This doubtless led to increased restrictions in Portugal on emigration, and to it we may probably attribute an eloquent memorial, without date, from

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[1] Pro Cautione Christiana, § 1 (MSS. of Bodleian Library, Arch Seld, 130).

[2] Luys de Melo, Verdades Cathólicas, § 4.—Bibl. nacional, MSS., D, 118, fol. 257, n. 68.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 281, 341, 342.—Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

the Portuguese New Christians, asking for the removal of all limitations. Gentlemen of the noblest houses, they stated, had intermarried with them, both in Portugal and the colonies, and they had lavished their substance in the good work of founding churches, embellishing cofradías, endowing chapels, and liberal almsgiving. Free permission to enter Spain would work no harm to religion, for the Inquisition was everywhere, and the benefit arising from unrestricted intercourse was manifested in the revenues derived from the frontier towns, which were formerly farmed out for thirteen millions of maravedís, irregularly paid, and now were farmed for thirty-six millions, attributable to the spices, perfumes, porcelains, stuffs and other wares brought in by them. It was the same with the Spanish manufactures exported through Biscay—the wools and cloths of Segovia, the silks and other goods. The only objection to free intercourse was that they might take advantage of it to seek other prohibited lands, and this was sufficiently answered elsewhere, in addition to the fact that Portugal had so many ports that emigration could not be prevented, as two hours sufficed to reach the sea and embark, while land travel was slow and expensive, and could be stopped at the frontier towns. The New Christians had greatly enriched the kingdom and the colonies by their labors. In Brazil, where they could hold real estate, nearly all the sugar plantations were in their hands, and these they were constantly increasing, to the great profit of the colony and of the revenue. As by law they were excluded from all offices and dignities, commerce was their only resource.[1] Possibly these representations may have been convincing, for the prohibition was withdrawn, to be subsequently renewed as we shall see.

If they desired to escape from Portugal, Portugal was quite as anxious to get rid of them, by extermination or otherwise. The pious intensity of hatred towards them finds expression, in 1621, in a ferocious work by Vicente da Costa Mattos, of which the declared object was to drive them from the land. All the old stories of their malice to Christians were raked together and set forth as uncontradicted truths. They were enemies of mankind, wandering like gypsies through the world and living on the sweat of others. They had possessed themselves of all trade, farming

[1] Bibl. nacional, MSS., D, 118, fol. 257, n. 68.

the lands of individuals and the royal patrimony, with no capital but industry and lack of conscience. They live only for the perdition of the world; of old, God punished those who ill-treated them, but now he punishes those who endure them; the decline of the Spanish kingdoms was the punishment sent by God for tolerating them. They were all idolators and sodomites, and wherever they went they infected the land with their abominations, and were constantly seeking to convert Christians to their foul belief. Luther commenced by Judaizing; all heretics were either Jews or descendants of Judaizers, as was seen in England, Germany and other parts where they flourished; Calvin called himself the Father of Jews, like many other deniers of the Trinity, and Bucer in his will declared that Christ was not the Savior promised. Their perverse obstinacy was sufficiently proved, by the numbers who were every day burnt, and the still greater numbers who escaped by penance after conviction.[1] This crazy ebullition of ignorant hate accorded so well with the prejudices of the time that a second edition was called for in 1633; in 1629 it was translated into Castilian by Fray Diego Gavilan Vera, and this was reprinted in 1680.

The hatred, indeed, was quenchless which was not satisfied with what the Inquisition was doing. In 1623 we chance to hear of the tribunal of Evora arresting a hundred New Christians of the little town of Montemor o Novo.[2] The autos de fe were frequently conducted on a scale unknown in contemporary Castile. The tribunal of Coimbra held one, August 16, 1626, with two hundred and forty-seven penitents and *relaxados*, another on May 6, 1629, with two hundred and eighteen and another on August 17, 1631 with two hundred and forty-seven. The statistics between 1620 and 1640 are not complete, for there were ten autos of which the details have not been preserved but, even without these, the fearful aggregate is two hundred and thirty relaxed in person, a hundred and sixty-one in effigy and forty-nine hundred and ninety-five penanced—and this is in addition to several hundred prisoners discharged under two pardons granted in 1627 and 1630, which

[1] Breve Discurso contra a heretica perfidia do Judaismo, fol. 67, 172 (Lisboa, 1623).

[2] Archivo de Simancas, Inq., Lib. 812, Lima, fol. 17.—In 1628 we find five refugees from Montemor earning their livelihood at Huelva.—Ib. fol. 18.

no doubt were heavily paid for.[1] Besides these pardons an Edict of Grace was published in 1622 but, as we have seen, such mercies were burdened with intolerable conditions, and only sixteen persons came forward under it—twelve in Lisbon and four in Evora—and all these had already been testified against.[2] In 1630, the royal confessor Sotomayor reported that, in interviewing the deputies of the New Christians, he found that they wanted no more Edicts of Grace; the last one, they said, had done them no good but much harm, as it brought infinite denunciations against them and filled the prisons.[3] There is very likely exaggeration, but nothing more than exaggeration, in the assertion of Luys de Melo that, in this period, the activity of the Inquisition had virtually depopulated the cities of Coimbra, Oporto, Braga, Lamego, Braganza, Evora, Beja and part of Lisbon, and the towns of Santarem, Tomar, Trancoso, Avero, Guimaraens, Vinais, Villaflor, Fundan, Montemor o Velho and o Novo and many other places, while the prisons of the three tribunals were always full and the autos so frequent that each tribunal celebrated one almost every year. One in Coimbra occupied two days, there being more than a hundred each day, and among them professors, canons, priests, curas with cure of souls, vicars-general, frailes, nuns, knights, including some of the Military Orders of kin with the highest of the land, and there was even a discalced Franciscan so pertinacious that he was burnt alive.[4]

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[1] Historia dos principaes Actos, pp. 262–7, 298–301, 316–21.
The statistics of the respective tribunals are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	75	51	1231
Evora	73	56	1891
Coimbra	82	54	1873
	230	161	4995

The pardons of 1627 and 1630 are indicated by the discharge of all the prisoners in the three Inquisitions (Ibidem, pp. 265, 299, 301, 319). These pardons were bitterly fought over. See the documents printed by E. N. Adler in *Revue des Etudes Juives*, No. 97, p. 66; No. 99, p. 54; No. 100, pp. 212, 216; No. 101, p. 99.

[2] Bibl. nationale de France, fonds italien, 1260, fol. 1, 1, § 11.

[3] See Adler's Documents, *Revue des Etudes Juives*, No. 100, p. 231

[4] Luys de Melo, Verdades Cathólicas, § 4. This statement is confirmed by a memorial of the New Christians, who complain that there is scarce a town that is not depopulated; a single arrest suffices to bring about the imprisonment of all the people.—Adler's Documents (Revue des Etudes Juives, No. 97, p. 63).

Notwithstanding these superhuman exertions the inquisitors complained that their labors were unavailing; Judaism was steadily increasing; the misfortunes of the land were attributable to the idolatry of this evil rabble, and they clamored for more drastic measures. The Supreme Council, January 17, 1619, addressed to Philip III a consulta urging that prompt action was necessary in view of the contamination, and of the infinite sacrileges committed, to the scandal of the faithful. The king, it said, did not want vassals only, but good vassals, and it therefore suggested that, when a penitent was condemned to confiscation, he should also be banished; he would thus be stripped of everything and would not take wealth to enrich the enemy as now was the case. It also said that a general visitation was on foot which had already produced much result; presumably there were many in Madrid who should be investigated, and the king was asked to order a visitation there. One member of the council, Mendo de la Mota, went even further, and wanted banishment for all required to abjure for vehement suspicion. Philip responded to this with chilling indifference; if those who abjured for suspicion were banished, they would take their money with them; it was a doubtful measure and he wished the council to consider it further; as regarded the Portuguese in Castile, if a list was furnished, with notes as to grounds for suspicion, he would have them investigated. The list was duly supplied, but the investigation was not made.[1]

The effort was resumed the next year. On April 30, 1620, the tribunals of Lisbon and Evora sent to Philip relations of the autos held by them on the previous September 29th, so that he might see the large numbers punished on those occasions, and recognize the necessity of more active measures of repression. Among them were three canons of Coimbra, three frailes and several lawyers. Six canons of Coimbra, all New Christians, had been arrested; they were all appointees of the pope, and the king was prayed to ask him to close the door on all applicants for benefices of that race; also to order that none should be admitted to the Church, either as seculars or regulars, and none to public office—which indicates how little the prohibitory laws were respected.[2]

The youthful Philip IV was scarce more than seated on the throne when, in 1622, Fernando Mascarenhas, Bishop of Faro,

[1] Verdades Cathólicas, § 5.—See Appendix.

[2] Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

urged him to provide some remedy for the political dangers apprehended from the New Christians. It was in evidence, he said, that they were all secretly Jews and the state was in great peril from them as they were very numerous. There was no city in which they were not powerful through their wealth and the important positions held by them, while the danger of detection and punishment might lead them to cause serious trouble through alliance with enemies. It was found that they secretly invested their capital in dealings with the Dutch, and in Dutch commercial companies and, if they ventured their wealth with these rebels, they would conspire with them, especially as the Inquisition was pushing them hard, arresting them all and they had no other remedy.[1] Israel has rarely had a more flattering tribute to its intellectual superiority than the fears excited by this remnant surviving through near a century of pitiless persecution.

Doubtless there were other urgent warnings which have not reached us and, in 1628, Philip called for a formal expression of opinion from his Portuguese prelates. By his order they assembled at Tomar and summoned to their aid all who were most distinguished in the kingdom for learning and virtue. After prolonged debates they submitted to him a series of suggestions to which he replied seriatim. In view of the failure of all previous efforts to abate the evils wrought and threatened by the New Christians, the remedy they preferred was the thorough expulsion of the whole race; if this were not practicable, at least those who were full-blooded Jews, excepting such as could prove their Christianity, should be banished, and their property be confiscated; as for those of half or quarter blood, all should go who had been, or who in future should be reconciled, or sentenced to abjure *de vehementi*, unless inquisitors were satisfied of their true repentance and conversion. To this Philip replied, proposing delay in the case of the full-blooded Conversos, and assenting to the exile of the reconciled and vehemently suspect. For the further relief of the kingdom, the bishops proposed that all who desired could, within a year, irrevocably expatriate themselves, selling their property and taking with them the proceeds, but not in jewels or the precious metals. To this the royal answer was that already there was unrestricted liberty to go, but as evils had arisen from their return, in future it should be prohibited. The next suggestion was significant; to check the spread of Judaic infection,

[1] Bibl. nacional, MSS., D, 118, fol. 250, n. 66.

by intermarriage, which was destroying the lustre of the nobility, no dower in such unions should exceed two thousand cruzados, and the husband should be disabled from holding positions of honor and dignity. To the first clause the king assented; to the latter he said that the existing laws in favor of the nobility should be enforced. To prevent the constant profanation of the sacraments it was proposed that papal briefs should be procured prohibiting all entrance into the Church of all who were New Christians, even in the tenth degree. To this the king promised to apply for such briefs and meanwhile the bishops should refuse to install persons bearing dispensations and report to him, and also represent to the pope the evils attendant on such preferment. The next suggestion was that the king should ratify and enforce the prohibition to hold secular offices and dignities, to which he replied that it should be strictly enforced. Finally, the bishops proposed that the New Christians should be wholly excluded from trade and commerce or, if this was not possible, at least from that which concerned the royal revenues, but to this Philip answered rather curtly that it was none of their business.[1]

Such were the views of Christian prelates, and even the partial concessions of the king seemed sufficient to threaten the New Christians with virtual extinction, but the whole portentous transaction served only to put on record the extremes to which bigotry could reach. As Luys de Melo suggestively says, after giving the documents in full, the orders issued by the king were not executed, and it would be superfluous to explain the cause of this to any one acquainted with the methods of government of the period. Yet it had one result, for the New Christians, in fear of the threatened consequences, paid to King Philip eighty thousand ducats for the privilege of leaving Portugal and, under this, some five thousand families emigrated to Castile, besides a countless number of individual stragglers, so that it would be a wonder to find any place in Spain not filled with Portuguese Jews.[2] They

[1] Verdades Cathólicas, § 6. The suggestions of the bishops, and especially the expulsion of the New Christians, were the subject of much debate and long consultas. See Adler's Documents in *Revue des Etudes Juives*, No. 97, p. 67; No. 100, p. 217; No. 101, pp. 98, 115; No. 102, p. 251.

[2] Verdades, § 7. There is probably an error as to the payment for permission to emigrate. The New Christians in a memorial state that to obtain it they took 240,000 ducats of government loans, and they complain bitterly of the obstacles thrown in the way of their leaving the kingdom.—Adler's Documents (Revue des Etudes Juives, No. 97, pp. 58–63; No. 100, pp. 224, 228).

felt themselves in perfect safety, for the Castilian tribunals refused to honor requisitions from those of Portugal.[1] Efforts were also made to obtain modification of procedure, but in vain. By a cédula of December 20, 1633, Philip expressed his approbation of the existing rules and refused all change; moreover, he gave to Inquisitor-general de Castro all the memorials, petitions and arguments presented to him, thus furnishing to the Inquisition the names of those upon whom to wreak its vengeance.[2]

The question of transit to France came up again in 1632, when the Suprema notified Philip that the commissioner at Pampeluna reported that troops of Portuguese families were passing into France, many of them people of wealth, with litters and coaches, and the Inquisition did not interfere with them, as the last instructions were that they should not be impeded. The result of this representation was that the orders of 1619 were repeated.[3] Not content with retaining those who wished to expatriate themselves, when the Admiral of Castile, in 1636, captured Saint-Jean de Luz, and there were hopes of conquering Guienne, which was ripe for revolt, the Inquisition took steps to seize the refugees who might have settled there, though it had no evidence that they were Judaizers. It assumed that they were apostates and as such not included in the promises held out to the inhabitants at large, and that anyhow the cause of the faith was privileged. The king was therefore asked to order the admiral to send to the border all whom its agents might designate, so that they could be seized without attracting attention.[4] It is possible that some victims

[1] Verdades, ibidem, § 7.—It is remarkable that, at this period, there was no arrangement for extradition between the two institutions under the same crown. We have seen (Vol. I, p. 253) the concordia entered into in 1544, which continued in force at least until 1580. Subsequently it fell into abeyance and, in 1637, we find the Suprema asking the tribunals what was their custom (Arch. hist. nac., Inq. de Valencia, Leg. 9, n. 1, fol. 295). This was evidently in preparation for an agreement made in 1638 for mutual extradition. The rebellion of 1640 of course put an end to it, but after the independence of Portugal was recognized, it was revived in 1669, though consultation with the Suprema was prescribed before surrendering persons claimed. All information asked for was to be freely exchanged, especially as regarded limpieza (Ibidem, Leg. 10, n. 2, fol. 78).

[2] Bibl. nationale de France, fonds italien, 1260, fol. 1, I, §§ 11, 30; II, §§ 5, 31; fonds latin, 12930, fol. 131.

[3] Archivo de Simancas, Inq., Lib. 20, fol. 150.—MSS. of Royal Library of Copenhagen, 218b, p. 240.

[4] Archivo de Simancas, Inq., Lib. 21, fol. 67.

may thus have been procured during the brief time in which the Spaniards held their advantage.

The refugees, however, mainly bent their steps to Holland, where they enjoyed free toleration and could work for their own advancement and the detriment of their oppressors. This was the leading cause of the effort to prevent emigration, and it was a matter of much concern. Luys de Melo says that there had passed to Holland more than two thousand families and, in those rebel states, they had purchased the right to establish synagogues. Those who publicly Judaized there were the same as those who, quitting Portugal as *sanbenitados*, published that their confession of Judaism was under coercion of the Inquisition. Many who had lived in misery in Portugal were rich in Holland; they paid contributions to those rebel states, and assisted to maintain their fleets and armies; they invested largely in the East India Company, and thus were absorbing a great part of Spanish commerce and, under feigned names and in vessels of the United Provinces, they did a large trade in contraband goods.[1] In short, their commercial aptitudes were impoverishing Spain and enriching her enemies. The writer unconsciously points out how large a part intolerance played in the decadence of the state.

Nor was this the only mischief wrought by their hostility to the land that had driven them forth. In 1634, the Capitan Esteban de Ares Fonseca, in a memorial to the Suprema, represents the refugees in Holland as aiding actively the enemies of Spain, and as holding constant correspondence with spies residing there in the guise of merchants. The Dutch West India Company, he says, was controlled by Jews, who were large stockholders, and its chief profits were derived from piracy in the colonies, especially those of Portugal on the Brazilian coast, where the New Christians were numerous and were in correspondence with the enemy. It was two Jews, Nuño Alvarez Franco and Manuel Fernandez Drago, residents of Bahía, who planned and executed the capture of that place by the Dutch in 1625. Franco, he adds, now lives in Lisbon as a spy, under orders from Holland, and his brother Jacob Franco carries intelligence back and forth disguised as a Fleming of Antwerp. Drago is still in Bahía; he is a great rabbi and teacher of the Jews, and moreover is a spy who last year sent word to the Dutch to return there. The capture of Pernambuco

[1] Verdades Cathólicas, § 4, n. 4.

was the work of the Jews of Amsterdam, chief among whom was Antonio Vaez Henriquez, known as Cohen, who had lived there, who arranged the plans and accompanied the expedition; he is now residing in Seville as a merchant, but is nothing but a spy. Last year he went to Amsterdam with a plan for the capture of Havana, where he has a correspondent named Manuel de Torres. At present a large fleet of eighteen sail is fitting out for the relief of Pernambuco, under command of David Peixoto, a Jew, who proposes to call at Buarcos and penetrate to Coimbra, where the Inquisition is to be burnt and the prisoners are to be liberated. It was a Jew of Amsterdam, named Francisco de Campos, who took the island of Fernando de Noronha; it could readily be recaptured, as it has a garrison of only thirty-four men with four cannon. In San Sebastian, there is a Jew named Abraham Ger, who calls himself Juan Gilles, under Dutch pay; he works much mischief to Spain and keeps a man named Rafael Mendez, who is constantly travelling back and forth.[1]

We need not accept all this as literally true, but it had an undoubted substratum of fact. In 1640, the tribunals of Lima and Cartagena de las Indias reported that in recent autos de fe it had been discovered that many Judaizing Portuguese in the colonies had correspondence with the synagogues in Holland and the Levant, assisting the Dutch and the Turks with information and money. To verify this, orders were given to open, on a certain day, all letters addressed to Portuguese throughout Spain. The information was found to be true; a cypher was discovered, used in correspondence with the synagogues of Holland, and further, that a million and a half of money had been pledged from Spain. The matter was appropriately referred for investigation to the inquisitor-general and two inquisitors.[2] What was the result, we have no means of knowing, but we may be reasonably sure that the rumors, which attributed to the New Christians of Portugal a share in the rebellion of 1640, were not wholly without foundation.

They certainly benefited at first by the change of masters. It is true that João IV conciliated the Inquisition by intervening in its favor in a quarrel which it had, in 1643, with the Jesuits of Evora, and by attending, with his family and court, two autos de fe held in Lisbon, April 6, 1642 and June 25, 1645, in one of

[1] Archivo de Simancas, Inq., Lib. 49, fol. 45.

[2] Pellicer, Avisos históricos (Semanario erúdito, XXXI, 123).

which there were six relaxations in person and four in effigy, with seventy-five penitents, and in the other eleven relaxations in person and two in effigy, with sixty-one penitents,[1] but this we may assume to have been a matter of policy rather than of conviction, for his tendencies were towards liberality. He is even said to have contemplated granting freedom of conscience and liberty of residence to Jews, but to have been forced to abandon the purpose by the stubborn resistance of the inquisitor-general Francisco de Castro, Bishop of Guarda,[2] but this is probably a Spanish exaggeration of an intention to modify the rigor of inquisitorial procedure, which he was obliged to forego through the impossibility of obtaining the requisite papal confirmation.[3] Spanish influence in Italy sufficed to prevent the Holy See from recognizing or holding relations with the House of Braganza, until, by the treaty of Lisbon in 1668, Spain abandoned her futile efforts at reconquest—a position which resulted in the vacancy of the Portuguese sees, as the bishops dropped off, until there was but one left, Francisco de Sotomayor, a Dominican who chanced to be bishop of Targa *in partibus* and who was made Bishop of Lamego in 1659.[4]

This impossibility of negotiating with Rome rendered necessary an indirect method of accomplishing his desire to abolish confiscation, which he recognized as a serious impediment to commercial credit and prosperity, especially through the sequestration of property at arrest. As it was provided by the canons it could only be abrogated by a papal rescript, and to evade this difficulty,

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[1] Corpo Diplomatico, XII, 360, 412, 416.—Historia dos principaes Actos, pp 268–71, 300–1, 320–1.

There was some falling off in the work of the tribunals during the decade 1641–50. The aggregates are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	37	14	341
Evora	5	9	632
Coimbra	8	36	143
	50	59	1116

[2] Pellicer, Avisos históricos (Semanario erúdito, XXXII, 66, 188).—Llorente, Hist. crít., Cap. XIX, Art. iii, n. 7.

[3] Antonio de Vieira, S. J., asserts this in a letter to the Regent Pedro.—Relação exactissima, p. 140 (Veneza, 1750).

[4] Gams, Series Episcoporum, p. 102.—Anno historico Portuguez, II, 557.—Coleccion de Tratados de Paz; Felipe IV, Parte VII, pp. 485, 650.

in his decree of February 6, 1649, he disclaimed all intention of interfering with the functions of the Holy Office, which should continue to include confiscation in its sentences but, after this declaration, he made to the culprits a free gift of their forfeited property, which they could dispose of at will, provided it was in favor of Catholics, and he also abolished sequestration at arrest. But this was not only a free gift but a binding contract, under which the merchants engaged to form a trading company to enrich the country with colonial commerce and to provide, at its own expense, thirty-six war ships to serve as convoys for the merchantmen, all of which was impossible so long as the capital of the company was liable to be imperilled by sequestration and confiscation imposed on the shareholders. The inquisitor-general was ordered to have this decree filed in the secreto of the tribunals, and to enforce its observance, while João obligated himself never to revoke it.[1] The Inquisition subsequently boasted that it had excommunicated all who advised the king to this measure, and it actually succeeded in obtaining from Innocent X a brief of October 25, 1650, thanking God for what it had done and urging it to persevere.[2] Notwithstanding this, the Companhia da Bolsa was organized and, through its means, Pernambuco was recovered from the Dutch. There was flattering prospect of restoring Portuguese commerce but, when João IV died, in 1656, leaving the kingdom under the regency of his widow Lucía de Guzman, during the minority of Affonso VI, the Inquisition not only resumed confiscation but proceeded to collect the arrears since 1649. Altogether, Padre Vieira tells us, about 1680, they had gathered in up to that time some twenty-five millions, of which not more than half a million cruzados reached the royal treasury.[3]

When Bishop de Castro died, in 1653, the attitude of the Holy See towards Portugal precluded the appointment of a successor, and the General Council acted from that date until 1672, when

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[1] Printed in the "Noticias reconditas y posthumas del Procedimiento de las Inquisiciones de España y Portugal," pp. 1–8 (Villafranca, 1722).

[2] Bibl. nationale de France, fonds latin, 12930, fol. 11. Under this, Padre Antonio Vieira, S. J., must have been excommunicated for, in the Public Library of Evora there is a MS. entitled "Razoes que o Padre Antonio Vieira representou a D. João 4 a favor dos christãos novos para se lhes perdoar a confisção dos bens sendo sentenceados no Santo Officio."—Prof. Gottheil in *Jewish Quarterly Review*, Oct., 1901, p. 89.

[3] Relação exactissima, p. 93 (Veneza, 1750).

D. Pedro de Lencastre, Archbishop of Side, *in partibus*, was appointed. The lack of a head seems rather to have stimulated than to have repressed its energies, and one can scarce comprehend how, after a century of such earnest work, so small a territory can have furnished so unfailing a supply of victims. Autos were held in each tribunal nearly every year, with so copious a number of culprits that occasionally they occupied two days, and one at Coimbra, in February, 1677, required three days to despatch its nine personal relaxations and its two hundred and sixty-four penitents. Peace or war seems to have made no difference. Evora celebrated an auto, June 23, 1663, with a hundred and forty-two penitents, although Don John of Austria, with a hostile Spanish army, was occupying the city.[1]

The explanation of this exhaustless reservoir of material for autos is to be found in the strictness with which the infection of blood was reckoned, without limit of generations; all who had the slightest admixture were reckoned as New Christians and were held to be Jews at heart. Intermarriages had been frequent, and so large a portion of the population was thus contaminated that foreigners generally regarded the Portuguese as all Jews.[2] Thus the field of operation of the Inquisition was almost unlimited, and every one whom it penanced became a source of stronger infection. The death of João IV removed what little restraint he may have ventured to exercise and, in 1662, the oppressed population, comprising so large a portion of the wealth and intelligence of the kingdom, made an attempt to purchase alleviation of suffering. A New Christian named Duarte, who had been penanced, in the name of his fellows, made a liberal offer of money and troops for the defence of the land, in return for a general pardon, the publication of witnesses' names and permission to found a synagogue in which professing Jews might worship. Considering that in Rome there was a synagogue, there is some inconsistency in the

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[1] Historia dos principaes Actos, pp. 270–5, 300–3, 320–5.
For the years 1651–1673 the statistics are:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	68	18	868
Evora	54	41	2201
Coimbra	62	—	1724
	184	59	4793

[2] Padre Vieira, Discurso demonstrativo, p. 121 (Veneza, 1750).

energetic brief of Alexander VII, February 17, 1663, denouncing the project and urging the Inquisition to resist it to the utmost.[1] Of course the attempt was abortive. Then, in 1671, the New Christians were suddenly threatened with a catastrophe. In the church of Orivellas, a pyx with a consecrated host was stolen. We have seen with what equanimity the Roman Inquisition regarded this offence, but in Portugal the whole kingdom was thrown into consternation. The Regent Pedro and the court put on mourning; an edict ordered that for some days no one should leave his house, so that everybody might be compelled to give an account of himself on the fatal night. All efforts to identify the sacrilegious thief proving fruitless, it was assumed that the New Christians must be guilty, and the regent signed an edict banishing them all from Portugal—a measure opposed by the Inquisition, doubtless because its occupation would be gone. Before the expulsion could be enforced, however, it happened that a young thief near Coimbra, named Antonio Ferreira, was arrested, and in his possession was found the pyx with its contents. The most searching investigation failed to discover in him a trace of Jewish blood; he was duly burnt and the New Christians were saved.[2]

After this narrow escape, there came a gleam of promise. Few members of the Society of Jesus, at that time, were more distinguished than Antonio Vieira, who had earned the name of the Apostle of Brazil. He had long regarded the New Christians with compassion and had urged João IV not only to abolish confiscation but to remove the distinctions between them and the Old Christians. He had made enemies and the Inquisition readily undertook his punishment; his writings in favor of the oppressed were condemned as rash, scandalous, erroneous, savoring of heresy and well adapted to pervert the ignorant.[3] After three years of incarceration, he was penanced in the audience-chamber of Coimbra, December 23, 1667, and his sympathy for the victims of the Holy Office was sharpened by his experience of its unwholesome prisons, where he tells us that five unfortunates were not uncommonly herded in a cell nine feet by eleven, where the only light came from a narrow opening near the ceiling, where the vessels were changed only once a week, and all spiritual consolation was

[1] Bibl. nationale de France, fonds latin, 12930, fol. 108.

[2] Ibidem, fonds italien, 1241, fol. 76.

[3] J. Mendes dos Remedios, Os Judeus em Portugal, I, 347–52 (Coimbra, 1895).

denied.[1] Then, in the safe refuge of Rome, he raised his voice for the relief of the oppressed, in numerous writings in which he characterized the Holy Office of Portugal as a tribunal which served only to deprive men of their fortunes, their honor and their lives, while unable to discriminate between guilt and innocence; it was known to be holy only in name, while its works were cruelty and injustice, unworthy of rational beings, although it was always proclaiming its superior piety.[2]

The Society of Jesus could scarce fail to resent the affront put upon one of its most distinguished members; it was still a power in Portugal, and it made its influence felt. The New Christians took heart and, in 1673, they made an organized effort to gain relief. They asked to have the procedure of the Inquisition modified to that of Rome and, in order that the new system might have a fair start, that a general pardon be granted to those under trial.[3] The extent of the considerations offered for these very moderate

[1] In the Lisbon auto of May 10, 1682, the acquittals were read of eight victims who were pronounced innocent, after perishing in prison (Bodleian Library, Arch Seld. A, Subt. 16). In one at Coimbra, February 4, 1685, there were fifteen effigies burnt of prisoners who had died during trial.—Historia dos principaes Actos, p. 327.

[2] I see no reason to doubt that the "Noticias reconditas y posthumas del Procedimiento de las Inquisiciones de España y Portugal con sus presos. En Villafranca, 1722" is an elaborate statement drawn up by Vieira for Innocent XI. It appeared again under the title of "Relação exactissima . . . . do Procedimento das Inquisiçois de Portugal. Presentada a o Papa Ignocencio XI pello P. Antonio Vieira, Da Companhia de Jesus. En Veneza con Licença do Santo Officio MDCCL." It is no more bitter than his other writings on the subject, and its somewhat florid style is natural to so popular a preacher.

The author of the "Authentic Memoirs concerning the Portuguese Inquisition" (London, 1761 and 1769) gives on p. 47 a translation of a passage of this work which he says he made from a well-attested MS. in Portugal. There were, he adds, several copies in the handwriting of Vieira, and also in that of a secretary of the Inquisition who fled to Venice.

The Venice edition contains also two shorter papers by Vieira, one entitled "Discurso Demonstrativo," addressed to a friend, and the other "Discurso Segundo," addressed to the Regent Dom Pedro. They bear internal evidence of genuineness and the latter is included in the list of De Backer (Bibliothèque des Ecrivains de la Compagnie de Jésus, V, 761-2), together with other MS. works of his in favor of the New Christians. A number of such MSS. are preserved in the Public Library of Evora.—Prof. Gottheil in *Jewish Quarterly Review*, October, 1901, p. 89.

[3] Bibl. nationale de France, fonds italien, 1241, fol. 44.

These official papers relating to the discussion in Rome were brought to Paris by Cardinal d'Estrées, at that time ambassador to the papal court.

concessions shows how desperate was the condition of the sufferers, for they proposed to place within a year four thousand troops in India, and then yearly to send twelve hundred men, or fifteen hundred in case of war, besides an annual payment of twenty thousand cruzados and various other considerable contributions, including some important matters which there were reasons for keeping secret.[1] Against this proposal the Inquisition protested in two elaborate remonstrances, revealing the temper in which it habitually exercised its powers. It could find no words too strong to describe the wickedness of the New Christians, whose invincible adherence to their errors showed that punishment and not pardon was the only means to be employed; in place of mitigating the laws they should be sharpened, as heresy was steadily increasing, and to ask for the Roman procedure was scandalous, and in itself worthy of punishment. The regent was told that he had no power to overthrow the laws and he was threatened, on the one hand, with an uprising of the people, and, on the other, with an appeal to the pope. In fine, the proposed reform would bring desolation on the land and result in Portugal becoming a Judea. On the other side, the arrangement was warmly supported by many ecclesiastics, to which Jesuit influence doubtless contributed. Not only did the Archbishop of Lisbon favor it, but also thirty masters and doctors of theology, the professors of the University of Coimbra, seven ministers of the Inquisition, and many men of high position among both the regular and the secular clergy. The regent and his council gave it their approval and the matter was referred to the pope for his decision.[2]

The debate was thus transferred to Rome where, in 1674, both sides submitted their arguments to the commission of Cardinals formed for the purpose. The advocates of the New Christians presented a scathing indictment of the Inquisition, doubtless one-sided and exaggerated and yet affording an insight into the abuses inevitable when secret and irresponsible power fell into unworthy hands. The great mass of victims, they asserted, were fervent and loyal Christians, who either were burnt for denying Judaism or obtained reconciliation by falsely confessing. A case occurring only the year previous, 1673, at Evora, was that of two

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[1] Bibl. nationale de France, fonds italien, 1260, fol. 34.

[2] Ibidem, No. 1260, fol. 1, 1, §§ 10, 12, 13, 14, 16, 19, 24, 34, 36; fol. 34; No. 1241, fol. 34.

nuns, burnt as *negativas*. One of them had lived for forty years in her nunnery, with unblemished reputation and filling all the official positions in turn; the confessors who heard her before the auto were overcome by the fervent piety which she manifested and, when the procession was formed, she recognized among the penitents her own sister and neices, who had saved their lives by denouncing her. She pardoned them and made a most exemplary end, invoking Christ with her last breath as the garrote was applied. Indeed, it was the evidence of many confessors that the greater part of those to whom they ministered at the autos were true and fervent Christians, and this was confirmed by the University of Evora, by Padre Manoel Diaz, S. J., confessor of the crown-prince, and numerous ecclesiastics of high standing.[1]

The trade of false witness was a thriving one, both for gain and the gratification of enmity. There were regular associations of perjurers, who made a living by levying black-mail on rich New Christians, accusing those who refused their demands, so that the unfortunate class lived in perpetual terror and purchased temporary safety by compliance. The matter was reduced to a fine art. The accusing witness would give a fictitious name and address, so that the accused could never recognize and disable him. Sometimes, indeed, when additional evidence was necessary, a witness would change his name and garments and give the required corroborative testimony.[2]

As an illustration of the arbitrary abuse of power, allusion was made to a notorious case occurring at Evora, in 1643. According to custom, a student of the Jesuit college was appointed to superintend the market. The servant of an inquisitor desired to buy a load of honey, in order to retail it at an advance, but the student interposed, because it had already been purchased for the use of the college, and would only let the servant have enough to supply his master's table. For this he was imprisoned, tried, required to abjure and penanced as unsound in the faith. When the sentence was read in the presence of a number of ecclesiastics, the professor of theology, a Jesuit of high standing, appealed to the Holy See, to which one of the inquisitors replied that from

[1] Bibl. nationale de France, fonds italien, 1241, fol. 12, 22, 24, 30, 33.

Vieira, in his letter to the Regent Pedro, asserts that of a hundred negativos burnt there was not a single one guilty, and that this must continue so long as the procedure remained unchanged.—Discurso segundo, pp. 136–7.

[2] Bibl. nationale de France, fonds italien, 1241, fol. 8, 9, 23.

that holy tribunal the only appeal was to the Holy Trinity, and the unlucky appellant was gaoled and severely handled. Jesuits were not accustomed to such treatment; the matter was laid before Urban VIII, who summoned the inquisitors to appear before him but, in the confusion of the war with Spain, the affair blew over.[1]

The statements as to confiscation explain the tenacity of the Inquisition in maintaining its position. The crown supported the Inquisition and was entitled to the results of its industry, but obtained little. The sequestrations were in the hands of the tribunals during the trials, which were protracted for five, ten or twelve years to the intense distress of the prisoners. During this time the management of the property was irresponsible; no accounts were rendered and, of the immense sums received, only occasional trifling payments were made to the state. The inquisitor-general had authority to make donations to the inquisitors, and this was liberally exercised in granting them sums of six, or eight, or even fourteen thousand crowns at a time. Commerce was most disastrously affected for, when a merchant with foreign correspondents was arrested and his property was sequestrated, his foreign consignors or creditors clamored in vain for the goods or debts belonging to them and, as this was a fate overhanging every man, Portuguese trade suffered accordingly. In short, while we may not accept literally the assertion that the Inquisition brought irreparable ruin upon Portugal, we cannot but regard it as one of the largely contributing factors to the rapid decadence of the kingdom.[2]

The contest in Rome was stubborn, but the New Christians gradually gained the advantage and, on October 3, 1674, Clement X, as a preliminary, issued a brief reciting their complaints, in view of which he evoked to himself all pending cases and committed them to the Roman Inquisition, inhibiting further action in Portugal, under pain of deprivation of office and other penalties, for all officials, including the inquisitor-general. Coimbra treated this as a general pardon and, on November 18th, discharged all those under trial, but the other tribunals seem to have detained their prisoners. It was probably with the object of releasing them that, in 1676, Innocent XI instructed his nuncio to permit the inquisitors to finish the trials, but not to inflict sentences of relaxation, confiscation, or perpetual galleys. If this was the object,

[1] Bibl. nationale de France, fonds italien, 1241, fol. 127.
[2] Ibidem, fol. 42, 81, 159.

it was unsuccessful. The Inquisition was sullen and celebrated no auto de fe between the years 1674 and 1682, save three private ones in the Lisbon audience-chamber, in each of which there was but a single penitent.[1]

The inquisitorial agents in Rome denied the assertions as to the arbitrary injustice of procedure and the coercion of good Christians to confess Judaism by the terrible alternative of relaxation as negativos. In the conflict of statement, it was proposed that the truth could be ascertained by the examination of the records, and Innocent consequently ordered the transmission to Rome of the papers in some specimen cases of convicted negativos. The inquisitor-general, Verissimo de Lencastre, Archbishop of Braga, refused obedience, on the ground that it would reveal the secrets of procedure. The pope naturally pronounced the reason to be frivolous, and treated this imitation of Arce y Reynoso's course in the Villanueva affair with greater decision than his predecessor. After meeting repeated refusals, he peremptorily ordered, by a brief of December 24, 1678, that, within ten days after notice, four or five of the prescribed cases should be delivered to the Nuncio Marcello, under pain of *ipso-facto* suspension of the inquisitor-general and all his subordinates; if they continued to act, the inquisitor-general was interdicted from entering a church, and the others incurred excommunication removable only by the Holy See, while, during suspension, the episcopal Ordinaries were restored to their jurisdiction with full powers. Even this did not break down inquisitorial contumacy and, on May 27, 1679, another brief formally suspended them, while letters of the same date to the nuncio instructed him to prosecute them and report the result. This decisive action at length brought the partial submission that two processes were sent to the Portuguese ambassador to be delivered to the pope, but evidently this was deemed insufficient, for the suspension was not removed until 1681, when a brief of August 22d gave as a reason that the episcopal Ordinaries, owing to various impediments, had not been able to exercise jurisdiction and the prisoners were suffering through the delay. The raising of the suspension, however, was conditioned on the future observance of numerous modifications of procedure, under threat of reincidence of the penalties previously prescribed. The New Christians had especially asked for a change in the rule respecting

[1] Bullar. Roman. XI, 102, 198.—Historia dos principaes Actos, pp. 274, 324.

negativos but this, as we have seen, was unfortunately an essential part of the system and their desire was ungratified. The changes granted were of minor importance, and are interesting only as evidence of some specially iniquitous practices against which they were directed, and better treatment of prisoners was enjoined.[1]

Whether these modifications were observed and mitigated the rigor of procedure; whether the Inquisition was humbled and weakened by its defeat in the struggle with the papacy, or whether the material for its autos was becoming exhausted, it would be impossible now to determine, but there is no question that, after its resumption in 1681, the number of its victims diminished notably. The renewal of operations was celebrated by autos de fe held in the early months of 1682, with processions and illuminations and other demonstrations of rejoicing, but, in the nineteen years including 1682 and 1700, there were but fifty-nine relaxed in person, sixty-one in effigy and thirteen hundred and fifty-one penanced—an aggregate deplorable in itself, yet encouraging in comparison with its predecessors.[2]

From this sketch of the Portuguese Inquisition, we can readily estimate its efficiency in keeping the Spanish institution supplied with material as the native stock grew Christianized. Not the least unfortunate effect of this was its influence in maintaining the prejudice that might otherwise have subsided, and that consequently became one of race as much as of religion. The venom which we have seen in the work of da Costa Mattos was, if possible, exceeded in the *Centinela contra Judíos* of Padre Fray Francisco de Torrejoncillos, published as late as 1673 and reprinted in 1728 and 1731. In this popular exposition of Christian rancor, no story is too wild and unnatural to be unworthy of credence, if it illustrates the innate and ineradicable depravity of the Jew, and his quenchless desire to work evil to the Christian. The fables

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[1] Bullar. Roman. XI, 102, 198, 260; VII, 38.—Discurso demonstrativo, p. 116.

[2] Historia dos principaes Actos, pp. 275–9, 303–5, 325–9.
The statistics are as follows:—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	12	12	422
Evora	8	18	366
Coimbra	39	31	563
	59	61	1351

of the *Fortalicium Fidei* are repeated as incontestable truths, and new ones are invented to prove that the virus is as active as ever. It makes no difference if the Jew is baptized, for this does not change his nature and his faith, and he remains the same implacable enemy.[1] The same temper is manifested in a memorial, drawn up about this time by an inquisitor, in answer to a proposition for moderating the harshness of inquisitorial procedure. The writer was evidently a man of learning and culture, but his paper is a bitter tirade against the Jews, insisting upon their diabolical nature and asserting them to be much worse now than when they crucified Christ. The evil is in their blood, forcing them to hate and rage against Christ, the Virgin and all who profess the Christian faith.[2] Popular beliefs that they had tails, and that they were distinguishable by a peculiar odor which they exhaled and that, as physicians, they killed one out of five of their Christian patients, were persistent outgrowths of the hatred thus inculcated.[3] Even to call a man a Jew was an offence justiciable by the Inquisition, for when, in 1646, Padre Boil, a royal preacher, in a sermon stigmatized as a Jew Fray Enríquez, of his own Mercenarian Order, the tribunal of Toledo promptly sent for him and, after detaining him for six months, sentenced him to two years' exile from the court, during which he was forbidden to preach.[4]

When, about 1632, the New Christians made an effort to procure a removal of their disabilities, Juan Adan de la Parra who, though an inquisitor was a poet and a man of culture, opposed it in an elaborate essay, cautiously couched in Latin, for the matter was too delicate for popular discussion. He did not pander to vulgar prejudice, but addressed himself to arguments of state policy, which are a curious illustration of what, on such a subject, an intelligent man regarded as conclusive. He deplores the decline of population, of agriculture, of shipping and of the mechanic arts, which he attributes to the insidious practices of the Jews, their avoidance of manual labor and their addiction to usury. Look at Portugal, he says, where this traitorous race stimulated the ardor of foreign conquest, until it embraced the East and

[1] Centinela contra Judíos, puesto en la Torre de la Iglesia, Barcelona, 1731.

[2] Bibl. nacional, MSS., D, 118, fol. 227.

[3] Feyjoo, Theatro, T. VII, Discurso v, § vi.—Englishmen were long reputed to have tails, in punishment for the murder of Thomas Becket.

[4] Cartas de Jesuitas (Mem. hist. español, XVIII, 237, 255, 371).

West Indies, and then cunningly corrupted the native virtue with the wealth and luxury thus acquired, until they have succeeded in eliminating the heroes and destroying the heroic spirit which rendered Portugal so formidable. It is this craving for oriental luxuries, shrewdly stimulated by the New Christians, which is undermining the robustness of Spanish virtue; the useful is neglected for the superfluous, and thus agriculture declines. He scarcely seems to recognize the tribute which he pays to the superior endowment of the Jew, when he winds up by foretelling that, if the restrictions and disabilities imposed on the New Christians are removed, they will acquire such power that they will reduce the Old Christians to subjection.[1]

There was some foundation for the fear that the barriers between the races would be removed. In the exhaustion of Spanish finance, Olivares, in 1634, opened negotiations with the Jews of Africa and the Levant, and royal licences were granted for the admission of individuals. In 1641, relations were resumed; they sent representatives whom he received and kept with him for a considerable time, silencing the remonstrances of the Suprema with the assertion that they were there on the service of the king. It was proposed that they should be allowed to reside in the suburbs of Madrid, in a separate quarter, with a synagogue, as in Rome. He won over some members of the Royal Council and some theologians to his plans, but the Inquisition was inexorable, and Cardinal Monti, the nuncio, told the king, in public audience, that Olivares must be dismissed if the harvest of the Lord was to be cleansed of tares and the risk be averted of ruining the faith of Spain. Incidentally Olivares interfered with the Inquisition, by demanding the papers in certain cases; Inquisitor-general Sotomayor refused but, finding himself powerless to resist, placed the documents at the foot of a crucifix, whence they were carried to Olivares, who burnt them and released a number of prisoners. It is even said that he contemplated abolishing the Inquisition, but Philip IV was too profoundly convinced of its necessity to both Church and State to entertain the project, and there may well be truth in the assertion that his quarrel with the Holy Office was contributory to his downfall. This put an end to all nego-

[1] Juan Adan de la Parra, Pro Cautione Christiana, fol. 31–2, 34, 38 (Matriti, 1633).

tiations and, in 1643, we find the Suprema instructing the Valencia tribunal to forbid the landing of the Jews who were coming from Oran.[1]

Some stir was caused, in 1645, by two Jews, Salamon Zaportas and Bale Zaportas, who presented themselves in Valencia with a royal licence, dated in 1634, and one from the Marquis of Viana, Governor of Oran. They applied to the tribunal for permission to attend to their business in the city and to wear Christian garments, so as not to be mobbed. The tribunal was puzzled and ordered them not to leave the city under pain of two hundred pesos, while it consulted the Suprema. The latter represented to the king the danger impending on the faith from this disregard of his orders by ministers who issued licences, to which he responded with instructions to send them back to Oran: the causes leading to the cédula of 1634 no longer existed; if in future their coming were considered necessary, the Governor of Oran must report and await the royal decision and a special licence.[2] There is no reason to suppose that the venturesome Israelites had anything more important in view than private business.

One of the most prominent reasons urged for the establishment and perpetuation of the Inquisition was the zeal of the crypto-Jews in proselyting and the danger to which the purity of religion was thus exposed—an argument which served its purpose, however discrediting to the firmness of Spanish faith. Cases, however, were never cited in proof, nor could they be, for Judaism is a matter of race as much as of dogma; the Jews have never sought to convert the Gentiles and, in Spain of all lands, it was clearly preposterous that men, who could only exist by concealing their belief, would incur the certainty of detection and of pitiless punishment, by the unpardonable offence of seeking the apostasy of their Christian neighbors. What conversions there were were spontaneous, and these served to intensify the horror of Judaism and to keep alive the sense of danger arising from the presence of those suspected of cherishing the ancient faith. Fray Diogo da Assumpçao, burnt in Lisbon, in 1603, as a convert to the Law

[1] Cartas de Jesuitas (Mem. hist. español, XIII, 85).—Historia de Felipe IV, Lib. VI (Coleccion de Documentos, LXXVII, 380).—Adolfo de Castro, Olivares y el Rey Felipe IV, pp. 133–4 (Cadiz, 1846).—Amador de los Rios, III, 546–7.—Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 2, fol. 224.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 222.—For the document containing the royal decision I am indebted to Elkan N. Adler Esq.

of Moses, is said to have been led to this fatal step by witnessing the constancy in martyrdom of those who suffered for their belief.[1] A more remarkable case was that of Lope de Vera, which aroused universal interest throughout Spain, and pointed the moral that the safety of religion lay in the ignorance of the faithful, thus justifying the prescience of Valdés, when he placed on the first Spanish Index a translation of Josephus's Antiquities of the Jews.[2]

Lope de Vera was the son of a gentleman of San Clemente, of gentle blood and limpieza. At the age of nineteen he was a student at Salamanca, so deeply learned in Hebrew and Arabic that, in July, 1638, he competed for a chair of Hebrew. His studies led him to embrace Judaism and, with the zeal of a convert, he sought to win over a fellow student, who denounced him to the Inquisition. There was a second witness, and yet the consulta de fe of Valladolid was not unanimous in voting his arrest; it had to be ordered by the Suprema, and was executed June 24, 1639. He freely admitted the truth of the accusation and much more, but denied intention, assuming that what he had said was for the sake of argument, and asserting that he went to confession and communion and carried a rosary. There was variation and equivocation in his successive audiences; there was delay and doubt on the part of the Inquisition, and the trial dragged on. On April 16th and May 23, 1641, he revoked all that he had confessed and then suddenly, on May 29th, he announced that he wished to be a Jew and to hold all that the Jews believed, for this was the truth revealed to them by God, which he would defend with his life. Hitherto he had believed what the Church taught, but now he adhered to the Law given by God to Israel; the religion of Rome and all other religions were false; he had never practised the Jewish observances but would do so in the future; no one had taught him this, but God, in his mercy, had brought him to the truth. Learned men were called in to wean him from his errors, but they declared his pertinacity to be terrible and that, with his knowledge of Hebrew, he would be most dangerous. He refused to have an advocate or to make defence, persisting that he was a Jew and would die for the Law of Moses. On August 8th the alcaide reported that he had circumcised himself with a bone, and the physician sent to examine him verified this and

[1] Amador de los Rios, III, 521.

[2] Reusch, Die Indices des sechszehnten Jahrhunderts, pp. 235, 436.

reported that he said he hoped to be burnt alive, for he sought the honor of martyrdom and would go to paradise.

Earnest and protracted efforts were made to reclaim him but in vain. Then he was asked to set forth the Hebrew texts on which he relied, so that the calificadores could confute them. To enable him to do this he was furnished, December 23d, with a Bible, paper, ink and a goose-quill, but the latter he rejected, saying that it was forbidden by the Law of Moses, and a bronze pen (pluma de bronce) was given to him. Further conferences followed, and much patience was manifested, until he refused absolutely to speak in the audiences. The baffled tribunal appealed to the Suprema, which ordered fifty lashes; he endured them unflinchingly on June 17, 1642, and maintained his unbroken silence. This was most obstructive, for his ratification of his confessions was necessary but, when they and the evidence were read to him, he closed his ears with his fingers and refused even to listen. It was proposed to torture him, but the Suprema humanely discarded formalities and ordered the case to be closed and voted upon. The vote was taken, January 27, 1643, to relax him with confiscation, but in confirming it the Suprema ordered further efforts for his conversion. There was no haste in executing the sentence. In January, 1644, he was still persisting in silence, except that, when the inquisitors made their weekly visits, he would cry "Viva la ley de Moisen," after which not another word could be extracted from him. At length, on June 25, 1644, he was burnt alive, maintaining to the end his unalterable constancy. The inquisitor Moscoso, in a letter to the Countess of Monterey, declared that he had never witnessed so ardent a desire for death, such perfect assurance of salvation, or such unconquerable firmness. His fate made a profound impression on his co-religionists. Some years later, Juan Pereira, a youth on trial before the Valladolid tribunal, referred to him repeatedly and declared that he had seen him after death, riding on a mule and glistening with the sweat that was on him when he was taken to the quemadero.[1]

Lope de Vera was a most undesirable convert, for his case could not fail to arouse afresh the dread of infection and to stimulate the Inquisition to increased activity. Yet such stimulus was scarce needed, for it was incessantly vigilant and was troubled with

[1] Archivo de Simancas, Inq., Leg. 552, fol. 26, 28, 29, 31, 36.—Cartas de Jesuitas (Mem. hist. español, XVII, 419, 493).—Basnage, Histoire des Juifs, IX, 744 (La Haye, 1716).—Pellicer, Avisos históricos (Semanario erúdito, XXXIII, 210).

few scruples when on the track of a suspect. An illustrative case offers itself when, in September, 1642, the tribunal of Galicia wrote to Valladolid that a prisoner on trial testified that Antonio López, in Manzaneda de Tribes, had practised Judaism, and it asked for his arrest. An Antonio López was readily found in Valladolid and was promptly thrown in prison, September 16th. He denied the accusation; no other testimony could be found against him and his trial dragged on until, February 3, 1644, there was a vote *in discordia*. The case went to the Suprema, which ordered further inquiry to be made of the Galician tribunal, when it was discovered that the prisoner had never been in Manzaneda. This should have been conclusive but, when another vote was reached, August 13th, it was again in discordia, and the Suprema again ordered investigations which proved fruitless. A third inconclusive vote was taken in 1645, and then the Suprema ordered the arrest of a second Antonio López, a painter, who had been discovered in Sanabria. He was arrested in December, 1645, and easily proved himself to be an Old Christian of strict observance, but to no purpose, for the blundering consulta de fe voted in discordia, April 30, 1646, and the Suprema ordered him to be exposed to threatened torture. He was stripped and bound on the trestle, but his nerves did not give way and he steadily asserted his orthodoxy. The resources of the baffled tribunal were now exhausted and, on July 14th, the Suprema ordered the cases to be suspended, when the two Antonio López were released—not acquitted—after one had been in prison nearly four years, and the other had been subjected to the agony of impending torture, merely because they bore a name which chanced to be mentioned in a distant tribunal as that of a Judaizer. Not quite so hard was the case of Gaspar Rodríguez, arrested by the tribunal of Valladolid, October 4, 1648, on the strength of advices from Cuenca, and discharged October 2, 1649, because it was tardily recognized that he did not correspond with the description of the real culprit.[1]

How slender was the evidence required when a Portuguese was concerned is seen in another case at Valladolid. When the inquisitor Pedro Múñoz made a visitation of Oviedo in 1619–20, two women testified that Lucía Núñez, a Portuguese settled in Benavente, put on clean chemises on Saturdays. When, March 5, 1620, the tribunal voted on the cases brought in by Múñoz, this

[1] Archivo de Simancas, Inq., Leg. 552, fol. 33, 37.

was suspended, but the Suprema ordered the papers to be sent to it and, on August 17, 1621, it instructed the tribunal to arrest Lucía and sequestrate her property. She was accordingly brought to Valladolid, October 30, 1621, and thrown into the secret prison. On her first audience, in reply to the ordinary question whether she knew the cause of her arrest, she said that it was because she changed her linen on Fridays and Saturdays, as she did every day, for the sake of cleanliness, especially when she was suckling her children, and she did not know that she was committing any offence. It was true that she was born in Portugal, but both her parents were Castilians and Old Christians. The trial went through its regular course; nothing else could be found against her and, on March 15, 1622, the consulta de fe voted to acquit her and lift the sequestration, which was done accordingly the next day, after nearly five months of incarceration.[1]

When this kind of work was on foot throughout Spain, it is easy to realize how the unfortunate Portuguese were tracked, from one refuge to another, by the implacable vigilance of the Inquisition, with its net-work of tribunals, in constant correspondence, and its commissioners and familiars everywhere on the watch. That vigilance was kept alive by the frequent discovery of communities of Judaizers, more or less numerous, whose trials revealed the names of abundant accomplices. The tribunal of Llerena was busy, from 1635 to 1638, with the "complicidad de Badajoz," a group of Portuguese, whom it had unearthed at Badajoz and, when the Suprema called for a list of those inculpated by the prisoners, whom it had not been able to arrest, they amounted to a hundred and fifty.[2]

In 1647, Juan del Cerro, of Ciudad Rodrigo, was a prisoner in the royal gaol of Valladolid. Apparently hoping for release, he denounced himself to the Inquisition and told a story of a congregation of Jews at Ciudad Rodrigo, which met every Friday in the house of the president, Pablo de Herrera, paymaster of the army on the Portuguese frontier, when the ceremony of scourging images of Christ and the Virgin was performed and then, during Holy week, they were burnt. Numerous arrests were made and the trials dragged on until 1651; torture was employed, parents and children, brothers and sisters testified against each other,

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1.

[2] Ibidem, Lib. 812, Llerena, fol. 2–7. Cf. Ibidem, Cuenca, fol. 1–11; Lima, fol. 1 sqq.

but there were no pertinacious impenitents or negativos and none were relaxed. That Juan del Cerro's story of the outrages on the sacred images was recognized as fictitious is evident from the suspension of ten of the cases, including those of the so-called officers of the congregation, but the tribunal secured a satisfactory number of convictions, as well as fines amounting to thirty-seven hundred ducats. Juan del Cerro made nothing by his device for, though he was not prosecuted for false-witness, when the trials were over in 1651, he was handed back to the royal court.[1] Toledo was equally active for, in an auto held the same year, it had thirty two Judaizers in person and thirty effigies of fugitives.[2] Nearly the whole of these were Portuguese for, by this time, Castilian Judaizers were of comparatively rare occurrence. In the great Seville auto of 1660, out of eighty-one Judaizers, nearly all Portuguese, a group of thirty-seven were from Osuna and another of eight from Utrera. There were forty-seven reconciled, seven relaxed in person and twenty-seven in effigy.[3]

The numerous effigies which figure in the autos indicate those who were compromised in the confessions of the penitents, and who succeeded for a time in eluding arrest. As a rule it may be said that this was but a temporary reprieve from the all-pervading vigilance of the Inquisition. Sooner or later, it gathered thems in despite change of residence and name, and all the precautions of the hunted against the hunter. This is well illustrated in the vicissitudes of a colony of Portuguese, some twenty or thirty in number, in the little town of Beas (Jaen), which throw a vivid light on the miseries of these unfortunates. They had succeeded in living there obscurely for ten years or more, supporting themselves by such industries as they could follow, when some imprudence, or the watchfulness of some neighbor, drew upon them the attention of the tribunal of Cuenca, which arrested thirteen of them. From these the names of nine others were obtained, for whom warrants of arrest were issued but, when these were sent for execution, in April, 1656, it was found that they had left Beas secretly in February, abandoning their property. Five of them were traced to Málaga; the other four were said to have gone to Pietrabuena, but there the track was lost. All were duly

[1] Archivo de Simancas, Inq., Leg, 552, fol. 38.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Relacion histórica de la Judería de Sevilla, pp. 94–8 (Sevilla, 1849).

prosecuted in absentia and their effigies formed part of the Seville auto of 1660.

The party that went towards Portugal was a family group of five—Diego Rodríguez Silva, his wife Ana Enríquez, her father Antonio Enríquez Francia, and her brother and sister-in-law, Diego Enríquez and Isabel Rodríguez. They pushed through without stopping to Rioseco, where they rested four days and then, hiring a guide, they traversed the mountains of Portugal, travelling only by night. Settling in Villa Pinhel, they tried to mend their broken fortunes, Ana Enríquez by keeping a shop and Diego Rodríguez by turning his hand to whatever he could find to do—at one time we hear of him as driving a thousand sheep to Lisbon for sale. Apparently by way of precaution, they appeared spontaneously before the tribunal of Coimbra, which treated them mercifully, imposing no fines but ordering them not to leave Pinhel without permission. Misfortune pursued Diego and, in 1671, he returned to Spain, stopping at Talavera de la Reina, whence he sent for his wife and children and father-in-law, telling the rest to remain. He took the name of del Aguila for himself and de los Rios for his wife, and settled for two years in Seville, where his father-in-law died. Thence they removed to Daimiel, where the Inquisition found them at last and arrested them, February 18, 1677, some seventeen years after they had been burnt in effigy in Seville. As two or three of the Beas fugitives, who had gone to Málaga, were on trial at Toledo in 1667, it is probable that none escaped save those who remained in Portugal. Two years and a half were spent on the trials of Diego and Ana, ending with a sentence of irremissible prison and sanbenito. Ana had broken down under this wandering life of incessant vicissitudes and anxiety; she had become the victim of epilepsy, melancholia and hypochondria, when her pitiless judges sent her to prison for life in vindication of a religion of infinite love and charity.[1]

An even more pitiful illustration of the miseries endured by these unfortunates, under the implacable vigilance of the Inquisition, is afforded by the case of Isabel, wife of Francisco Palos, of Ciudad Rodrigo. In 1608, when 22 years of age, she was tried by the Valladolid tribunal. Subsequently she was tried twice, in 1621 and 1626, at Llerena, twice at Cuenca, in 1653 and 1655, and finally in 1665 at Toledo. Altogether, about eighteen years

[1] Procesos contra Diego Rodríguez Silva y Ana Enríquez (MSS. *penes me*).

were spent in these trials; the last one, in which she was thrice tortured, continued until 1670, when she was in her eighty-fourth year and eluded her tormentors by dying in prison, to be burnt in effigy with her bones as a *difunta*.[1]

Little colonies of Portuguese, like that of Beas, were frequently discovered. Simon Múñoz of Pastrana, on trial at Toledo, in 1679, gave the names of twenty-nine accomplices residing there, nearly all of whom figured in an auto particular of December 21, 1680. They had long succeeded in eluding inquisitorial vigilance, for one of them, María Enríquez, then sixty years old, testified that she had been brought thither from Lisbon by her parents, when a little child and had always lived there.[2] A similar group of Portuguese, in the little town of Berin (Orense) were tried between 1676 and 1678, by the tribunal of Santiago, and furnished to the Madrid auto of 1680 two victims relaxed as pertinacious Jews—Baltasar López Cardoso and Feliz López his cousin. There were more than twenty of them in all, and they had long been settled there; Antonio López, one of them, said, in 1677, that he was thirty-two years old and had been born in Berin.[3]

It was only by the most stringent caution that existence could be maintained under these conditions. Gaspar de Campos, one of the Pastrana group, gives, in his confession, some account of the devices adopted for concealment. On the Sabbath the mother and girls would sit with reels or spinning wheels before them and, if any one came in, would pretend to be at work. On fast days the servant-girl would be sent out on an errand; during her absence food would be taken out of the olla and plates and spoons would be greased, they would then go to the house of a neighbor Jewess and, when the servant followed them, she would be sent back to get her dinner, telling her that they had dined, and then the neighbor would do the same. Even in the closest family circle the utmost reserve was often practised. Children were not allowed to know anything of Judaism until of an age at which their discretion could be trusted. Parents, indeed, frequently brought up their children as Catholics, and left it to others to convert them

[1] Catálogo de las causas seguidas ante el tribunal de Toledo, p. 212 (Madrid, 1903).

[2] Proceso contra Angela Pérez (MS. *penes me*).

[3] Proceso contra Angela Núñez Marques (MS. *penes me*). Angela's brother, Doctor Gerónimo Núñez Marques, was reconciled in the Madrid auto of 1680, where he is described as "Médico de familia de su Magestad."—Olmo, Relacion, p. 209.

fortuitously. Pedro Núñez Marques, tried in Madrid in 1679, testified that he had been inducted into Judaism in Villaflor (Portugal) by María Pinto, wife of Alvaro de Morales. After he returned to his father's house, in Torre de Moncorvo, he hesitated for months to let his parents know of his conversion, At last, in 1653, he told his mother, when she approved of it and said that both she and his father, Francisco Núñez Ramos, were Jews. There were eight children of them; he knew them all to be Jews but could give no details, except as to three sisters: they all assumed each other to be so, but each one attended to his own affairs, to earn a living, and to live with the utmost precaution. As his sister Angela Núñez Marques expressed it, they all knew each other to be Portuguese; that was sufficient, and further confidences were superfluous.[1]

As a matter of course, punctilious regard was paid to all Catholic observances—mass, confession and communion, feast-days and fasts. The dying were duly shriven and had the viaticum, the dead had Christian burial in the churches. Living thus scattered in small groups or isolated families, concealing their secret faith with the utmost care, and in perpetual dread of betrayal, it is not surprising that distinctive Jewish observances were gradually reduced to a minimum, and were becoming to a great degree forgotten. They had no rabbis to keep them instructed in the countless prescriptions of the Oral Law and the incidence of days of observance. Circumcision, of course, was out of the question; it was too compromising and there was no one to perform it, unless some specially zealous youth might betake himself to France or to Italy for the purpose. We hear nothing in the trials of abstinence from pork, or the removal of fat from meat, or the mortuary laying-out of the dead. There was an attempt to fast on the day of Queen Esther, when that was known, and perhaps on other days of no special note, as a spiritual exercise; we hear of washing the hands before meals and giving thanks to the God of Israel; lamps might be lighted on Friday night, but it sufficed to light one and let it burn till it went out. The Sabbath was to be kept by cessation from work, but even this was not always observed, and the changing of body-linen is rarely alluded to. Angela Núñez Marques said that Ana de Niebes and María de

[1] Proceso contra Angela Núñez Marques (MS. *penes me*).—Angela was No. 17 of the Madrid auto of 1680 (Olmo, p. 211).

Murcia had taught her the Law of Moses and its ceremonies, which were to rest on the Sabbath and to observe fasts of four and twenty hours without food or drink, yet, during the twenty years of her residence in Pastrana, she had kept only fifteen Sabbaths, for fear of discovery by her husband and servants. Isabel Mendes Correa, who appeared in the Madrid auto of 1680, when sick some years before, had vowed that, if she recovered, she would rest on Saturdays and light lamps on Fridays, for she deemed her illness a punishment for neglecting the Law of Moses. In short, Judaism seems to have resolved itself into Sabbath-keeping with occasional fasting, and into hoping to be saved in the Law of Moses and denying Christ and Christian doctrine.[1]

All this increased the difficulty of detection and vexed the souls of the inquisitors, in both Spain and Portugal. An exhortation addressed to the New Christians, in 1640, in Granada, by Maestro Gabriel Rodríguez de Escabias, denounces them roundly for thus betraying their faith. So at the Lisbon auto of September 6, 1705, where the sermon was preached by Diogo da Annunciasam, Archbishop of Cranganor, he commenced by addressing the sixty-six penitents before him—"Miserable relics of Judaism! Unhappy fragments of the synagogue! Last remains of Judea! Scandal of the Catholics and detestable objects of scorn even to the Jews themselves! . . . . You are the detestable objects of scorn to the Jews, for you are so ignorant that you cannot observe the very law under which you live"—a truly Christian welcome to repentant sinners, which was deemed worthy of perpetuation by the printing-press.[2] Yet in this duplicity, so reprehensible in inquisitorial eyes, there was promise of the final success of the work so unremittingly prosecuted for two centuries. The hammer was gradually wearing away the anvil; only the marvellous constancy of Judaism had enabled it to maintain itself under such conditions, and eventually the Portuguese Judaizers were to be incorporated in the Church as, for the most part, their Spanish brethren had been already.

Still, the activity of the Inquisition continued to be rewarded with abundant success, and indeed we may say that but for Juda-

[1] *Ubi sup.* (MSS. *penes me*).

[2] Exortacion al Herege, fol. 6 (Bodleian Library, Arch Seld. 130).—Sermam do Auto da fé em 6 de Setembro do anno de 1705, p. 5 (Lisboa, 1705). This sermon was translated by Moses Mocatta, together with a reply to it by Carlos Vero, London, 1845.

ism it would have found little to do. In the public autos of Córdova, from 1655 to 1700, out of three hundred and ninety-nine persons and effigies brought forward, three hundred and twenty-four were for Judaizing. In Toledo, from 1651 to 1700, there were eight hundred and fifty-five cases tried of every kind, trivial and important, of which five hundred and fifty-six were for the same offence. Towards the closing years of the century, there seems to be a decided falling off in the numbers, as though vigilance were becoming relaxed, or the efforts of the tribunals were being crowned with success; but, in a report of pending cases in Valladolid, made July 8, 1699, out of eighty-five, seventy-eight were Judaizers.[1] This activity however seems to be largely confined to Castile, as though the Portuguese had not found the kingdoms of Aragon attractive. Reports of cases pending in Valencia in 1694–5–6, show in all but sixteen, among which there is not a single Judaizer.[2] It is perhaps worthy of passing remark that, in the treaty of 1668, by which Spain recognized the independence of Portugal, Article 4 provides that the subjects of each power, in the territories of the other, shall enjoy the privileges and immunities granted to British subjects by the treaties of 1630 and 1667.[3] These guaranteed them against molestation for matters of conscience, so long as they gave no occasion for scandal, but, from what we have seen above, it does not appear that the Inquisition of either country paid any attention to this, nor is it likely that either government complained of infraction.

During this period, the laws restricting the emigration of the New Christians seem to have been mostly in abeyance, but when, in 1666, the false Messiah, Zabathia Tzevi, appeared in Palestine and drew a large following of misguided Jews, the Suprema took the alarm. The sea-port tribunals were warned that some of the Portuguese would seek to join him, so that if any Portuguese should come and endeavor to embark, they were to be detained under some pretext, their property was to be seized and examined and a report be sent to the Suprema. Some four months later, Barcelona forwarded the testimony taken in the case of four Portuguese thus detained, when the Suprema ordered their release

[1] Matute y Luquin, Autos de fe de Córdova.—Archivo hist. nacional, Inquisicion de Toledo, Leg. 1.—Archivo de Simancas, Inq., Leg. 552.

[2] Archivo hist. nacional, Leg. 2, n. 10, fol. 1.

[3] Coleccion de Tratados de Paz; Carlos II, Parte I, p. 306.

and that in future, when the evidence showed that they were not fugitives or bound for some suspicious place, they should be allowed to proceed. In this same year a muleteer named Francisco Núñez Redondo was punished at Toledo as a Judaizer, and for conducting Judaizers out of the country, the two hundred lashes added, in his sentence to reconciliation and prison, being evidently the penalty for this special offence.[1] In 1672, there was another similar alarm. The Suprema informed the tribunals that many families of Portuguese were arranging to pass by way of Bayonne to France. All the roads and paths were therefore to be guarded, and all Portuguese who seemed to be seeking to leave the kingdom were to be seized with their property. Each individual was to be closely examined, his genealogy taken, his past life recorded, his destination and the motives of his journey to be stated, with all other details necessary for a thorough knowledge of his antecedents and purposes, and this information was to be forwarded to the Suprema with the opinion of the tribunal. Similar precautions were ordered at the Mediterranean sea-ports, but the object of this action was not stated.[2]

Valladares, who was inquisitor-general from 1669 to 1695, seems to have taken a different view of this curiously perverse policy of preventing the emigration of disaffected apostates. August 12, 1681, he sent, to some one near the king, an anonymous memorial setting forth the invincible obstinacy of the Jews; penance and punishment left them as wicked as before, resulting in many evils, such as the engagement in noble houses of Jewish wet-nurses, who infect the children with their milk, the employment by Conversos of young children whom they pervert, the sacrilege of the sacraments administered to them, and the like. The remedy for this was the immediate exile of all who were penanced or, if they were allowed to remain, the branding of them on the forehead with the arms of the Inquisition. Valladares was probably the author of the memorial, for he makes this hideous suggestion his own, urging it with all the authority of the Inquisition, and invoking the judgement of heaven on his correspondent if he fails to lay the paper before the king. Carlos sent it to the Suprema for its opinion, and the matter went no further, but the

[1] Libro XIII de Cartas, fol. 158, 191 (MSS. of Am. Phil. Society).—Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 2, fol. 117; Inq. de Toledo, Leg. 1.

[2] Archivo hist. nacional, Inq. de Valencia, Leg, 10, n. 2, fol. 89.

document is not without interest as a revelation of the methods which persecutors were willing to adopt to escape from the consequences of their own acts.[1]

Although it was the Portuguese immigration which supplied the apparently inexhaustible harvest of culprits throughout the seventeenth century, there was one corner of Spain which escaped the influx and where the old Conversos continued to cherish their secret faith with little or no molestation. Allusion has more than once been made above to the Majorca catastrophe of 1691 and, as an episode of Spanish Judaism, its details deserve consideration. In the massacre of 1391, some of the Mallorquin Jews escaped to Barbary, but the majority remained. The governor, Francisco Sagariga, had been wounded in endeavoring to protect them; they were won over to conversion by the terror of death, and the promise of the authorities to give them twenty thousand libras wherewith to pay their debts,—a promise which seems never to have been fulfilled. They continued to inhabit the *call*, or Jewish quarter and, although the aljama came to an end in 1410, its members remained as a separate community.[2] The conversion was as superficial as was to be anticipated and though, as nominal Christians, they were not affected by the expulsion of 1492, when the Inquisition was introduced we have seen, from the numbers who came in under Edicts of Grace, that they must all have been Jews at heart for, between 1488 and 1491, there were no less than five hundred and sixty-eight reconciliations, besides those who, by special mercy, were reconciled twice. After this, for awhile the tribunal was fairly active. Between 1489, when it commenced operations, and 1535 it sentenced a hundred and sixty-four to reconciliation, ninety-nine to relaxation in person, and four hundred and sixty to relaxation in effigy, all of whom presumably were Judaizers except, in 1535, five Moriscos who were relaxed.[3] After this, persecution grew inert, relaxations disappear and reconciliations become few. So insignificant had the tribunal become that when, in 1549, the offices of fiscal and receiver fell vacant, Valdés wrote to ask what was the necessity of filling them.[4] He might well ask the question: between 1552

[1] Archivo de Simancas, Inq.. Lib. 49, fol. 345.
[2] Gabriel Llabrés (Boletin, XL, 152–4).
[3] Archivo de Simancas, Inq., Lib. 595, fol. 1.
[4] Ibidem, Sala 40, Lib. 4, fol. 177.

and 1567 the tribunal had but two reconciliations to show and, during the remainder of the century, only thirty, together with a single relaxation, and of these few culprits the majority were not Judaizers. In the seventeenth century, the record was even slenderer. Engaged, for the most part as we have seen, in unappeaseable conflicts with the ecclesiastical authorities, the duties of persecution were neglected, and heretic and apostate breathed in comparative peace. The reconciliation of María Díez, September 6, 1579, was followed by a century in which not a single Judaizer was reconciled, although, in 1675, one from Madrid was relaxed. The inhabitants of the *call* might well deem themselves secure, especially as the churchmen were free in their denunciations of the tribunal. In 1668 the inquisitor complained to the Suprema that the priests of the episcopal party talked of the Inquisition as a secret heresy, and that it was a den of robbers which should be abolished, all of which led to much licence of speech among the suspected persons who dwelt "in the separate barrio."[1]

From this sense of security there was a rude awakening. In 1677 or 1678 a meeting, held in a garden outside of the city, attracted the inquisitor's attention. It was designated as a synagogue, and doubtless there was some imprudence. Secret investigation developed evidence justifying wholesale arrests, and the prison was soon crowded. The result appeared in four autos celebrated in 1679, in which there were no less than two hundred and nineteen reconciliations. There was no spirit of martyrdom; in all cases it was a first conviction, and when all confessed and begged for mercy there was no opportunity for relaxation. A noteworthy feature was the absence of prosecutions of the dead, which could have been numerous had the tribunal been disposed to take the trouble, but this is doubtless explicable by the fact that as the whole community of New Christians was involved, all its property was confiscated, and there would have been no profit in looking up ancestral heresies. The confiscations were enormous; the culprits were merchants and traders and bankers, whose houses and lands, censos and merchandise and credits were swept away. The sum realized is stated at 1,496,276 pesos, which is probably far below the real value of the assets seized. We have seen how the king was gradually shouldered out of his

[1] Archivo de Simancas, Inq., Lib. 25, fol. 89.

share of the spoils; the tribunal secured a goodly portion with which it rebuilt the palace of the Inquisition in a style so sumptuous that it passed for one of the finest in Spain, until it was demolished, in 1822, and its site converted into a public plaza.[1]

The tribunal ordered all New Christians to dwell in the *call* and required them, on all feasts of precept, to attend mass in the cathedral in a body, preceded by a minister of the Inquisition and in charge of an alguazil. Impoverished, dishonored and watched, the position became intolerable. A number resolved to expatriate themselves and secretly made arrangements with an English ship lying in the harbor to carry them away. The passage-money was paid and they succeeded in embarking, but rough weather detained the ship; they had not procured the necessary licences to leave Spain, they were seized and cast into prison with the members of their families. This occurred in 1688 and three years were consumed in their trials. The result was seen in the four autos held in March, May and July, 1691. For those who had been reconciled in 1679 and were now convicted of relapse there could be no pardon. A huge brasero, eighty feet square and eight feet high, with twenty-five stakes, was prepared on the sea-shore, two miles from the city, in order that the people might not be incommoded by the stench. In all thirty-seven were relaxed in person, of whom only three were pertinacious to the last and were burnt alive. Eight were relaxed in effigy, of whom four were fugitives and four were dead—three of the latter having died in prison. There were fifteen reconciliations in person and three in effigy. Finally there were twenty-four who, although among the reconciled of 1679, escaped with abjuration *de levi* and fines amounting to sixty-four hundred libras.[2] This shows that the little community had already begun to repair its shattered fortunes, and renders it probable that the confiscations of the relaxed and reconciled rewarded the tribunal abundantly for its labors. The lesson seems to have been sufficiently severe to serve its purpose. We hear nothing more of Judaism in Majorca; during the height of persecution elsewhere, the tribunal celebrated two autos, May 31, 1722 and July 2, 1724, in which

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[1] Archivo de Simancas, Inq., Lib. 595, fol. 1; Lib. 69, fol. 69.—Taronji, Estado Social etc. de la Isla de Mallorca, pp. 241–2.

[2] Garau, La Fee triunfante, pp. 30–45, 49–50, 65–78, 111–22.—Archivo de Simancas, Inq., Lib. 68, fol. 258.

nine penitents appeared, but none of them were Judaizers.[1] Although the New Christians were still confined to their separate quarter, in time, as we have seen, they became thoroughly Catholic.

With the opening of the eighteenth century it looked as though the victory over Judaism had been virtually won. The War of Succession must of course have interfered with the operations of the Inquisition, but this does not suffice to explain the marked falling off in the number of Judaizers in the autos, so far as manifested by the records before me. In Catalonia, which held out long after the rest of Spain was pacified, the Inquisition was fairly re-established in 1715, after which, for three years, the Barcelona tribunal, out of a total of twenty-five cases, had but three of Jews—a mother and two daughters who had fled from Seville and had been traced to Catalonia.[2] In Córdova the records are imperfect but, as far as they go, from 1700 to 1720, they show but five cases.[3] In Toledo, during the same twenty-one years, out of a total of eighty-eight trials, only twenty-three were for Judaism.[4]

The fires of persecution, however, were only slumbering and broke out again suddenly with renewed fierceness. Possibly this may be attributable to the discovery in Madrid of an organized synagogue, composed of twenty families who, since 1707, had been accustomed to meet for their devotions and, in 1714, had elected a rabbi, whose name they sent to Leghorn for confirmation. Comparative immunity had brought recklessness and we are told that they observed the Christian fast-days with dancing and guitar-playing. Five of them were relaxed in the auto of April 7, 1720.[5] It was probably this discovery that aroused the other

[1] Royal Library of Berlin, Qt. 9548.

[2] Archivo de Simancas, Inq., Sala 39, Leg. 4, fol. 15, 23, 71.

[3] Matute y Luquin, Autos de fe de Córdova, pp. 212–16.

[4] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

In Portugal there was greater activity. The list of autos in the "Historia dos principaes Actos," pp. 278–81, 304–7, 328–31, shows for the twenty years, 1701–20,

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	26	14	961
Evora		2	458
Coimbra	11	10	707
	37	26	2126

[5] Bibl. nacional, MSS., Bb, 122.

tribunals to renewed activity, which was abundantly rewarded, for there seems at this time to have been little concealment by Judaizers. In the Toledo auto of March 19, 1721, Sebastian Antonio de Paz, *administrador del tabaco*, is asserted to have married the daughter of his wife, and Francisco de Mendoza y Rodríguez his first cousin, "according to the Law of Moses."[1]

For some years this revival of persecution raged with a virulence rivalling that of the earlier period. In a collection of sixty-four autos, held between 1721 and 1727, there were in all eight hundred and sixty-eight cases, of which eight hundred and twenty were for Judaism, nor did the tribunals err on the side of mercy. There were seventy-five relaxations in person and seventy-four in effigy, while scourging, the galleys and imprisonment were lavishly imposed.[2] The geographical distribution of the culprits is worthy of note. The kingdoms of the crown of Aragon show few traces of Judaism. Valencia contributed but twenty cases, Barcelona five, Saragossa one and Majorca none—or twenty-six in all. Among the tribunals of the crown of Castile, Logroño held no auto during these years; Santiago furnished only four cases, while Granada had two hundred and twenty-nine, Seville a hundred and sixty-seven and Córdova seventy-eight. The years 1722 and 1723 were those in which persecution was most active, the number diminishing rapidly afterwards.[3] It still, however, continued at intervals. In Córdova there were autos in 1728, 1730 and 1731, in which there were in all twenty-six cases of Judaism; then there was an interval until 1745, when only two cases occurred.[4] In Toledo, after 1726, there was no case of Judaism until

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Royal Library of Berlin, Qt. 9548. The summary of penalties is:—

Relaxation in person	75	Scourging	191
" " effigy	74	Galleys	49
Reconciliation	595	Exile	73
Confiscation	782	Abjuration *de levi*	24
Prison and sanbenito	597	" *de vehementi*	23

[3] The distribution of the cases was:—

In 1721	57	In 1725	89
1722	252	1726	24
1723	224	1727	17
1724	157		

It is probable that the year 1727 is not complete in this collection.—Royal Library of Berlin, Qt. 9548.

[4] Matute y Luquin, *op. cit.*, pp. 253–73.

1738, when there were fourteen. This seems to have exhausted the material for prosecution, for until the Toledan record ends in 1794, there was but a single subsequent case, which occurred in 1756.[1] In Madrid there were several Jews relaxed in 1732, charged with scourging and burning an image of Christ, in a house in the calle de las Infantas.[2] In Valladolid, at an auto, June 13, 1745, there was one Judaizer relaxed and four reconciled, while in Seville, July 4, although there were four Moslems there was not a single Jew.[3] At Llerena, in 1752, we hear of the relaxation of six effigies of fugitives and one of a dead woman, which must evidently have been cases of Judaism.[4]

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Bibl. nacional, MSS., S, 294, fol. 375.

[3] Royal Library of Berlin, Qt. 9548.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 9).

The Inquisition of Portugal continued active. For the years 1721 to 1794, the last recorded, the statistics are (Historia dos principaes Actos, pp. 280–91, 306–11 332–9):—

	Relaxed		
	In person.	In effigy.	Penanced.
Lisbon	131	17	1543
Evora	8	3	735
Coimbra			1210
	139	20	3488

In this the superior energy and ferocity of the Lisbon tribunal is noteworthy; it relaxed no less than 66 persons in the years 1732–42. The last burning was of the unfortunate Padre Malagrida, in 1761 but, as late as 1760, Evora burnt four culprits.

As far as can be ascertained the total record of the Portuguese Inquisition, up to 1794, is 1175 relaxed in person, 633 in effigy and 29,590 penanced. The proportion of New Christians among these is impossible of ascertainment, but towards the last it diminished considerably, and, as in Spain, the jurisdiction included superstitious sorcery, blasphemy, bigamy, etc.

Under the ministry of the Marquis of Pombal, Dom José, April 8, 1768, deprived the Inquisition of censorship and, by successive edicts of May 2, 1768, June 16, 1773 and December, 1774, all distinctions between Old and New Christians were removed. An order of February 10, 1774, abolished the Inquisition of Goa, but the death of Dom José, in 1777, and the succession of Maria I drove Pombal from power, and it was revived in 1779, to be finally suppressed in 1812 (Vicente d'Abreu, pp. 6–7, 267–72, 274). In Portugal it was extinguished by the revolution of 1820.

In 1774 a new *Regimento* was issued by the inquisitor-general, Cardinal da Cunha, in the preface of which the Jesuits are accused of having perverted the forms of procedure, causing all the evils with which it had afflicted the land. The new code removed many of the abuses of the old and King José, in the decree

These scattering details can make no pretension to completeness, and yet they suffice to show that Judaism at last was substantially rooted out of Spanish soil, after a continuous struggle of three centuries. How complete was this eradication is manifested by a summarized list of all cases of every kind, coming before all the tribunals, from 1780 until the suppression of the Inquisition in 1820, embracing an aggregate of over five thousand. In these forty years, the whole number of prosecutions connected with Judaism was but sixteen, and of these ten were foreigners who had evaded the laws prohibiting entrance to Jews while, of the six natives, four were prosecuted for suspicions and propositions. The latest case was at Córdova, in 1818, of Manuel Santiago Vivar for Judaizing acts—the final scene in the long tragedy which had secured uniformity of faith at the cost of so much blood and suffering.[1]

During this later period, the exclusion of foreign Jews was exercising the Holy Office much more than the detection of native ones. The savage law will be remembered by which, in 1499, Ferdinand and Isabella prohibited the return of the expelled Jews or the entrance of foreigners under pain of death and confiscation.[2] Although this law was retained on the statute-book, it probably was not enforced in all its ferocity, but the maintenance of the exclusion was inevitable when such unremitting pains were taken to exterminate Judaism. When the *visitas de navíos*, or exami-

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approving it, repeated the accusation of the Jesuits, holding them responsible for the ferocious and sanguinary corruptions, incompatible with the principles of natural reason and religion, which had rendered the Inquisition a horror to all Europe and had created within the monarchy an independent and autocratic body of ecclesiastics.—Regimento do Santo Officio da Inquisição, pp. 3 sqq. 31, 37, 39, 42, 55, 62–3, 71, 89, 144–5, 149, 154–5 (Lisboa, 1774).

English versions of both Regimentos—that of 1640 and that of 1774—are given by da Costa Pereira Furtado de Mendonça in the *Narrative of his Persecutions* (London, 1811). He lay for three years, 1802 to 1805, in the prison of the Lisbon tribunal and, if his account is to be relied upon, the reforms of Pombal had already become obsolete.

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

In 1783 Inquisitor-general Beltran instructed the tribunals that no one was to be arrested for Judaism without first submitting to him all the papers. At the same time he called for reports of all cases of Judaism there pending, to which Valencia replied that it had none.—Ibidem, Cartas del Consejo, Leg 16, n. 5, fol. 59; Leg. 4, n. 2, fol. 136.

[2] Novís. Recop., Lib. XII, T. i, ley 4.

nation of all ships arriving at Spanish ports, were organized, the keeping out of Jews was held in view as much as that of Lutheran heretics and books; if a Jew were found on board, he was to be examined; if he admitted baptism he was to be seized and his goods were to be confiscated; if unbaptized and he made no attempt to land, he was to be allowed to depart with the ship.[1] Still, the indefatigable mercantile energy of the Jews and the venality of officials, to a limited extent, neutralized these precautions. In 1656, the trial at Murcia of Enrique Pereira, whose domicile was in Lucca and who was arrested while trading at Beas, shows that there was intercourse between the Portuguese in Spain and their brethren in Italy; those of Spain would go by sea to Nice or elsewhere to enjoy freedom of worship, while Italian Jews came to Spain to trade, in spite of inquisitorial vigilance.[2] These furtive attempts, with their perils, were but tantalizing to those who looked with longing on the tempting Spanish market; licences to come were much more desirable and we have seen that, in 1634, under Olivares, they were sometimes issued. They were grudgingly recognized by the tribunals, as in the case mentioned above in 1645. More unlucky, in 1679, was Samuel de Jacob, who was thrown in prison, although he held a licence, and we are told that, although those who held licences could not be prosecuted as heretics, still, if they blasphemed or derided the faith, they could be chastised with fines, scourging or the galleys, according to the resultant scandal, while attempts to proselyte incurred capital punishment.[3] In 1689, special orders were issued to disregard an agreement which Don Pedro Ronquillo, under powers from the king, had made with an English Jew, enabling him to land at any port in Spain.[4]

Such care was exercised to avert any danger of polluting the Spanish soil by a Jewish foot that when, in 1713, by the treaty of Utrecht, Gibraltar was ceded to England, it was under the condition that no Jews or Moors should be permitted to reside there.[5] The inobservance of this by England was the subject of complaint, but it is not likely that many intruders risked the dangers

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[1] Archivo de Simancas, Inq., Leg. 1473.

[2] Proceso contra Diego Rodríguez Silva (MS. *penes me*).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 3, fol. 183.—Bibl. nacional, MSS., V, 377, cap. XXII.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 112.

[5] De Lamberty, Mémoires pour servir, VIII, 379.

that attended an attempt of a foreign Jew to enter Spain. In January, 1697, Abraham Rodríguez, travelling from France to Portugal under the name of Antonio Mazedo, was arrested at Ledesma and brought to the tribunal of Valladolid. Two years and a half later his trial was still in progress, but, though we do not know the result, the experience was not such as to invite imitation.[1]

When, in the general relaxation of the eighteenth century, the sternness of these laws was tacitly abandoned, embarrassing precautions rendered sojourn uninviting. In 1756, Abraham Salusox, a Jew of Jerusalem, ventured to Valencia with a lion for sale. The shipmaster reported him and a familiar was deputed to accompany him day and night, on board and on shore, never to let him out of his sight or to communicate with any one. The Count of Almenara bought the lion and Salusox was permitted to be in the count's house for a few days, until a cage was constructed for the beast, after which he re-embarked. The same course was followed in 1759, with a Jew who came with merchandise from Gibraltar; a familiar never left him till his goods were sold and he departed, while his books and papers were carefully scrutinized to see that they contained nothing prejudicial. There were others who came in 1761 and 1762, who were treated in the same fashion. Then, in 1795 a royal order was issued through the Suprema, to the effect that a Jewish subject of the Bey of Morocco would come to Valencia and remain for eight or ten days, who was not to be troubled in any way; the tribunal consequently took no notice of his coming and going.[2]

These were all the cases that search through the records of Valencia could find, from 1645 to 1800, and their paucity shows how rarely Jews braved the dangers of visiting Spain. Those who tried to do so in secret took the chances of detection. In 1781, Jacobo Pereira landed at Cadiz under a false name and concealing his faith, but he was found out, arrested and the Seville tribunal at once commenced his prosecution.[3] It is true that a royal order of April 25, 1786, permitted the entrance of Jews who bore licence from the king, but these were sparingly granted and only on special occasions. The question of greater liberality came up, in 1797,

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[1] Archivo de Simancas, Inq., Leg. 552, fol. 52.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 222.

[3] Ibidem, Leg. 100.

when the finance minister, Don Pedro de Varela, as a means of reviving the commerce and industry of Spain, proposed that Jews might be allowed to establish factories in Cadiz and other ports, but the Council of ministers rejected the project as contrary to the laws.[1] Apparently the discussion continued and, in 1800, the Suprema called on all the tribunals for reports as to their treatment of Jews seeking admission, and the result appears in a royal cédula of June 8, 1802, declaring in full force all laws and pragmáticas theretofore issued, and ordering the rigorous execution of the penalties therein provided, while any default in lending to the Inquisition due assistance for this holy purpose was threatened with the royal indignation.[2]

The confusion of the Napoleonic wars afforded opportunities for enterprising Jews, which were not likely to be overlooked, and Fernando VII deemed it necessary, August 16, 1816, to issue a decree renewing and confirming the cédula of 1802.[3] It was easier to publish the decree than to enforce it. The tribunal of Seville, June 12, 1819, represented to the Suprema its perplexities arising from the influx of Jews at Algeciras, Cadiz and Seville, who came to the tribunal begging for baptism. They were indigent beggars and probably fugitive criminals but, as occasionally there might be one whose object was really salvation, to deprive him of this would be a heavy burden on the conscience, and consequently the tribunal asked for instructions.[4] This resulted in an order of the inquisitor-general, July 10th, to all the tribunals, insisting on the strict enforcement of the decrees of 1786 and 1802; such Jews as obtained a royal licence were to be vigilantly watched and, if the secular officials manifested lack of zeal in coöperation, the inquisitor-general was to be notified.[5]

At the same time orders were sent, to the commissioners at all the ports, to observe strictly the old instructions as to the *visitas de navíos* and to report as to the current practice. Barcelona replied that the visits were made only when there were Jews on board. Alicante reported that the disuse of the visits had led to a rapid immigration of Jews into Murcia. Cartagena said that no visits were made but that, if suspicious persons arrived, the custom-

[1] Amador de los Rios, III, 552–3.
[2] Novís. Recop., Lib. XII, Tit. i, ley 5.
[3] Amador de los Rios, III, 557.
[4] Archivo de Simancas, Inq., Lib. 435[2].
[5] MS. *penes me.*

house officers notified the commissioner. Cadiz and Algeciras answered that the health-officer notified the commissioner of the arrival of Jews, renegades and other forbidden persons, when he took the necessary steps to avert the evil. Motril said that visits were made only when there was a Jew on board. Santiago merely responded that it had the royal decrees of 1786 and 1802 and the recent instructions of the Suprema.[1] Evidently there was little attention paid to the enforcement of the laws by both the royal and inquisitorial officials, but the Government was determined to enforce the exclusion of Jews, and an order was promptly sent to all the royal officials that no Jew was to be allowed to set foot on Spanish territory, unless he bore a royal licence; if he had one, he was to present himself to the Inquisition or its commissioner, so that a record could be made of him, and the tribunal was instructed to keep him under strict supervision. The ministry of Gracia y Justicia communicated this, August 31, 1819, to the Suprema, which in turn forwarded it, September 6th, to all the tribunals with orders for its strict observance.[2]

The Inquisition came to an end a few months after this, but the prejudices which it had done so much to foster postponed the removal from the statute-book of the laws representing the fierce intolerance of the earlier time. In 1848 we are told that, although unrepealed, they were not enforced and that Jews could travel and trade in Spain without molestation,[3] but when, in 1854, Constitutional Córtes were assembled to frame a new constitution, and the German Jews sent Dr. Ludwig Philipson, Rabbi of Magdeburg, on a mission to procure free admission of their race, his eloquence was unavailing. It was not until fifteen years later, when the revolution, which drove Isabella II from the throne, called for a new organic law, that the Constitution of 1869 proclaimed freedom of belief and guaranteed it to all residents in Spain, and this was likewise applicable to natives professing other religions than the Catholic. This principle was preserved in the Constitution of 1876, which forbade all interference with religious belief, while not allowing public ceremonies other than those of Catholicism.[4] It was a remarkable proof of conver-

[1] Archivo de Simancas, Inq., Leg. 1473.

[2] Ibidem, Lib. 559.

[3] Lindo's History of the Jews, p. 377.

[4] Amador de los Rios, III, 561–2.—Paredes, Curso de Derecho político, p. 666 (Madrid, 1883).

sion from ancient error when, in 1883, the Jewish refugees from Russia, sent by the organizing committees of Germany, were enthusiastically received, although the experiment ended in disastrous failure.[1] The ancestral antipathy which they had to encounter was, however, still active, as expressed by a pious Franciscan, who declared that bringing them was a sin of moral and political treason, and that they would devour the whole Spanish nation.[2]

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[1] Elkan N. Adler, in Jewish Quarterly Review, April, 1901, p. 392.

[2] P. Angel Tineo Heredia, Los Judíos en España, pp. 44, 48 (Madrid, 1881).

CHAPTER II.

MORISCOS.[1]

We have seen that, in the progress of the Reconquest, as Moorish territories were successively won, the inhabitants were largely allowed to remain, under guarantees for the free enjoyment of their religion and customs. These Mudéjares, as they were called, formed a most useful portion of the population, through their industry and skill in the arts and crafts. When, in 1368, Charles le Mauvais of Navarre granted to the Mudéjares of Tudela a remission of half their taxes for three years, in reward of their assistance during his wars, especially in fortification and engineering, it shows that the conquering race depended on them not merely for manual labor but for the higher branches of applied knowledge.[2] As a rule they were faithful in peace and war, during the long centuries of internal strife between the Christians, and of struggles with their co-religionists.

It was the Jews against whom was directed the growing intolerance of the fifteenth century and, in the massacres that occurred, there appears to have been no hostility manifested against the Mudéjares. When Alfonso de Borja, Archbishop of Valencia (afterwards Calixtus III), supported by Cardinal Juan de Torquemada, urged their expulsion on Juan II of Aragon, although he appointed a term for their exile, he reconsidered the matter and left them undisturbed.[3] So when, in 1480, Isabella ordered the expulsion from Andalusia of all Jews who refused baptism and

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[1] The long-drawn tragedy of the Moriscos can only be outlined within the compass of a chapter and I must refer the reader, who desires greater detail, to my "Moriscos of Spain, their Conversion and Expulsion" (Philadelphia 1901). Since that volume was issued Padre Pascual Boronat y Barrachina has published two octavo volumes on the subject—"Los Moriscos españoles y su Expulsion" (Valencia, 1901) in which his industry has accumulated a very copious mass of original documents; of these I have here freely availed myself.

[2] Yanguas y Miranda, Diccionario de Antigüedades del Reino de Navarra II, 433 (Pamplona, 1840).

[3] Fray Jayme Bleda, Corónica de los Moros, p. 877 (Valencia, 1618).

when, in 1486, Ferdinand did the same in Aragon, they both respected the old capitulations and left the Mudéjares alone.[1] The time-honored policy was followed in the conquest of Granada, and nothing could be more liberal than the terms conceded to the cities and districts that surrendered. The final capitulation of the city of Granada was a solemn agreement, signed November 25, 1491, in which Ferdinand and Isabella, for themselves, for their son the Infante Juan and for all their successors, received the Moors of all places that should come into the agreement as vassals and natural subjects under the royal protection, and as such to be honored and respected. Religion, property, freedom to trade, laws and customs were all guaranteed, and even renegades from Christianity among them were not to be maltreated, while Christian women marrying Moors were free to choose their religion. For three years, those desiring expatriation were to be transported to Barbary at the royal expense, and refugees in Barbary were allowed to return. When, after the execution of this agreement, the Moors, with not unnatural distrust, wanted further guarantees, the sovereigns made a solemn declaration in which they swore by God that all Moors should have full liberty to work on their lands, or to go wherever they desired through the kingdoms, and to maintain their mosques and religious observances as heretofore, while those who desired to emigrate to Barbary could sell their property and depart.[2] It was the wise traditional policy of incorporating the conquered population in the state, on an equal footing with other subjects, and trusting to time to merge them all into a common mass, holding one faith and owing allegiance to one country.

Whether it was distrust of Christian good faith that impelled them, or a natural desire to leave the scene of their defeat, a large portion of the Granadan Moors, including most of the nobles, promptly availed themselves of the right of expatriation. Before the year 1492 was out, it was reported to the sovereigns that the Abencerrages had gone, almost in a body, and that, in the Alpujarras, few were left save laborers and officials. The emigration

[1] Pulgar, Crónica de los Reyes Católicas, II, lxxvii.—Archivo gén. de la C. de Aragon, Regist. 3684, fol. 96.—Padre Fidel Fita (Boletin, XV, 323–5, 327, 328, 330; XXIII, 431).

[2] Fernández y González, p. 421.—Coleccion de Documentos, VIII, 411.—Marmol Carvajal, Rebelion y Castigo de los Moriscos de Granada, pp. 146–50 (Biblioteca de Autores españoles, Tom. XXI).

continued and, in 1498, a letter of Ferdinand indicates that he was inclined to stimulate it.[1] While there might be good reasons for diminishing the large population of those recently vanquished, who presumably might cherish hopes of independence and had not forgotten the bitterness of unsuccessful struggle, this was accompanied with a readiness to increase the number of Mudéjares, who had adapted themselves to the situation, and who were regarded as in every way a desirable element in the community. When Manoel of Portugal expelled the Moors who refused baptism, Ferdinand and Isabella welcomed them to Spain. Royal letters were issued, April 20, 1497, permitting their entrance with all their property, either to settle or in transit to other lands; they were taken under the royal protection and all molestation of them was forbidden.[2] Up to this time, at least, there was no recognition of the political necessity of unity of faith, which subsequently served as justification for cruel intolerance and unwise statesmanship.

Yet the statesmanship of the day, if not yet prepared to regard unity of faith as a political necessity, considered it politically advantageous, while pious zeal inevitably sought the salvation of the multitudes of souls thus brought under Christian rule. The "third king of Spain," González de Mendoza, Cardinal-archbishop of Toledo, and other prelates at the court urged upon the sovereigns that gratitude to God required them to give to their new subjects the alternative of baptism or exile. Ferdinand and Isabella, however, turned a deaf ear to this advice, either not caring to break the faith so recently pledged, or to provoke another war; the work of conversion had already been commenced with fair prospects of success and it could safely be left to time.[3] Isabella's confessor, the saintly Hernando de Talavera, had been made Archbishop of Granada; he was devoting his revenues and his tireless labors to missionary work, inculcating Christianity by example more potent than precept. He relieved suffering, he preached and he taught all who would listen to him; he required his assistants to learn Arabic and he acquired it himself. He won

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[1] Coleccion de Documentos, XI, 569; XIV, 496.—Janer, Condicion social de los Moriscos, p. 127.

[2] Printed in Appendix to the author's "Moriscos," p. 403.

[3] Marmol Carvajal, p. 153.—Salazar de Mendoza, Crónica del gran Cardenal de España, p. 251 (Toledo, 1625).

many converts and there was a flattering prospect that his apostolic methods would bring the mass of the population into the fold.[1]

The process however was too slow for the impatience that looked for immediate results. Ferdinand and Isabella were in Granada from July until November, 1499, and called in Ximenes to the aid of Talavera. His extraordinary energy and imperious temper soon made themselves felt; with liberal presents he gained the favor of the principal Moors; he held conferences with the alfaquíes, whom he induced to instruct their people and, it is said that, on December 18th, three thousand were baptized and the mosque of the Albaycin, or Moorish quarter, was consecrated as the church of San Salvador. The stricter Moslems became alarmed and endeavored to check the movement by persuasion, whereupon Ximenes had them imprisoned in chains; he summoned the alfaquíes to surrender all their religious books, of which five thousand—many of them priceless specimens of art—were publicly burnt. The situation was becoming strained; the Moors were restive under the disregard of their guarantees, and Ximenes grew more and more impetuous. Rupture, under these conditions was inevitable and Ximenes soon brought it about. Christian renegades, known as *elches*, were protected under the capitulations, but he argued that this did not extend to their children who, if not baptized, ought to have been, and who thus were subject to the Inquisition. From Inquisitor-general Deza he procured a delegation of power to deal with them and used it for their arrest. It chanced that a young daughter of a renegade, thus arrested, while being dragged through the plaza of Bib-el-Bonut, cried out that she was to be forcibly baptized in violation of the capitulations. A crowd collected and from words soon came to blows; the alguazil was slain with a paving-stone, and his companion escaped only by a Moorish woman conveying him away and hiding him under a bed. The agitation increased; the Moors flew to arms, skirmished with the Christians and besieged Ximenes in his house. He had a guard of two hundred men who defended the place until the morning, when the Captain-general Tendilla came down from the Alhambra with troops and drove away the mob. For ten days Talavera, Ximenes and Tendilla parleyed with the Moors, who urged that they had not risen against the sovereigns but in defence of the royal faith; that the officials had

[1] Marmol Carvajol, p. 152.—Pedraza, Hist. eccles. de Granada, fol. 174, 186–7.

violated the capitulations, the observance of which would restore peace. Then Talavera, with his chaplain and a few unarmed servants, went to the plaza Bib-el-Bonut, where the Moors kissed the hem of his garments as of old. Tendilla followed and promised pardon if they should lay down their arms, as it should be understood that they were not in revolt, but had only sought to maintain the capitulations, which should be strictly observed in future. The city became quiet; those who had slain the alguazil were surrendered, and four of them were hanged; the Moors cast aside their arms and returned to work.

With such a population, kindness and fair-dealing alone were required to accomplish the desired result, but the inflexible temper of Ximenes had been aroused, and he was resolved on the forcible accomplishment of his purpose. The rumors of the disturbance had greatly alarmed the court at Seville, and Ximenes was bitterly reproached, but he hurried thither, gave his own version of the affair, and pointed out that the Moors had forfeited life and property by rebellion, so that pardon should be conditioned on accepting baptism or expatriation. With fatal facility his arguments were accepted; Tendilla's promises were ignored; the capitulations were cast aside; the Moors were to be taught how little reliance was to be placed on Christian faith; distrust and hatred were to be rendered ineradicable, and a religion was to be forced upon them which could not but be odious, as the visible sign of their subjection. From this false step sprang the incurable trouble which weakened Spain until statesmanship could devise no remedy, save the deplorable expulsion of the most useful and efficient portion of her population. It was not without reason that the admiring biographer of Ximenes admits that, so imperious was his temper that he sometimes acted through fury rather than through prudence, as was seen in the conversion of the Granadan Moors and in the attempt to conquer Africa.[1]

He returned to Granada, armed with full powers, and offered to the people the alternative of baptism or punishment, while a royal judge, sent for the purpose, sharpened their apprehension by executing or imprisoning the more active of the rioters. The choice was readily made and they came forward in thousands for the saving waters of baptism. Instruction in the new faith

[1] Gomesii de Rebus gestis a Francisco Ximenio, Lib. IV, fol. 65; Lib. V, fol. 128; Lib. VII, fol. 219.

was impossible, nor was it wanted. When they asked for it in their own language, and Talavera had the offices and parts of the gospels printed in Arabic, Ximenes objected; it was, he said, casting pearls before swine; it was in the nature of the vulgar to despise what they could understand and to reverence that which was mysterious and beyond their comprehension. He cared little for heart-felt conversion so long as he could secure outward conformity. The number thus rudely inducted into the faith, in the city and the Vega, was estimated at from fifty to seventy thousand and the process which converted them could result only in undying hate for the religion thus forced upon them.[1]

Although no outbreak occurred during this forcible missionary work, the discontent which it excited was threatening, and Ferdinand returned to Granada where he made no secret of his displeasure at the imprudent zeal of Ximenes, especially as it interfered with his designs on Naples. These had to be postponed to meet the imminent danger at home for, although emigration had been large, many had taken refuge in the Alpujarras and were exciting the mountaineers to revolt. To meet this he wrote, January 27, 1500, to the leading Moors, assuring them that all reports that they were to be Christianized by force were false, and pledging the royal faith that not a single compulsory baptism would be made. To reconcile those who had been baptized and to attract others he issued, February 27th, a general pardon to all New Christians for crimes committed prior to baptism and renouncing his claims to confiscation.[2] Meanwhile he had been engaged in raising an army as large as though the conquest was to be repeated, and with this he was engaged, during the rest of the year, in quelling the revolts which broke out in one place after another, supplementing military operations with friars despatched through the mountains to instruct the converts. Massacre and baptism went hand in hand, until the Alpujarras were pacified and the army was disbanded, January 14, 1501.[3]

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[1] The principal authority for all this is Marmol Carvajal (Rebelion y Castigo, pp. 153–6), but there are also accounts by Gomez (De Rebus gestis, Lib. II, fol. 30–33); Zurita (Hist. del Rey Hernando, Lib. III, cap. xliv); Galíndez de Carvajal (Coleccion de Docum. XVIII, 296); Bernaldez (Hist. de los Reyes Catholicos, p. 145); Pedraza (Hist. eccles. de Granada, fol. 193, 196).

[2] Clemencin, Elogio de la Reina Isabel, pp. 291–3 (Madrid, 1821).—Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 26.

[3] Zurita, Galíndez de Carvajal, Marmol Carvajal, Bernaldez, *ubi sup.*

Then there came trouble in the Western districts of Ronda and the Sierra Bermeja, where the mountaineers rose, in dread of enforced conversion. Another army was raised, which suffered a severe defeat at Caladui. This brought a pause, during which the insurgents asked to be allowed to emigrate. Ferdinand drove a hard bargain with them, demanding ten doblas for the passage-money and requiring those who could not pay this to remain and submit to baptism. The baptized lowlanders, who had taken to the mountains, were allowed to return home, surrendering their arms and suffering confiscation. Large numbers escaped to Africa, but more remained to curse the faith thus imposed on them. To these New Christians, as we have seen, expatriation was forbidden. Baptism imposed an indelible *character*, and incorporation with the Church subjected them to a jurisdiction which could not be shaken off.

It was vitally important that these New Christians should be interfused with the rest of the population, with the same rights and privileges, so that in time they might form a contented whole, but this was not to be. One wrong always breeds another. The disregard of compacts and the violent methods of conversion inevitably rendered them objects of suspicion, and an edict of September 1, 1501 prohibited the new converts from bearing or possessing arms, publicly or secretly, under penalty, for a first offence, of confiscation and two months' imprisonment and of death for a second—an edict which was repeated in 1511 and again in 1515.[1] Not only was this a bitter humiliation but a serious infliction, at a time when weapons were a necessity for self-protection. There was however another distinction between the classes favorable to the New Christians, for it was provided that, for forty years, they should not be subjected to the Inquisition, in order that they might have full time to acquire knowledge of their new faith.[2] Yet, like all other promises, this was made only to be broken. It was thus, in less than ten years after the capitulation, that the Moors of Granada found themselves to be Christians in defiance of the pledges so solemnly given. Such a commencement could have but one result and we shall see its outcome.

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[1] Nueva Recop. Lib. VIII, Tit. ii, ley 8.

[2] When, or on what terms, this exemption was granted to the Moriscos of Granada I have been unable to ascertain, but it is referred to repeatedly in subsequent documents as a matter of common knowledge.

Something might be urged in palliation of this forcible propaganda in that it was unpremeditated and brought about in the turbulence of a settlement between hostile races and religions, and that those who rejected conversion were allowed to depart. All this was lacking in the next step towards enforcing unity of faith. We have seen how the Mudéjares of Castile were loyal and contented subjects, living under compacts centuries old, which guaranteed them the full enjoyment of their religion and laws. To disturb this and convert them, by a flagrant breach of faith, into plotting domestic enemies, without even a colorable pretext, would appear to be an act of madness. Yet it was this that Isabella was led to do, under the influence of her ghostly counsellors, among whom Ximenes can probably be reckoned as the most influential. In bringing about the conversion of Granada, he had cared for little beyond outward conformity and this could be secured among the scattered and peaceful Mudéjares, without encountering the risk attending the attempt among the mountaineers of the Alpujarras, while subsequently the Inquisition could be depended upon for what might be lacking in religious conviction. God should no longer be insulted by infidel rites in Spain, and the land could not fail to be blessed when thus united in the true faith. Such we may assume to have been the reasoning which led Isabella to a measure so disastrous. That Ferdinand's practical sense disapproved of it may be inferred from the fact that, when he talked of similar action in Aragon, he readily yielded to the remonstrances of his nobles.

Persuasion, backed by threats, was first essayed. Instructions were sent to the royal officials that the Mudéjares must adopt Christianity and, when the corregidor of Córdova replied that force would be necessary, the sovereigns replied, September 27, 1501, that this was inadmissible, as it would scandalize them; they were to be told that it was for the good of their souls and the service of the king and queen and, if this proved insufficient, they could be informed that they would have to leave the kingdom, for it was resolved that no infidels should remain.[1] But four years had elapsed since the refugee Moors from Portugal had been invited to settle in Castile, and this sudden change of policy shows what influences had been brought to bear on Isabella during that brief interval.

[1] Boronat, Los Moriscos españoles, I, 113.

This tentative measure seems to have met with success so slender that more stringent methods were recognized as necessary and, on February 12, 1502, a pragmática was issued, shrewdly framed to give at least the appearance of voluntary action to the expected conversion. It alluded to the scandal of permitting infidels to remain after the conversion of Granada; to the gratitude due to God, which would fitly be shown by the expulsion of his enemies, and to the protection of the New Christians from contamination. All Moors were therefore ordered to leave the kingdoms of Leon and Castile by the end of April, abandoning their children, the males under fourteen and the females under twelve years of age, who were to be detained. The exiles were allowed to carry with them their property, except gold and silver and other prohibited articles. There was nothing said as to an alternative of baptism, but the conditions of departure rendered expatriation so difficult that it was self-evident that there was no intention of losing so valuable a portion of the population. Under pain of death and confiscation, the exiles were to sail only from ports of Biscay; they were not allowed to go to Navarre or the kingdoms of Aragon; as there was war with the Turks and with the Moors of Africa, they were not to seek refuge with either, but were told that they might go to Egypt or to any other land that they might select. They were never to return, nor were Moors ever to be admitted to the Castilian kingdoms, under penalty of death and confiscation, and any one harboring them after April was threatened with confiscation. One exception was made in favor of masters of Moorish slaves, who were not deprived of them, but they were to be distinguished by the perpetual wearing of fetters.[1]

The voluntary character of the conversion which ensued is revealed in the fact that when zealous Moslems, in spite of almost insuperable obstacles, preferred to risk the perils of emigration they were not allowed to do so, but were forced to become Christians.[2] During the brief interval allowed, there was some pretence of preaching and instruction and, as it neared its end, the Mudéjares were baptized in masses. A report from Avila, April 24th, to the sovereigns, says that the whole aljama, consisting of two

[1] Nueva Recop., Lib. VIII, Tit. ii, ley 4.—Cf. Fernández y González. p. 219.

[2] Galíndez de Carvajal (Col. de Documentos, XVIII, 301–4). Zurita, while quoting Carvajal, disputes this, but admits that the conversion was not voluntary.—Hist. del Rey Hernando, Lib. IV, cap. 54.

thousand souls, will be converted and none will depart.[1] In Badajoz, we are told that the bishop, Alfonso de Manrique—the future inquisitor-general—won them over by kindness, so that they were all baptized and took his name of Manrique.[2] Thus, externally at least, the kingdoms of the crown of Castile enjoyed unity of faith, but this was not accompanied with the desirable assimilation of the population. The new converts continued to form a class apart and came to be known by the distinctive name of Moriscos.

The nominal Christianity thus imposed upon those reared in the tenets of Islam was only the beginning of the task assumed by the state. The more difficult labor remained of rendering them true Christians, if the advantage was to be secured of moulding discordant races into a homogeneous community, which alone could justify the violent measures adopted. The unity of faith, which was the ideal at the time of both churchman and statesman, means more than mere outward conformity; it means that all should form a united nation, animated with the same aspirations and the same hopes, here and hereafter, and conscientiously sharing a common belief. In a land like Spain, populated by diverse races, this was an object worth many sacrifices; if it could not be attained, the enforced baptism of a powerful minority only exaggerated divergence and perpetuated discord.

To secure the desired result by the employment of force, through the Inquisition, could not fail to intensify abhorrence of a religion which, while professing universal love and charity, was known only as an excuse for oppression and cruelty. Yet the only alternative was the slow and laborious process of disarming the prejudices already aroused, and winning over the reluctant convert by gentleness and persuasion, by kindly instruction and demonstration that the truths of Christianity were not mere theological abstractions, of no vitality in practical life. We have seen the embodiment of the two methods in Ximenes and Talavera, and it was the fatal error of those who ruled the destinies of Spain that they had not patience and self-denial resolutely to follow the latter. Haltingly and spasmodically they tried to do so, with only persistence enough to put themselves in the wrong and deprive of

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[1] Col. de Documentos, XXXVI, 447.

[2] Bravo, Catálogo de los Obispos de Córdova, I, 411 (Córdova, 1788).

justification the concurrent employment of the easier process of coercion. From one cause or another, as we shall have occasion to see, the intermittent and ineffective attempts at persuasion failed miserably, while the perpetual irritation of persecution led inevitably to chronic exasperation.

Five years had elapsed since the coercive baptism which, under the precepts of the church, should have been preceded by competent understanding of the mysteries of the faith, when Ximenes attained, in 1507, the inquisitor-generalship. One of his earliest acts was a letter to all the churches prescribing the deportment, in religious matters, of the New Christians and their children, including regular attendance at the mass, instruction in the rudiments of the faith, and avoidance of Judaic and Mahometan rites.[1] Presumably this accomplished little and, in 1510, Ferdinand addressed all his prelates, pointing out the neglect of Christian observances by the Conversos, and ordering the bishops to enforce their presence at mass and to provide for their instruction, matters to which the parish priests must devote special attention.[2] The council of Seville, in 1512, responded to this by calling attention to the number of new converts who greatly needed religious instruction. The prelates, who were responsible for the salvation of souls, were ordered to depute for that purpose learned men, who should specially investigate their manner of life and their commission of sins pertaining to their old faith. All parish priests were ordered to make out lists of the converts and see that they conformed to the mandates of the church, and special lists were to be compiled of those who had been reconciled by the Inquisition, with orders to attend mass on Sundays and feast-days, so that their fulfilment of their sentences could be enforced.[3] From what we know of the failure of subsequent measures of this kind we may safely assume that these received little attention from those who would have been obliged to expend money and labor in their execution.

Simultaneously with his letters of 1510, Ferdinand had applied to Julius II, representing that, since 1492, there had been converted many Jews and Moors who, through insufficient instruction, had been led to commit many heretical crimes; he had ordered their

[1] Gomesii de Rebus gestis Lib. III, fol. 77.
[2] Danvila y Collado, Expulsion, p. 74.
[3] Concil. Hispalens., ann. 1512, Cap. 2 (Aguirre, V, 363).

instruction, but it would be inhuman to visit them with the full rigor of the canons, and he therefore asked faculties to publish an Edict of Grace, under which those coming in could be reconciled without confiscation and public abjuration, so that, in case of relapse, they could escape relaxation.[1] The conditions appended to Edicts of Grace so reduced their effectiveness that this has importance only as an indication that Ferdinand, as we shall see elsewhere, was rather disposed to check inquisitorial ardor in the prosecution of Moriscos, but he atoned for this on his death-bed, by a clause in his will commanding his grandson Charles to appoint inquisitors zealous for the destruction of the sect of Mahomet.[2] This was superfluous for, as the stock of Judaizers became reduced, Moriscos supplied their place, and the Inquisition required curbing rather than stimulation. That Charles recognized this is seen in various Edicts of Grace issued in their favor, for certain districts, between 1518 and 1521, edicts which relieved them from confiscation and the sanbenito but did not protect from relapse or exempt from denunciation of accomplices.[3]

There was little practical relief to be expected from such measures, but at least they indicate the conviction of the rulers that it was both unjust and impolitic to visit with the rigor of the canons those who had been forced into the Church and had had no spiritual instruction. Still, the canon law was a positive fact; an elaborate machinery had been instituted for its enforcement, with no corresponding organization to render the new religion attractive instead of odious, and a situation had been created for which there was no radical cure. Alleviation was the only resource, and this was attempted, although the fluctuating policy adopted only intensified the evil for the future. In pursuance of this Cardinal Adrian, August 5, 1521, issued orders that no arrests should be made except on evidence directly conclusive of heresy, and even then it must first be submitted to the Suprema. This seems to have received so little obedience that Archbishop Manrique, April 28, 1524, repeated it in more decisive fashion. He recited the conversion of the Moriscos by Ferdinand and Isabella, who promised them graces and liberties, in pursuance of which

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[1] Archivo de Simancas, Inq., Lib. 3, fol. 72.

[2] Mariana, Hist. de España, Ed. 1796, Tom. IX, Append. p. lvi.

[3] Archivo de Simancas, Inq., Lib. 4, fol. 97; Lib. 9, fol. 2, 13, 29; Lib. 940 fol. 69, 131, 185.

Cardinal Adrian had issued many provisions in their favor, ordering the tribunals not to prosecute them for trifling causes and, if any were so arrested, they were to be discharged and their property be returned to them. In spite of this, the inquisitors continued to arrest them on trivial charges, and on the evidence of single witnesses. As they were ignorant persons, who could not readily prove their innocence, these arrests had greatly scandalized them, and they had petitioned for relief, wherefore the Suprema ordered inquisitors not to arrest them without conclusive evidence of heresy, and when there was doubt it was to be consulted. All who were held for matters not plainly heretical were to have speedy justice, tempered with such clemency as conscience might permit.[1]

How completely these instructions were ignored is manifest in the trials of the Moriscos where, as in those of the Judaizers, any adherence to customs, which for generations had formed part of daily life, was sufficient for arrest and prosecution. It was not merely the fasting of the Ramadan, the practice of circumcision, the Guadoc or bath accompanied with a ritual, or the Taor, another kind of bath used prior to the Zala, or certain prayers uttered with the face turned to the East, at sunrise, noon, sunset and night. These were well-defined religious ceremonies admitting of no explanation, but there were numerous others, innocent in themselves, which implied suspicion of heresy, and suspicion was in itself a crime. Under skilful management, including the free use of torture, arrest for these simple observances might lead to further confessions, and the opportunity was not to be lost. Abstinence from pork and wine was amply sufficient to justify prosecution, and we hear of cases in which staining the nails with henna, refusal to eat of animals dying a natural death, killing fowls by decollation, the *zambras* and *leilas*, or songs and dances used at merry-makings and nuptials, and even cleanliness, were gravely adduced as evidences of apostasy.[2]

In pursuance of this policy, elaborate lists of all Moorish customs were made out for the guidance of inquisitors; abstracts of these were included in the Edicts of Faith, where every one who had

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[1] Archivo de Simancas, Inq., Lib. 939, fol. 89.—Danvila y Collado, p. 98.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., D, 111, fol. 127; PV, 3, n. 20.—Procesos contra Mari Serrana, Mari Naranja, Mari Gómez la Sazeda (MSS. *penes me*).

seen or heard of such things was required under pain of excommunication to denounce them; the Moriscos were subjected to perpetual espionage, and any unguarded utterance, which might be construed as inferring heretical leaning, was liable to be reported and to lead to arrest and probable punishment. It is true that from these slender indications the inquisitorial process frequently led up to full confession, but this did not render the position of the Morisco less intolerable, and constraint and anxiety contributed largely to intensify his detestation of the religion which he knew only as the cause of persecution. Bishop Pérez of Segorbe, in 1595, when enumerating fifteen impediments to the conversion of the Moriscos, included their fear of the Inquisition and its punishments which made them hate Christianity.[1] At all events, it secured outward conformity, at least in Castile, where they were gradually assimilating themselves to the Old Christians; they had long since abandoned their national dress and language; they were assiduous in attendance at mass and vespers, the confessional and the sacrament of the altar; they participated in processions and interments and were commonly regarded as Christians, whatever might be the secrets of their hearts.[2]

Doubtless, as time wore on, many were won over and became sincerely attached to their new faith, but every now and then little communities of apostates were brought to light. Thus, in 1538, Juan Yañés, Inquisitor of Toledo, included Daimiel in a visitation. It had a Morisco population, which had been baptized in 1502, and had apparently been overlooked so long that it had grown somewhat careless. A woman reported to Yañés that she had lived with Moriscos for twelve years and had observed that they did not use pork or wine, on the plea that these things disagreed with them. This sufficed to start an investigation which so crowded the secret prison that we hear of nine women confined in a single cell, and of the hall of the Inquisition being used as a place of detention. Yet this vigorous work did not extirpate the evil for, in 1597, the Toledo tribunal was busy with heretics from Daimiel.[3] More shocking was a case in which María Páez, daughter of Diego Páez Limpati of Almagro, figured, for she accused all her kindred and friends. Her father was burnt in 1606, as

[1] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.
[2] Bleda, Corónica, p. 905.
[3] MSS. *penes me.*—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

an impenitent negativo; her mother, who confessed, was reconciled and imprisoned, and in all twenty-five Moriscos of Almagro suffered, of whom four were relaxed. In the Toledo record, from 1575 to 1610, there are a hundred and ninety cases of Moriscos as against a hundred and seventy-four of Judaizers, and forty-seven of Protestants, showing that, notwithstanding the influx of Portuguese, the Moriscos were the most numerous heretics with which the tribunal had to deal.[1] The old Mudéjares of Castile had fallen upon evil times, but worse were in store for them.

Granada presented a more difficult and dangerous problem, requiring the most sagacious statesmanship to reconcile political safety with the demand for unity of faith, yet this delicate situation was treated with a blundering disregard of common-sense characteristic of Philip II. The population was almost wholly Morisco, and the country was rugged and mountainous, offering abundant refuge for the despairing. The so-called conversion of 1501 had worked no change in their belief. They were hard-working, moral, honorable in their dealings, and charitable to their poor, but they were Moslems at heart; if they went to mass, it was to escape the fine; if they had their children baptized, they forthwith washed off the chrism and circumcised the males; if they confessed during Lent, it was merely to obtain the certificate; if they learned the prayers of the Church, it was in order to get married, after which they were forgotten with all convenient speed. They had been promised forty years' exemption from the Inquisition, but they were rendered disaffected by the abuses of judicial avarice and the insolent domination of the officials, secular and ecclesiastical.[2]

In 1526 Charles V was in Granada, where, in the name of the Moriscos, three descendants of the old Moorish kings, Fernando Vinegas, Miguel de Aragon and Diego López Benexara, appealed to him for protection against the ill-treatment by the priests, the judges, the alguaziles and other officials, whereupon he appointed a commission to investigate and report. Fray Antonio de Guevara, shortly to be Bishop of Guadix, was one of the commissioners and, in a letter to a friend, he describes the Moriscos as offering so much that required correction that it had better be done in

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Pedraza, Hist. eccles. de Granada, fol. 236–8.

secret, rather than by public punishment; they had been so ill-taught, and the magistrates had so winked at their errors, that remedying it for the future would be enough without disturbing the past.[1] This shows the spirit in which the commission performed its work; the incriminated priests and officials had turned the tables on their accusers, who were now defendants. The report of the commission confirmed the complaints of ill-usage, but stated that among the Moriscos there were not to be found more than seven true Christians. This was submitted to a junta, presided over by Inquisitor-general Manrique, and the result was an edict known as that of 1526. It granted no relief from oppression, but concerned itself with the apostasy of the Moriscos, which it sought to cure, not by instructing them, but by rendering their condition still more intolerable. In violation of promises, the Inquisition of Jaen was transferred to Granada. Amnesty for past offences was granted, and a term of grace was provided for those confessing voluntarily, after which the laws against heresy were to be rigorously enforced, although for some years fines were substituted for confiscation and time was allowed in which the penitents could earn them.[2]

This was supplemented with a series of most vexatious regulations, prohibiting the use of Arabic and of Moorish garments and of baths; Christian midwives were to be present at all births; disarmament was enforced by a rigid inspection of licences; the doors of Moriscos were to be kept open on feast-days, Fridays, Saturdays and during weddings, to prevent the use of Moorish ceremonies; schools to train children in Castilian were to be established at Granada, Guadix and Almería: no Moorish names were to be used and Moriscos were not to keep *gacis* or unbaptized Moors, whether free or slave.[3] This naturally caused great agitation; the Moriscos held a general assembly and raised eighty thousand ducats to be offered to Charles for a withdrawal of the edict. His advisers were doubtless propitiated and, before leaving Granada, he suspended it during his pleasure and permitted the carrying of a sword and dagger in the towns and of a lance in the open

[1] Sandoval, Hist. de Carlos V, Lib. xiv, cap. 18.—Guevara, Epístolas familiares p. 543.

[2] Sandoval, *ubi sup.*—Dormer, Añales de Aragon, Lib. ii, cap. vii.—Archivo de Simancas, Lib. 926, fol. 80.

[3] Dormer, *ubi sup.*—Bleda, Corónica, p. 566.—Marmol Carvajal, p. 158.—Nueva Recop., Lib. viii, Tit. ii, leyes 13, 15, 17.

country. A special tax, known as *farda*, probably dates from about this period, under which the use of Moorish garments and language was permitted and, in 1563, we chance to learn that this amounted to twenty thousand ducats per annum.[1]

It would seem that, for awhile, the Inquisition troubled the Moriscos but little for, in its first general auto, held in 1529, out of eighty-nine culprits, while there were seventy-eight for Judaism there were but three for Mahometanism, and one of these was in effigy.[2] Still it provoked disquiet and, in 1532, Captain-general Mondéjar suggested to Charles its suspension, since it had done nothing and could find nothing against the Moriscos. This was unfortunate, for it stimulated the tribunal to greater activity against them, leading to numerous offers on their part to Charles and, after his abdication, to Philip II, of liberal payments for relief. Charles's necessities prompted him to listen to these propositions, but the Inquisition managed to prevent their success, while Philip of course turned a deaf ear to them. Even Inquisitor-general Valdés, in 1558, during his disfavor at court, seems to have taken a hand in these negotiations, for we find him promising a *subsidio* of a hundred thousand ducats from the Moriscos of Granada.[3]

The condition of the Moriscos was steadily growing worse, and the situation in Granada was becoming dangerously explosive. The Inquisition was more active than ever; all the old oppressions by the priests and judicial officers continued unchecked, and a new source of intense irritation was the progressive spoliation of their lands by "judges of boundaries" who, in the name of the king, deprived them of properties inherited or purchased—in short, they were *gente sin lengua y sin fabor*—friendless and defenceless.[4] Then, in 1563, an old order to present to the captain-general all licences to bear arms was revived under a penalty of six years of galleys.[5] In 1565 a fresh source of trouble was created by extending the royal jurisdiction over the lands of the nobles, in which many Moriscos, who in years past had committed

[1] Dormer, Bleda, Marmol Carvajal, *loc. cit.*—Relazioni Venete, Serie I, Tom. V, p. 37.

[2] Rule, History of the Inquisition, I, 172 (London, 1874).

[3] Archivo de Simancas, Inq., Lib. 926, fol. 80–2, 86–7.—Gachard, Retraite et Mort de Charles-quint, II, 356.

[4] Mendoza, Guerra de Granada, p. 71 (Bibl. de Autores españoles, T. XXI).

[5] Danvila y Collado, Expulsion, p. 172.

crimes, had sought asylum. Eager for fees, the notaries and justices searched the records and made arrests, until there was scarce a Morisco who did not live in daily fear. Many took to the mountains, joining the bands of *monfíes*, or outlaws, and committing outrages, while the measures taken for their suppression only increased the disorder.[1]

The condition of Granada was one which required firmness and conciliation, but infatuation prevailed in Philip's court, and the occasion was seized to aggravate irritation beyond endurance. Guerrero, Archbishop of Granada, in returning from Trent in 1563, had tarried in Rome, where he lamented to Pius IV that his flock was Christian only in name. Pius sent by him an urgent message to Philip, reinforced by orders to his nuncio, the Bishop of Rossano, to the same purport. Guerrero, on reaching home, assembled a provincial council in 1565, in which he endeavored to restrain the oppression of the Moriscos by the ecclesiastics, but his chapter appealed from the conciliar decrees and the effort was nugatory. He had more success in inducing the bishops to join in urging upon the king the adoption of measures to prevent the Moriscos from concealing their apostasy, and he wrote to Philip, begging him to purify the land from this filthy sect; it could readily, he said, be found who were really Christians by prohibiting the things through which their rites were kept from view.[2]

Philip referred Guerrero's memorial to a junta presided over by Diego de Espinosa, recently made President of Castile and soon to be inquisitor-general. It reported that, presuming the Moriscos to be Christians by baptism, they must be compelled to be so in fact, to which end they must be required to abandon the language, garments and customs of Moors, by reviving the edict of 1526, and this was solemnly charged upon the royal conscience. Philip thereupon consulted privately Dr. Otadui, professor of theology at Salamanca, and shortly to be Bishop of Avila, who, in his reply, told the king that, if any of the lords of the Moriscos should cite the old Castilian proverb "The more Moors the more profit" he should remember an older and truer one, "The fewer enemies the better" and combine the two into "The more dead

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[1] Marmol Carvajal, p. 160.—Cabrera, Felipe Segundo, pp. 293, 429 (Madrid, 1619).—Memoria de Mondéjar, pp. 14–16 (Morel-Fatio, L'Espagne an xvie et xviie Siècle).—Mendoza, p. 71.—Pedraza, fol. 239.

[2] Cabrera, p. 393.—Pedraza, fol. 238.

Moors the better, for there will be fewer enemies"—advice which, we are told, greatly pleased the monarch, in place of opening his eyes to the policy which was converting his subjects into his enemies.[1]

A pragmática was speedily framed, embodying the most irritating features of the edict of 1526, and Pedro de Deza, a member of the Suprema and of Espinosa's junta, was appointed president of the chancellery of Granada and sent there, May 4, 1566, under orders to publish and enforce it without listening to remonstrances. It illustrates Philip's method of government that Captain-general Mondéjar, although at the court, was not even apprised of the measure, until an order was conveyed to him through Espinosa to return to Granada and be present at the publication. He was captain-general by inheritance, being grandson to the Tendilla placed there at the conquest; he had lived in Granada from his boyhood, he had been captain-general for thirty years and was thoroughly familiar with the situation. He represented that Granada was destitute of troops and of munitions, and he begged either that the measure be suspended or that he be furnished with forces to suppress the revolt that he foresaw to be inevitable. It was in vain; Espinosa curtly told him to go to his post and mind his own business and, although the Council of War supported him, he was given only three hundred men to guard the coast, where he was ordered to reside during certain months and to visit frequently.[2]

Deza reached Granada, May 25, 1566, where he at once assembled his court and had the pragmática printed to be in readiness for publication on January 1, 1567, the anniversary of the surrender of the city, as though to create additional exasperation. Its provisions were sufficiently exasperating in themselves. After three years the use of Arabic was absolutely prohibited, in speech and writing; so were Moorish garments after one year for silken and two years for woollen; house doors were to be kept open on Friday afternoons, feast-days and marriage celebrations; zambras and leilas, though not contrary to religion, were forbidden on Fridays and feast-days; the use of henna for staining was to be abandoned; Moorish names were not to be used; all artificial

[1] Cabrera, pp. 394, 466.—Pedraza, fol. 238–9.

[2] Memoria de Mondéjar (Morel-Fatio, p. 17).—Marmol Carvajal, p. 167.—Cabrera, p. 465.—Pedraza, fol. 239.

baths, public and private, were to be destroyed, and no one in future was to use them.[1] Provisions for instructing the Moriscos in the faith were conspicuous by their absence.

All this could only seem to them a wanton interference with habits that had become a second nature and when, on January 1, 1567, the edict was published it created indescribable excitement. As an earnest of its enforcement, all baths were forthwith destroyed, commencing with those of the king. The aljamas throughout the kingdom consulted with the leaders of the Albaycin, or Morisco quarter of the city, and it was agreed that, if relief was not to be had by entreaty, resort must be had to rebellion, for life was insupportable under such tyranny. Even Deza recognized the threatening prospect and wrote to the court that precautions should be taken against a rising; during 1567, he mitigated, in some degree, the enforcement of the law and inflicted no punishment under it. The Moriscos appealed to Philip, but, when he referred the memorial to Espinosa, the latter replied that no suspension could be considered; religious men had charged the king's conscience, telling him that he was responsible for the souls of the apostates. In the Council of State, the Duke of Alva and the Commendador of Alcántara were in favor of suspension, and the Council suggested the gradual enforcement of one article a year, but Espinosa and Deza had more influence than soldiers and statesmen—it was a religious question with which the latter had nothing to do.[2]

On January 1, 1568, orders were issued to abandon all Moorish silken garments, and the priests were instructed to take all Morisco children, between the ages of three and fifteen, and place them in schools, where they should learn Castilian and Christian doctrine. This increased the agitation and a deputation was sent to remonstrate with Deza, who gave assurances that their children were not to be taken from them, but that the king was resolved to save

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[1] Marmol Carvajal, pp. 161–2.—Pedraza, fol. 239.

This prohibition of bathing, even by Christians, is a curious illustration of the civilization of the period. It had degenerated since the Fuero of Teruel, granted in 1176, by Alfonso II of Aragon, which prescribed that the public bath should be used by men on Tuesdays, Thursdays and Saturdays, by women on Mondays and Wednesdays, and by Jews and Moors on Fridays. On Sundays the bath was closed and no water was heated.—Forum Turolii: Transcripcion de Francisco Aznar y Navarro, p. 142 (Zaragoza, 1905).

[2] Marmol Carvajal, pp. 166, 168.—Cabrera, p. 465.—Pedraza, fol. 240.

their souls and enforce the pragmática.[1] The naked alternative was before them of submission or rebellion.

Desperate as rebellion might seem, it was not wholly hopeless. The Moriscos estimated that they could raise a hundred thousand fighting men, lamentably deficient in arms, it is true, but hardy and enured to privation. They counted largely on aid from Barbary, hoping that the rulers there would not miss the opportunity of striking a deadly blow at their traditional enemy. Their brethren, too, in Valencia, who were equally oppressed, might reasonably be expected to rise and throw off the Spanish yoke. They could not, moreover, be ignorant that the imposing Spanish monarchy was in reality exhausted—that its internal strength in no way corresponded with its external appearance. All the Venetian envoys of the period, in fact, describe the absence of military resources in Spain, the difficulty of raising troops and the unfamiliarity with arms of those who made such splendid soldiers when disciplined and trained. It was in this very year that Antonio Tiepolo, when commenting on the strange neglect which exposed the southern coast to the ravages of the Barbary corsairs, expresses apprehension that an invasion from Africa, supported by the Moriscos, might expose Spain to the fate which it experienced of old.[2] It had been bled to exhaustion by Charles V and Philip was continuing the process. As with men, so was it with money. Charles had left such an accumulation of debt that Philip, on his accession, seriously contemplated repudiation, and he staggered under an ever-increasing burden, from which the treasures of the New World afforded no relief. His revenues were consumed in advance, and during the rebellion it was with the utmost difficulty that moderate sums could be furnished for the most pressing necessities. It was most fortunate for the monarchy that the hopes of the insurgents as to external aid were

[1] Marmol Carvajal, p. 167.—Pedraza, fol. 241.

[2] Relazioni Venete, Serie I, T. V, p. 145.

The Córtes of 1570 petitioned Philip to repeal the prohibition of using arquebuses in the chase, pointing out that the war in Granada had shown the scarcity of the weapon in Spain and the lack of men that could use it. They also referred to the difficulty experienced in arming the levies and suggested that the cities and towns should be permitted to provide armories at their own cost under such restrictions as the king might prescribe. To these petitions the royal replies were equivocal. It is all highly significant of the suspicions entertained by the monarch as to the loyalty of his subjects.—Córtes de Córdova del año de setenta, fol. 6, 12 (Alcalá, 1575).

disappointed, for a united effort of the Crescent against the Cross might have changed the destiny of the Peninsula. As it was, the Moriscos of Valencia were kept quiet; the Sultan held aloof; the Barbary princes only gave permission for adventurers to go as volunteers, and some five or six hundred straggled in small bands across the sea. Yet the resources of Spain were strained to the utmost in subduing the isolated rebellion thus heedlessly provoked.

Arrangements were made for a rising on Holy Thursday (April 18, 1568), but the secret was betrayed and the design was postponed. Even this failed to induce the precaution of placing Granada in a state of defence and, when the rebellion broke out, December 23d, it found the Christians wholly unprepared. Mondéjar met the crisis with great vigor and ability. Raising a hurried force of a few thousand men, he marched out of the city on January 2, 1569 and, in a difficult winter campaign amid the mountain snows, by the middle of February he had virtually crushed resistance. Deza, however, backed by those who thirsted for rapine and plunder, poisoned the mind of the king; Mondéjar's agreements for the submission of the insurgents were set aside; Philip sent his half-brother, Don John of Austria, then an inexperienced youth, to take command, assisted by a council of war, each member of which had his own plan of campaign, while no action was to be taken without the approval of the king. This *opéra bouffe* method of making war had its natural result. The rebellion revived and grew stronger than ever, making raids on the Vega, almost to the gates of the city, in which Don John and his council were virtually beleaguered.

The details of the war that ensued do not concern us here except to say that it was carried on with ferocious greed and cruelty. Military expeditions were frequently mere slave-hunts, in which the men were massacred, while women and children were brought in thousands to the auction-block and were sold to the highest bidders. Nor were the Moriscos the only sufferers, for the Córtes of 1570 complained bitterly of the rapine and excesses of the troops on their way to the scene of action.[1] Hostilities were prolonged until the opening months of 1571 and, when resistance was finally suppressed, Spain was well-nigh exhausted. The pacification

[1] Córtes de Córdova del año de setenta, fol. 13 (Alcalá, 1575).

was as ruthless as the prosecution of the war. In advance, it had been proposed at the court to remove the whole population to the mountains of Northern Spain, and Deza, the evil genius of Granada, never lost sight of the suggestion.[1] At his earnest solicitation it was commenced with the Albaycin, as early as June, 1569. No distinction was made between loyalists and rebels. The men were shut up in the churches and then transferred to the great Hospital Real, a gunshot from the city, where they were divided into gangs, with their hands tied to ropes like galley-slaves, and were marched off to their destinations under guard. The women were left for a time in their houses, to sell their effects and follow. Some seven or eight thousand were thus disposed of, and even the chroniclers are moved to compassion in describing the misery and despair of those thus torn from their homes without warning and hurried off to the unknown. Many died on the road of weariness, of despair or of starvation, or were slain or robbed and sold as slaves by those set to protect them. It relieved the Christians of fear, we are told, but it was deplorable to see the destruction of prosperity and the vacancy left where had been so much life and industry.[2]

This policy was carried out everywhere, as one district after another was reduced. Final instructions from Philip to Don John, October 25, 1570, ordered the deportation of all and designated the provinces to which they were to be taken, some of them as far as Leon and Galicia. Families were not to be separated; they were to move in bands of fifteen hundred men, with their women and children, under escort of two hundred foot and twenty horse, with a commissioner who made lists of those under his charge, provided them with food and distributed them in their respective destinations. These orders were carried out. Don John writes, November 5th, from Guadix to Ruy Gómez, that the number removed from that district had been large; the last party had been sent off that day and it was the most unfortunate thing in the world, for there was such a tempest of wind, rain and snow that the mother would lose her daughter on the road, the wife her husband and the widow her infant. It cannot be denied, he added, that the depopulation of a kingdom is the most pitiful thing that can be imagined. It was more than pitiful in some

[1] Dépêches de M. de Fourquevaux, I, 354 (Paris, 1896).

[2] Marmol Carvajal, p. 277.—Mendoza, p. 92.

districts, where the undisciplined soldiery, entrusted with the task, converted it into pillage, massacre and the enslavement of the women and children.[1] Such was the outcome of the pledges given, eighty years before, by Ferdinand and Isabella, but the object of clearing Granada of its Morisco population was measurably accomplished. In an auto de fe celebrated there, in 1593, there appeared eighty-one delinquents convicted of Judaism and only one charged with Mahometanism.[2]

The sufferings of the exiles did not end with deportation. Leonardo Donato, the Venetian envoy, who was an eye-witness, tells us that many perished through miseries and afflictions, which, in fact, was inevitable under the conditions.[3] Their distribution was entrusted to a special *Concejo de Poblaciones*, and an elaborate edict, in twenty-three sections, issued October 6, 1572, specified the regulations under which they were permitted to exist. These scattered them among Christians, kept them under close and perpetual surveillance, and reduced them almost to the status of predial serfs, bound to the soil. No weapons were permitted, save a pointless knife, and savage punishments were provided for the enforcement of the prescriptions. Children were to be brought up, as far as possible, in Christian families, and were to be taught reading, writing and Christian doctrine. The pragmática of 1566 was declared to be in force, with added penalties for the use of Arabic; any one writing or speaking it, even in his own house, incurred, for a first offence, thirty days' prison in chains, fro a second double, for a third a hundred lashes and four years of galleys.[4] The severity of this latter provision shocked even the town-council of Córdova, which had shown itself by no means favorable to the exiles. It represented to the alcalde that God alone could enable them to speak a language of which they were ignorant, especially as the alguaziles were constantly arresting and punishing them, and it begged that action should be suspended until schools could be organized for their instruction, but the alcalde replied that he had no choice and must execute the edict.[5]

In spite of these restrictions on exiles suddenly cast adrift, penniless in strange places, their indomitable industry and thrift

[1] Marmol Carvajal, pp. 341, 364.—Col. de Documentos, XXVIII, 156.
[2] Bibl. nacional, MSS., G. 50, fol. 240.
[3] Relazioni Venete, Serie I, T. VI, p. 407.
[4] Nueva Recop., Lib. VIII, Tit. ii, ley 22.
[5] Janer, p. 256.

soon carved out careers which aroused the envious hostility of the indolent populations among whom they were thrown. Cervantes, in his *Colloquio de los perros*, stigmatizing them as a slow fever which slew as certainly as a violent one, gives expression to the feelings with which the Spaniard, whose only ambition was a position in the army, the Church or the service of the State, and who was a consumer, looked upon the producer and grudged him the product of his toil.[1] Already, in 1573, the Córtes took the alarm and petitioned Philip that they should not be allowed to act as architects or builders, or to hold public office or judicial positions.[2] In truth, only ten years after the exile, an official report complains that the numbers of the deported Moriscos are increasing, because none go to war or enter religion, and they are so hard-working that, after coming to Castile ten years before, without owning a handsbreadth of land, they are now well off and many are rich, so that, if it continues at the same rate for twenty years, the natives will be their servants. This grievance only increased with time. In 1587, Martin de Salvatierra, Bishop of Segorbe, in an enumeration of the evil deeds of the Moriscos, includes the fact that the exiles from Granada had already become farmers of the royal revenues in Castile, depositing cash as security in place of giving bondsmen; that there were individuals worth more than a hundred thousand ducats in Pastrana, Guadalajara, Salamanca and other places and that, if the king did not devise some remedy, they would soon greatly surpass the Old Christians in both numbers and wealth.[3] This jealousy found official utterance in the Córtes of 1592, which represented to Philip that previous ones had asked him to remedy the evils of the Granadan exiles scattered through Castile. Those evils were constantly increasing; they had obtained possession of trade, and were becoming so rich and powerful that they controlled the secular and ecclesiastical tribunals and lived openly in disregard of religion. The response to this was an edict ordering all magistrates to enforce rigidly the restrictive legislation of 1572.[4] This effected nothing for, in 1595, the Venetian envoy describes them

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[1] Obras de Cervantes, p. 242 (Ed. Ribadeneyra).

[2] Córtes de Madrid del año de setenta y tres, Peticion 96 (Alcalá, 1575).

[3] Janer, p. 272.—Boronat, I, 626.

[4] Janer, p. 270.—Bleda, Corónica, p. 905.—Nueva Recop., Lib. VIII, Tit. ii, ley 24.

as constantly increasing in numbers and wealth, as they never went to the wars and devoted themselves exclusively to trade.[1] In 1602, Archbishop Ribera bears the same testimony; they were hard-working and thrifty, and as they spent little on food or drink or clothing, they worked for what would not support an Old Christian, so that they were preferred by employers and consumers; they monopolized the mechanic arts and commerce, as well as daily labor.[2] The envious prejudices which thus found expression were a factor not unimportant among the causes leading to the expulsion.

All the exiles however were not thus peacefully laborious. About 1577, there arose complaints of seven or eight bands of Moriscos who lived by robbery and murder and terrorized the districts in which they operated. There was also a noted centre of lawlessness in Hornachos, near Badajos, populated by Moriscos. For thirty thousand ducats they bought from Philip the privilege of bearing arms; they had a regular organization and a treasury and a mint employing thirteen operatives for the coinage of counterfeit money, while, by judicious bribery of the courts, they protected their criminals when caught. In 1586 the Llerena tribunal made a raid on them with such success that it was obliged to hire houses to accommodate its prisoners, but the effect of this was temporary and, in October 1608, an alcalde of the court, Gregorio López Madera, was sent there to investigate and punish. Alcaldes of the court were noted for unsparing justice, and Madera did not belie this reputation. His inquest resulted in finding eighty-three dead bodies in the vicinity; he hanged ten members of the town-council and its executioner; he sent a hundred and seventy men to the galleys, scourged a large number, and left the place peaceful for the short interval before it was depopulated by the expulsion.[3]

In the kingdoms of the crown of Aragon the position of the Moriscos was different from that in Castile. They were mostly vassals of the nobles, settled on lands of which they held the

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[1] Relazioni Venete, Serie I, T. V, p. 451.

[2] Ximenez, Vida de Ribera, p. 370.

[3] Janer, p. 272.—Boronat, I, 318.—Bleda, Corónica, p. 921. Guadalajara y Xavierr, Expulsion de los Moriscos, fol. 122-3 (Pamplona, 1613).—Cabrera, Relaciones, p. 355.

dominium utile, while their lords owned the *dominium directum.* For these lands they paid tribute in money, in kind, or in service, and we are told that these imposts amounted to the double of what could be exacted from Christians.[1] It is easy to appreciate the old proverb "The more Moors the more profits," and also that the nobles were vitally interested in protecting their vassals from external interference. Their ability to do this was largely owing to the sturdy independence with which the ancient fueros and privileges were maintained.

Alarm was taken early for, in 1495, the Córtes of Tortosa obtained from Ferdinand a fuero that he would never expel or consent to the expulsion of the Moors of Catalonia and, after the occurrences in Castile, the Córtes of Barcelona, in 1503, represented the destruction which it would cause and obtained a repetition of the pledge.[2] At the Córtes of Monzon, in 1510, he renewed this, with the addition that he would make no attempt to convert them by force, nor throw any impediment in the way of their free intercourse with Christians and, to the observance of this, he took a solemn oath, a repetition of which was exacted of Charles V, on his accession in 1518.[3] Under these guarantees, both the Moors and their lords might well imagine themselves secure.

As we have seen, the jurisdiction of the Inquisition did not extend to the unbaptized, so long as they committed no offences against religion. It had little scruple however in disregarding its limitations and, in Valencia as early as 1497, it undertook to prevent the wearing of Moorish costume and sent officials to Serra to arrest some women for disobedience. They were not recognized and were maltreated, while the women were conveyed away. We have seen how the tribunal arbitrarily avenged itself by arresting all residents of Serra who chanced to come to Valencia and that, when appeal was made to Ferdinand, he expressed his displeasure and ordered greater moderation in future—yet the leaders in the resistance at Serra were imprisoned for three years and suffered confiscation and banishment, leading to considerable correspondence in which Ferdinand sought to mitigate the harsh-

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[1] Sandoval, Lib. XII, § xxviii.

[2] Danvila y Collado, pp. 75, 76.—Constitutions y altres Drets de Cathalunya, p. 34 (Barcelona, 1688).

[3] Fernández y González, p. 441.—Bleda, Corónica, p. 641; Ejusd. Defensio Fidei, p. 156.

ness of the tribunal. He showed the same disposition towards the Moorish aljama of Fraga, which was concerned in the confiscation of a certain Galceran de Abella, and also towards the Moors of Saragossa, when involved in trouble with that tribunal by reason of harboring a female slave who had escaped from Borja.[1]

After the enforced conversion of the Castilian Moors, the tribunal of Aragon overstepped its powers by endeavoring, indirectly if not directly, to compel submission to baptism. The Duke and Duchess of Cardona, the Count of Ribagorza and other magnates complained, in 1508, to Ferdinand, who reprimanded the inquisitors sharply for exceeding their jurisdiction, with much scandal to the Moors and damage to their lords. No one, he said, should be converted or baptized by force, for God is served only when confession is heartfelt, nor should any one be imprisoned for simply telling others not to turn Christian. In future, no Moor was to be baptized unless he applied for it; any who were imprisoned for counselling against conversion were to be released at once, and the papers were to be sent to Inquisitor-general Enguera for instructions, nor were arrests to be made without his orders. As it was reported that others had fled in fear of forcible conversion or imprisonment, steps must be taken to bring them home with full assurance against violence.[2] In the same spirit, in 1510, when some Moors in Aragon had been converted, and had consequently been abandoned by their wives and children, Ferdinand ordered the inquisitors to permit them to return, and not to exert pressure on them or to baptize them forcibly.[3] Ferdinand understood his Aragonese subjects and had learned when to respect their fueros.

These incidents indicate that there was a movement on foot which sometimes overstepped the limits of persuasion. There was, in fact, a process of voluntary conversion, affording hope that in time the wished-for unity of faith might be accomplished without coercion. A Catalan alfaquí, named Jacob Tellez, was baptized and brought several aljamas to embrace Christianity, when Ferdinand to aid him granted him licence to travel everywhere and to have entrance into all aljamas, whose members were required to assemble and listen to him.[4] The Moors of Caspe

[1] Archivo de Simancas, Inq., Lib. 1.
[2] Ibidem, Lib. 926, fol. 76.
[3] Ibidem, Lib. 3, fol. 132.
[4] Ibidem, Lib. 3, fol. 245.

sought baptism in 1499; in the district of Teruel and Albarracin, in 1493, a mosque was converted into the church of the Trinity and, in 1502, the whole population embraced Christianity.[1] Wholesale conversions such as these were apt to furnish backsliders and, when the Inquisition undertook to punish those of Teruel and Albarracin, Charles V interposed, in 1519; he understood, he said, that many of the children of the Conversos, who had lapsed, desired to return to the faith, but were deterred through fear of punishment, wherefore he granted them a term of grace for a year, during which they could come forward and confess without incurring confiscation, and similar concessions were made in Tortosa and other cities.[2]

Valencia, which had the largest and densest Moorish population, was also the scene of considerable proselyting and of vigorous inquisitorial action. An influential alfaquí, named Abdallah, was converted, took orders as a priest, under the title of Maestro Mossen Andrés, and devoted himself to winning over his brethren. He wrote a work controverting the Koran chapter by chapter, which was printed and circulated.[3] The little town of Manices must have been converted almost in mass, for we happen to have a sentence uttered in the church there, by the inquisitors of Valencia, April 8, 1519, on two hundred and thirty Moriscos, then present, who had come in under an Edict of Grace, confessing and abjuring the errors into which they had relapsed. They were received to reconciliation, apparently without confiscation, and the penances prescribed were purely spiritual, although in addition they were subjected to the customary severe disabilities. There must have been not a little cruel preliminary work for, in the list of these penitents, no less than thirty-two women are described as the wives or daughters of men who had been burnt.[4] It is

[1] Archivo de Simancas, Inq., Lib. 1.—Múñoz, Diario Turolense, ann. 1502 (Boletin, 1895, p. 10).

[2] Ibidem, Lib. 14, fol. 80; Lib. 940, fol. 69, 131, 185.

[3] This work was subsequently prohibited. Nevertheless Salvatierra, Bishop of Segorbe, in 1587 asked Philip II to permit its reprinting for the benefit of priests laboring among the Moriscos.—Boronat, I, 614.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 98.

In the Appendix will be found a table of all the cases of heresy tried by the Valencia tribunal from 1455 to 1592. In the fifteenth century the culprits must have been almost exclusively Judaizers. Then in time Moriscos were mingled with them, but the blanks in the fifth, sixth and seventh decades, during which the Moriscos, as we shall see, were exempted from the Inquisition, show that

easy for us now to recognize how powerful an impediment was this method of preserving the purity of the faith by obstructing the wished-for conversion, for the Mudéjares who refused baptism could congratulate themselves that they were not subject to a jurisdiction which visited with such severity the adherence to ancestral habits that had become a second nature.

The missionary work thus impeded received an unlooked for impulse from the insurrection known as the Germanía or Brotherhood, which suddenly broke out in 1520. This was a revolt of the people against the oppression of the nobles which, in its peaceful beginning, won the approval of Charles and of his representative, Cardinal Adrian. It speedily developed into civil war, in which the nobles had the aid of their Moorish vassals; these formed a large portion of the forces with which the Duke of Segorbe won the victories of Oropesa and Almenara, early in July, 1521, and they constituted a third of the infantry, under the Viceroy Mendoza, in the disastrous rout of Gandía, July 25. To cripple the nobles, the leaders of the Germanía conceived the idea of baptizing by force the Moors, thus giving them the status of Christians and releasing them from vassalage.[1] Urgelles, the chief captain, mortally wounded at the siege of Játiva, which surrendered July 14th, was already busily engaged in compelling the baptism of the Moors in the places under his control; and his successor, Vicente Peris, who won the decisive victory of Gandía, adopted the same policy. Full particulars as to proceedings in the different towns and villages were obtained by a commission, formed in 1524 to ascertain whether the baptisms were voluntary or coerced, and the evidence in its report shows that bands of *Agermanados* traversed the territory between Valencia and Oliva, terrorizing the Moors and offering them the alternative of baptism or death. A few homicides punctuated their commands, and the helpless infidels flocked to the baptismal font for safety. Of course there was no pretence of instruction or of ascertaining what the neophytes knew of the religion thus imposed upon them;

Judaizers had virtually disappeared, except those punished in 1544, 1545 and 1546, for retraction of confession (See Vol. II, p. 584).

There is also an imperfect table of the cases of relaxation. An examination of these tables will show the varying activity of the Inquisition of the period.

[1] Danvila y Collado, La Germanía de Valencia, pp. 146, 471.—Pet. Mart. Angler. Lib. xxxiii, Epp. 659–61.

they were baptized by sprinkling them in batches and squads and, when holy water was not at hand, that from running streams was employed. The only redeeming feature in the evidence is the frequent allusion to friendly relations between Christians and Moors and to the refuge and protection willingly given to the terrified victims, showing how the antagonism of race was gradually subsiding and how its extinction might have been hopefully anticipated if matters had been allowed to develop naturally.[1]

Attempts were also made to convert the mosques into churches. In a few places they were consecrated; in some others only a paper picture of Christ or the Virgin was hung up, or attached to the door. Occasionally divine service was performed, which the neophytes attended with more or less regularity, but their adhesion to their new faith lasted only while the impression of terror continued. In some places they felt safe to recur to their old religion in three weeks, in others they remained nominally Christian for a few months, but everywhere, as soon as they felt the danger to be passed, they resumed their Moslem rites and worshipped in their mosques as before. In this, for the most part, they were encouraged by their lords, who assured them that the coercive baptism was invalid, and that they were free to revert to their faith. Others more prudently seized the opportunity to escape to Africa, and it was estimated that no less than five thousand houses were left vacant, inferring an emigration of some twenty-five thousand souls.[2]

The suppression of the Germanía, in 1522, enabled the Inquisition to commence action against those who had been brought under its jurisdiction by baptism. Inquisitor Churrucca of Valencia entertained no scruple as to the validity of the sacrament, but there was difficulty in the fact that the hurried proceedings had precluded the making of records that would identify individuals. When the officiating priests had made lists he demanded their surrender and, towards the close of 1523, he was busy in obtaining evidence from eye-witnesses. Some fragmentary documents show that he was partially successful, and that he was prosecuting those whom he could prove to be apostates, but there was no disposition to treat them harshly. It would appear, indeed,

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[1] MS. Informacio super Conversione Sarracenorum.—I possess the original document.

[2] MS. Informacio.—Danvila y Collado, Germanía, p. 184.

that Cardinal Adrian adopted a policy of toleration which, after his elevation to the papacy, enabled the advocates of the Moriscos to claim that they had the benefit of a dispensation.[1]

The situation, in fact, was perplexing. In Castile, enforced conversion had been universal, under threat of expulsion; all were constructively baptized and could legally be held to the consequences. In Valencia, however, the Germanía had occupied but a portion of the territory, and even there the work had been partial, and so irregularly executed that identification was impossible save in isolated cases. As soon as the pressure was removed all had reverted to their pristine belief, and the sovereign was under a solemn oath that no compulsion should be employed. The simplest solution that offered was to complete the work and to convert the whole Moorish population, after securing the assent of the nobles by conceding that their rights should not be affected, and that converts should not be permitted to change their domicile.[2] Missionaries were therefore sent to try the effect of persuasion, prominent among whom was Fray Antonio de Guevara. In a letter of May 22, 1524, he says that for three years he had labored at the task, doing nothing but dispute in the aljamas, preach in the Morerías and baptize in the houses.[3] Well-meant as was this effort, its success was not commensurate with its merits; the question refused to be solved, and the claims of the Inquisition to exercise jurisdiction over the so-called apostates inevitably provoked discussion as to the validity of enforced baptism, the degree of coercion by the Agermanados, and the sufficiency of the rite so irregularly performed.

We have seen above (Vol. I, p. 41) that, when the Goths coerced their Jewish subjects to baptism, the fourth Council of Toledo enunciated the principle that, while the act was wrong, the baptism was indelible and the baptized must be forced to remain in the Church, a principle which became embodied in the canon law. Still there was a question as to the degree of coercion and Boniface VIII, while assuming to exempt those whose coercion was absolute, took care to define that the fear of death was not such

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[1] MS. Informacio.—Danvila, Germanía, pp. 473, 474.—Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 400.—Loazes, Tractatus super nova paganorum Regni Valentiæ Conversione, col. 12 (Valentiæ, 1525)

[2] Danvila y Collado, Germanía, p. 489.

[3] Guevara, Epistolas familiares, pp. 639–42.

coercion.[1] In the refinement of scholastic theology, two kinds of coercion were distinguished—conditional or interpretative and absolute; it was decided that coerced volition is still volition, and absolute coercion was reduced to the proposition that, if a man tied hand and foot were baptized while uttering protests, the rite would be invalid.[2] Such was the received practice of the Church, although a few schoolmen of high repute denied the validity of the sacrament under coercion, rather as an academical question, for the Church assumes consent and compels the so-called convert to the observance of the faith imposed on him.[3]

It was inevitable that the converts of the Germanía were to be held to their responsibilities as Christians. Charles V had already resolved on his policy and had applied to Clement VII to be released from his oath not to impose Christianity on the Moors, but the proceedings of Inquisitor Churrucca were exciting murmurs, and a decent show of preliminary investigation was advisable. Charles at first ordered this to be done by the Governor of Valencia in conjunction with the inquisitors and some theologians and jurists, but this was not a sufficiently authoritative body to justify the far-reaching measures in contemplation and Manrique suggested, January 23, 1524, the formation of a junta under his presidency, in view of the opposition of the nobles and gentry, who dreaded the loss accruing to them from the Christianization of their vassals.[4] That this was merely to save appearances is evident from the fact

[1] Cap. 13 in Sexto, Lib. v, Tit. ii.

[2] Hostiensis Aureæ Summæ Lib. III, de Baptismo § 11; Lib. v, de Judæis § 5.—S. Th. Aquinat. Summæ P. III, Q. lxviii, Art, 8 ad 4; Q. lxix, Art. 9 ad 1.—S. Bonaventura in IV Sentt. Dist. IV, P. 1, art. 2, Q. 1.—S. Antoninæ Summæ P. II, Tit. xii, Cap. 2, § 1.—Summa Sylvestrina s. v. *Baptismus* IV, § 10.

[3] Albertus Magnus in IV Sentt., Dist. VI, Art. 10.—Duns Scotus in IV Sentt. Dist. IV, Q. 4, 5.—Summa Angelica s. v. *Baptismus* VI, §§ 6, 12.

The facility with which, in this matter, the Church adapted its theories to accomplished facts is well exhibited by Cardinal Toletus (Summæ Casuum Conscientiæ Lib. II, cap. xxi). After explaining that, in adult baptism, three prerequisites are necessary—intention, faith and sorrow for sins committed—he proceeds "Hæc autem non eodem modo sunt necessaria. Intentio namque ita est necessaria ut si desit actualis vel virtualis, non sit baptismus. Unde fit ut qui renuens invitus baptizatur, non sit vere baptizatus; si tamen interius consensit, quamvis metu et vi, tunc baptizatus est et recepit characterem, sed non gratiam; cogendusque est ut maneat in fide Christiana." Thus the coerced convert was burdened with the responsibilities of baptism while denied its spiritual benefits.

[4] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 97.

that, when Charles, on February 11th, gave orders for the assembling of the junta, he wrote on the same day to Germaine, Vicequeen of Valencia, instructing the inquisitors and vicar-general to take due action with the apostate Moriscos.[1] Nine days later, Manrique issued a commission to Churrucca and his assessor Andrés Palacio to make a complete investigation into all the circumstances of the conversion and backsliding of the Moriscos—a selection which indicates the foregone conclusion, as they had already committed themselves on all the questions involved. Two other commissioners—Martin Sánchez and Juan de Bas—were added to them when, in November, they started on their work, and meanwhile the inquisitors had been taking testimony on their own account.[2]

The investigation lasted only from November 4th to the 24th, as the commission moved from place to place, in the little district between Alcira and Denia. A hundred and twenty-eight witnesses were interrogated on a series of questions drawn up by Manrique and their evidence established beyond doubt that submission to baptism was under the influence of mortal terror. The report of the commission consisted simply of the testimony, as taken down by the secretary, but it was supplemented by a learned argument in scholastic form by the fiscal of the tribunal, Fernando Loazes, the future Archbishop of Valencia. In this he made no pretence that the baptism was voluntary. The violence he admitted to be a crime, for which the actors should be punished, but the effect was good and should be maintained; it was the way in which God evokes good out of evil. The Moors had been saved from perdition and from slavery to the demon and, as this was a public benefit, the converts must be compelled to adhere to the Catholic faith, and those who upheld them in apostasy must be prosecuted as fautors and defenders of heresy. All doctors agree that, when there is danger of infecting the faith, the prince can compel uniformity or can expel the unbelievers.[3]

It was an imposing assemblage to which the report was submitted, consisting of a reunion of the Councils of Castile, of Aragon, of the Inquisition, of Military Orders and of Indies, together with eminent theologians, and it was under the presidency of Manrique.

[1] Danvila y Collado, Expulsion, p. 88.
[2] MS. Informacio.
[3] Loazes, Tractatus, col. 1, 17, 45, 60–1, 62.

There evidently was not unanimity, for the discussion occupied twenty-two days, and some of the theologians, with Jaime Benet, the most eminent canonist of Spain at their head, denied the validity of the baptisms. Still, the inevitable conclusion was that, as the neophytes had made no resistance or complaint, they must adhere to the faith, willingly or unwillingly. On March 23, 1525, the emperor attended a meeting, in which Manrique announced to him the decision, which he confirmed and ordered measures to be taken for its enforcement. In pursuance of this a royal cédula on April 4th, after reciting the care bestowed on the question, and the unanimous conclusion reached, declared the baptized Moors to be Christians, and ordered their children to be baptized, while churches in which mass had been celebrated were not to be used as mosques.[1]

It would be difficult to exaggerate the importance of this action on the fate of the Moriscos, for all that followed was its necessary consequence. Without loss of time an imposing inquisitorial commission was organized, with Gaspar de Avalos, Bishop of Guadix, at its head, and a retinue of counsellors and familiars. On May 10th they arrived at Valencia and, on Sunday the 14th, the bishop in a sermon ordered the publication of the royal cédula, with an edict granting thirty days within which apostates could return with security for life and property, after which they would forfeit both.[2] It could scarce have been intended to execute this atrocious threat, and no attempt seems to have been made to do so. The apostates were not easily distinguishable among their unbaptized brethren, among whom they constituted perhaps ten per cent., but the commissioners endeavored to identify them, travelling through the land, making out lists, and confirming all whom they could discover, as a preliminary to prosecuting the backsliders.[3] Their numbers suggested moderation, for which papal authority was requisite. It was obtained, for a brief of Clement VII, June 16, 1525, recites that Charles had applied to him for a remedy; the multitude of delinquents called for gentleness and clemency, wherefore they were to be prosecuted with a

[1] Sandoval, Lib. XIII, § xxviii.—Sayas, Añales de Aragon, cap. cxxvii.—Danvila y Collado, Expulsion, pp. 90–1.

[2] Sandoval, Sayas, *loc. cit.*—Bleda, Corónica, p. 647.

[3] Fonseca, Giusto Scacciamento, p. 11 (Roma, 1611).—Bleda, *loc. cit.*—Ejusd. Defensio Fidei, p. 123.

benignant asperity; those who should return to the light of truth, publicly abjure their errors and swear never to relapse, could be absolved without incurring the customary infamy and disabilities.[1]

Threats and promises availed little. The ten or fifteen thousand Moriscos, who had passed through the hands of the Agermanados, did not wait to experience the benignant asperity of the commission, but took refuge in the Sierra de Bernia, and the nobles, so far from attempting to dislodge them, favored them, in hopes that their resistance might lead Charles to abandon his purpose. He had been moved to indignation on hearing that the magistrates of Valencia had begged the commission not to ill-treat the Alfaquíes, as the prosperity of the land depended on the Moors, and he now rebuked the nobles, ordering them to go to their estates and teach their vassals to be good Christians. Preparations at length were made to attack the refugees of Bernia, who had held out from April until August; they surrendered under promise of immunity and were taken to Murla where they were absolved and kindly treated.[2]

The commission, wearied with its fruitless labors, was about to abandon the field, when it received a letter from Charles, stating that, as God had granted him the victory of Pavia, he could evince his gratitude in no way more effective than by compelling all the infidels in his dominions to submit to baptism; they were therefore ordered to remain and to undertake this new conversion, in conjunction with a fresh colleague, Fray Calcena, afterwards Bishop of Tortosa.[3] We have seen that, in preparation for this, he had, near the end of 1523 or in the early part of 1524, applied to Clement VII to absolve him from the oath taken in 1518 not to expel or make forced conversions, and Clement is said to have at first refused the request, declaring it to be scandalous.[4] The persistence of the ambassador, the Duke of Sesa, however prevailed over Clement's scruples and the brief was issued, May 12, 1524, though for a time it was kept secret.

It commenced by reciting the papal grief on learning that, in

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[1] Archivo de Simancas, Inq., Lib. 926, fol. 47.—Bulario de la Orden de Santiago, Lib. II, fol. 58.

[2] Sandoval, *loc. cit.*—Sayas, *loc. cit.*—Danvila y Collado, pp. 92–3.—Boronat, I, 141.

[3] Sayas, *loc. cit.*

[4] Llorente, Añales, II, 287.

Valencia, Catalonia and Aragon, Charles had many Moorish subjects, with whom the faithful could not hold intercourse without danger, and who served as spies for their brethren in Africa. He was therefore exhorted to order the inquisitors to preach to them and, in case of obstinacy, he was to designate a term after which they should be expelled, under pain of perpetual slavery, to be rigorously enforced. The tithes, which they had never paid, should in future accrue to their lords, in recompense for the damage caused by the expulsion, under condition that the lords should supply the churches with what was requisite for divine service, while the revenues of the mosques should provide endowments for benefices. The fateful brief concluded by formally releasing Charles from his oath of 1518, absolving him from all penalties and censures for perjury, and granting him whatever dispensation was necessary for the due execution of the foregoing, and it further conferred on the inquisitors ample faculties to suppress opposition, notwithstanding all apostolical constitutions and all laws of the land.[1]

Charles was thus set free to work his will, in despite of oaths and of laws. Yet for eighteen months he held the brief without using it, waiting perhaps for the settlement of the question of baptism and for the agitation in Valencia to subside. At length, on September 13, 1525, he addressed letters to the nobles, informing them of his irrevocable resolve not to allow a Moor or an infidel to dwell in his dominions except as a slave; he recognized that expulsion would affect their interests, and consequently he urged them to go to their estates and co-operate with the commissioners in procuring the conversion and instruction of their vassals. Accompanying this was a brief letter to the Moors, informing them of the determination to which he had been inspired by Almighty God that His law should prevail throughout the land, and of his desire for their salvation, wherefore he exhorted and commanded them to submit to baptism; if they did so, they should have the liberties of Christians and good treatment; if they refused, he would find other means. The next day a proclamation was addressed to the Moors, emphatically repeating these threats and promises, and forbidding any interference with conversion or insults to converts, under penalty of five thousand

[1] Archivo de Simancas, Inq., Lib. 927, fol. 285.—Bledæ Defensio Fidei, pp. 463–66.

florins and the royal wrath. The same day a letter to Queen Germaine tacitly admitted the futility of depriving the Moriscos of their religion without providing a substitute. He had learned, he said, that in many villages of the converts there were no priests to give instruction or to celebrate mass, and he ordered her to see that they were instructed and ministered to, thriftily adding that, in lands of royal jurisdiction, care must be taken to reserve the patronage of the new churches to the crown.[1]

The commissioners, armed with full powers as inquisitors, lost no time in announcing to the Moors the irrevocable resolve of the emperor, with a term of grace of eight days, after which they would execute the decrees. The frightened aljamas deputed twelve alfaquíes to supplicate of Charles the revocation of the edict. Queen Germaine granted them a safe-conduct, and they were received at court, carrying with them fifty thousand ducats to propitiate persons of importance and, although at the moment they accomplished nothing, eventually, as we shall see, they secured a Concordia which, as usual, was granted only to be violated.[2]

Meanwhile, on November 3d, Charles enclosed the papal brief to the inquisitors, with instructions to enforce it without delay. At the same time he notified the authorities, secular and ecclesiastical, that it invalidated all the fueros, privileges and constitutions to which he had sworn; that he had instructed the Inquisition to enforce it, and that the local magistrates, under pain of ten thousand florins, must execute whatever the inquisitors might decree.[3] Having thus made the Moors understand the fate in store for them, on November 25th he issued a general decree of expulsion. All those of Valencia were to be out of Spain by December 31st, and those of Catalonia and Aragon by January 31, 1526. As in 1502, there was no exemption promised for conversion, but similarly the obstacles thrown in the way of expatriation showed the real intent of the edict. The Valencians were ordered to register and obtain passports at Sieteaguas, on the Cuenca frontier, and then plod their weary way to Coruña, where they were to embark, under pain of confiscation and slavery, while

[1] Danvila y Collado, pp. 94–8.—Fernández y González, p. 443.—Sayas, cap. cxxvii.

[2] Sayas, *loc. cit.*—Danvila, pp. 97–8.

[3] Archivo de Simancas, Inq., Lib. 927, fol. 285.—Boronat, I, 403.

the nobles were threatened with a fine of five thousand ducats for each one whom they might retain. At the same time was published a papal brief ordering, under pain of excommunication, all Christians to aid in enforcing the imperial decrees, and all Moors to listen without replying to the teachings of the Gospel. Still another edict, which ordered that all Moors must be baptized by December 8th, or be prepared to leave the country, showed by implication that conversion would relieve from exile. Then the Inquisition gave notice that it was prepared to act, and it published tremendous censures, with a penalty of a thousand florins, against all failing to aid it against those who obstinately resisted the sweetness of the gospel and the benignant plans of the emperor.[1]

When the alfaquíes reported the failure of their mission, the great bulk of the Valencian Moors submitted to baptism. Fray Antonio de Guevara, who was foremost in the work, boasts that he baptized twenty thousand families, but the Moriscos subsequently asserted that this wholesale conversion was accomplished by corraling them in pens and scattering water over them, when some would seek to hide themselves and others would shout "No water has touched me!" They endured it, they said, because their alfaquíes assured them that deceit was permissible, and that they need not believe the religion which they were compelled to profess.[2] Many hid themselves; some took refuge in Benaguacil

[1] Sayas, cap. cxxvii.—Llorente, Añales, II, 296.—Danvila, p. 99.

Boronat asserts (I, 157) that the greater part of the Valencian Moors embarked at Coruña, while large numbers, from the rest of Spain, went to France by way of Biscay, but he cites no authority and the documents and contemporary writers are silent as to any such exodus, while statistics and the course of events show that, except those who escaped to Barbary, practically the whole Moorish population was retained.

[2] Guevara, Epistolas familiares, p. 543.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

Bleda (Defensio Fidei, p. 125) says that Guevara exaggerates and that in 1573 there were in Valencia only 19,801 Morisco families.

It is not easy to determine the Morisco population of Valencia. A detailed list of the whole kingdom, dated 1520 (but which Padre Boronat thinks was corrected up to 1550) gives a total of 52,689 hearths of Old Christians and 31,815 of New Christians. In 1582 Ximenez de Reinosso, Valencian Inquisitor, estimated the Morisco population at from 19,000 to 20,000 families. About 1601, Feliciano de Figueroa, Bishop of Segorbe, assumed that there were 460 Morisco settlements, comprising 28,000 hearths and 120,000 souls in all.—Boronat, I, 428–42, 596; II, 431.

which surrendered, March 27th, after a five weeks' siege, but the Sierra de Espadan was the scene of a more formidable revolt, which was not subdued until September 19th, with considerable slaughter. Others again betook themselves to the Sierra de Bernia, to Guadalete and Confridas, but these mostly succeeded in escaping to Africa. Thus was Valencia converted and pacified; the Moriscos, we as may now call them, were disarmed, the pulpits of their alfaquíes were torn down, their Korans were burnt, and orders were given to instruct them competently in the faith—orders, as we shall see, perpetually reissued and never executed.[1]

In Aragon, before the edicts, premonitions of the future had aroused much agitation. The Moors ceased to labor in the fields and shops, causing great anxiety as to impending famine. The Diputados were called upon to act and, while preparing to send envoys to Charles, they gave to the Count of Ribagorza, who chanced to be at the court, a memorial addressed to him. This appealed to the solemn oaths taken by him and Ferdinand; it represented that the whole industry and prosperity of the land rested upon the Moors, who raised the harvests and produced the manufactures, while the incomes of churches and convents, of benefices and the gentry, of widows and orphans, were derived from their censos or loans. They were practically the slaves of their feudal lords, to whom they were obedient, and they had never been known to pervert a Christian or cause scandal; they lived at a distance from the coast, so that they could hold no intercourse with Barbary, and the law punished by enslavement all attempts to leave the kingdom; their expulsion would cause ruin while, if converted, they would be enfranchised and enabled to go abroad. As they had ceased to sow their lands, immediate relief of their fears was necessary to avert a famine. Ribagorza's influence procured a brief delay, but Charles's practical reply was a proclamation, published in Saragossa December 22d, forbidding any Moor to leave the kingdom, prohibiting all purchases of property from them, closing their mosques and abolishing their public shambles.[2] This increased the alarm, and risings occurred in some places, followed by others after the publication of the edict of expulsion, but they were not serious. The date of expul-

[1] Sandoval, Lib. xiii, § xxix.—Dormer, Lib. ii, cap. viii, ix.—Bleda, Corónica, p. 649.

[2] Sayas, cap. cxxx.—Dormer, Lib. ii, cap. i.

sion was postponed until March 15, 1526, and, as it approached, there were other risings, but they were readily suppressed; the Moors were disarmed and, as a whole, they submitted to baptism.[1]

The whole Morisco population was now at the mercy of the Inquisition, but every consideration, both of policy and of charity, dictated a tolerant exercise of power, until they could be instructed and won over to their new faith. This the Suprema recognized by ordering that they should be treated with great moderation.[2] Possibly this may explain the absence of trials for heresy by the Valencia tribunal in 1525 and 1527, but, in the intermediate and subsequent years, there is no abatement in its activity, which was not only in disobedience of the commands of the Suprema, but a direct violation of the Concordia, agreed to January 6, 1526, although not published until 1528.

This Concordia was the result of the labors of the alfaquíes sent to the court in 1525. It was granted with the consent of Inquisitor-general Manrique; it was solemnly confirmed by Charles in the Córtes of Monzon, in 1528, when it was declared to comprehend all the kingdoms of the crown of Aragon, but when it was published by the Bayle-general of Valencia, under orders from Charles, Manrique rebuked him for so doing. Its main provisions are worth reciting if only to show the questions arising and as an instance of the faithlessness habitually shown to the Moriscos, for scarce one of the articles favorable to them was observed.

It set forth that the new converts could not at once abandon the Moorish ceremonies, which they observed rather through habit than with intention, and that prosecution by the Inquisition would be their total destruction, wherefore the Inquisition should not proceed against them for forty years, as had been granted to the Moors of Granada. As for their garments, they might wear out those existing, but new ones must be made in the Christian fashion. As most of the men and all the women could speak only Arabic, they could use it for ten years, during which time they must learn Castilian or Valencian. New cemeteries were to be consecrated for them, near the mosques now converted into churches. Dispensations were to be granted by the legate or the pope for all existing marriages and betrothals within the prohibited degrees, but future ones must conform to the canons. To the request that

[1] Sandoval, Lib. XIII, § xxviii.—Dormer, *loc. cit.*

[2] Archivo de Simancas, Inq., Lib. 939, fol. 108.

their arms should be restored to them, the answer was that they should be treated like other Christians. To the argument that they could not pay the old tributes and imposts, if they were forbidden to work on feast-days, nor was it reasonable that they should be prevented from changing domicile, the equivocal reply was that they should be treated like other Christians, but without prejudice to third parties. There was also permission to continue as corporations the old Morerías in royal territory. All this Charles guaranteed for himself and for Prince Philip, and ordered its strict observance by all officials, from the highest to the lowest, under pain of the royal wrath and a fine of three thousand ducats.[1]

The Inquisition, however, was a law unto itself and was bound by no compacts. In a few months after the promulgation of the Concordia, the Suprema published everywhere a declaration that it referred only to trivial customs and did not condone the use of Moorish rites and ceremonies, and that those who performed them or lapsed from the faith were to be duly prosecuted, to all of which it stated that the emperor acceded.[2] When, therefore, the Aragonese nobles, in 1529, presented remonstrances to Charles and to Manrique, the latter replied that it was their salvation and not their injury that was sought, and that he hoped that God might lay his hands upon them, so that all would eventuate well.[3] The hand of God, as laid upon them through the Inquisition, was not merciful for, in 1531, the Valencia tribunal had fifty-eight trials for heresy, with some thirty-seven burnings in person, most of whom presumably were Moriscos. Saragossa was somewhat milder for, in 1530, it reported that in the last auto it had reconciled a number of Moriscos, commuting confiscation and prison into fines and, in some cases, to scourging; that the fines had been assigned to a cleric who should instruct the penitents, but the receiver had refused to surrender the money, whereupon the Suprema suggested a separate collection of fines and their payment to instructors.[4] Thus the Inquisition went imperturbably on its way and, when the Córtes of the three kingdoms complained that it was notorious that there had been no attempt to instruct the Moriscos, or to provide churches for them, and that it was a great

[1] Boronat, I, 423–8.
[2] Ibidem, I, 162–5.
[3] Archivo de Simancas, Inq., Lib. 76, fol. 183.
[4] Ibidem, fol. 312.

abuse to prosecute them as heretics, Cardinal Manrique unctuously replied that they had been treated with all moderation and benignity and that, for the future, provision would be made, with the assent of the emperor, as best comported with the service of God and the salvation of their souls.[1]

Even more defiantly self-willed was the conduct of the Inquisition with regard to confiscations. We have seen that these were the property of the crown and that, when the Inquisition was allowed to retain the proceeds, it was a concession dependent upon the will of the sovereign. Yet it sturdily set aside the laws of the land and the commands of the emperor, and persisted in confiscating the property of its penitents. The earliest fuero of Valencia, granted by Jaime I after the conquest, provided that, in capital cases of heresy and treason, allodial lands and personal property should accrue to the king, while feudal lands and those held under rent-charge or other service, should revert to the lord. The new Inquisition disregarded this and, in 1488, the Córtes of Orihuela demanded its observance, to which Ferdinand assented. Still the Inquisition persisted and he agreed to the demands of the Córtes of 1510, that he should compound for all lands thus illegally obtained. This was equally fruitless and, in 1533, the Córtes of Monzon repeated the complaint; it was the lords and churches that suffered by the confiscations inflicted on their vassals, and some compromise should be reached as to past infractions of the fuero. To this the answer was equivocal; there was no confiscation and, please God, with the efforts on foot for the instruction of the converts, there would be no necessity for it in the future but, if there should be, provision would be made to protect the lords, and meanwhile a commission could decide as to what would be just for the past.[2]

Charles, in fact, the next year, at Saragossa, issued a pragmática ordering that, when the new converts incurred confiscation, the property should be made over to the legal Catholic heirs, without prejudice to the lords of the delinquents. The Inquisition, however, was equal to the occasion; it obeyed the law in the letter but not in the spirit, for, in 1547, the Córtes complained to the inquisitor-general that, in lieu of confiscation, the Saragossa tri-

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[1] Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 38, 39.

[2] Col. de Documentos, XVIII, 106–13.—Archivo de Simancas, *loc. cit.*, fol. 37.

bunal imposed fines greater than the wealth of the penitents who, to meet them, were obliged to sell all their property and impoverish their kindred. To this the contemptuous answer was returned that if any one was aggrieved he could apply to the inquisitors or to the Suprema.[1]

In Valencia the contest was more prolonged. The Córtes of 1537 reiterated the old complaints and asked Charles to order the tribunals to obey the law, which he promised to do. The Suprema rejoined, in a consulta, that confiscation was the most efficient penalty for the suppression of heresy; the culprit could escape burning by reconciliation and, without confiscation, heresy would be unpunished. The Inquisition accordingly went on confiscating and, in 1542, under urgent complaints by the Córtes, Charles assented to a law that the *dominium utile* of the culprit should revert to the *dominium directum* of the lord and that the royal officials, under pain of a thousand florins, should put the lord in possession. The pope seems to have been appealed to, to make the Inquisition obey, for in a brief of August 2, 1546, which virtually suspended it, he decreed that for ten years, and during the pleasure of the Holy See, there should be neither fines nor confiscation in the case of Moriscos.[2]

Royal and papal utterances were alike in vain. In 1547, the Córtes renewed the complaint of the persistence of the Inquisition and introduced the new feature of asking that the inquisitor-general should join in signing the fuero, thus recognizing him as an independent power in the state. Prince Philip promised to obtain his signature, but it was not done. Again in 1552 and 1564 the same comedy was acted, but Philip's promise in the latter year was neutralized by specific instructions of the Suprema, to the Valencia tribunal, to confiscate Morisco property, without regarding what the people might say about having a privilege against confiscation.[3]

At length a compromise was reached. In 1537 the Córtes had suggested a payment to the Inquisition of four hundred ducats

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[1] Archivo de Simancas, Inq., Lib. 939, fol. 9; Lib. 922, fol. 15.

[2] Ibidem, Inquisicion, Lib. 78, fol. 192; Patronato Real, Inq., Leg. único, fol. 37, 38.—Col. de Documentos, XVIII, 114, 116.—Bulario de la Orden de Santiago, Lib. III, fol. 33.

[3] Col. de Documentos, XVIII, 119-24.—Bledæ Defensio Fidei, pp. 333-6.—Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 187.

per annum in return for Morisco impunity from pecuniary penance, but the Suprema had refused the proposition as inadequate and as a disservice to God.[1] In 1571, negotiations were renewed, resulting in a royal cédula of October 12th, reciting that Inquisitor-general Espinosa had condescended to grant to the Moriscos of Valencia the articles presented by them. These provided that, in consideration of an annual payment of fifty thousand sueldos, or twenty-five hundred ducats, to the tribunal, the property of those contributing to it should be exempt from confiscation. Warning, moreover, was taken from the experience of Aragon, and fines were limited to ten ducats, but the aljamas of the culprits were responsible for their payment. It rested with the aljamas whether or not to come into the arrangement, but so many of them did so that thenceforth it was spoken of commonly as in force throughout Valencia.[2]

This suited the Inquisition as assuring it a settled income; it relieved the Moriscos from the ever-present dread of pauperism and the miseries of sequestration, and it gratified the nobles and churches by securing them from the alienation of their lands and the impoverishment of their vassals. To the rigid churchman, however, it was a compact with evil and an encouragement of heresy. Archbishop Ribera of Valencia protested against it, and Bishop Pérez of Segorbe, in 1595, advocated its revocation, but Philip II resolved that it should continue during the period agreed upon for the instruction of the Moriscos.[3]

The tribunal naturally took care to increase its assured income by exploiting to the fullest its remaining power of inflicting fines, and it did so with little regard to the limitation. In 1595, the aljamas complained of these infractions.[4] That such complaint continued to be justified would appear from the auto de fe of January 7, 1607, alluded to above (Vol. II, p. 395) where there were twenty fines of ten ducats each on Moriscos, of whom only eight were reconciled, besides other fines, one of twenty, one of thirty and one of fifty.

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[1] Archivo de Simancas, Inq., Lib. 922, fol. 15.

[2] Danvila y Collado, pp. 183–88.—Cf. Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, n. 1, fol. 107.

[3] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.—Danvila y Collado, p. 228.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 5, n. 2, fol. 14, 15.

The table in the Appendix shows that, while the activity of the Inquisition seemed to diminish somewhat after the Concordia, towards the close of the century it increased greatly, there being two hundred and ninety-one cases in 1591 and a hundred and seventeen in 1592. The record furnishing these figures ends with 1592 and we have no means of ascertaining the work in the years which immediately follow, but the rigor of persecution continued. In the auto of September 5, 1604, there were twenty-eight abjurations *de levi*, forty-nine *de vehementi*, eight reconciliations and two relaxations—all Moriscos, except a Frenchman penanced for blasphemy. In that of January 7, 1607, there appeared thirty-three Moriscos, of whom one was relaxed, besides six whose cases were suspended, and in the trials torture was employed fifteen times.[1] The fluctuations in the number of cases can be accounted for by evidence occasionally enabling the tribunal to make a raid on some Morisco village when, as they were all Moors at heart, the whole community would be gathered in. Thus, in 1589 and 1590 the little settlement of Mislata, near Valencia, furnished a hundred cases and we are told that in the town of Carlet there were two hundred and forty households that observed the fast of Ramadan.[2]

In fact, as the Moorish faith of the Moriscos was notorious, the whole population was at the mercy of the Inquisition, and the comparative moderation shown by the records may perhaps be explained by a system of secret bribery or compositions whereby immunity was purchased. The possibility of this is suggested by a case which throws considerable light upon the manner in which the inquisitorial power was exercised.

The family of Don Cosme, Don Juan and Don Hernando Abenamir of Benaguacil ranked among the first of the old Moors of Valencia; the brothers were rich and influential; they held licences to bear arms, and Inquisitor Miranda had appointed them familiars—a position which they resigned at the instance of the Duke of Segorbe, on whose lands they dwelt, for he said that they had no need of such protection, as they had only to appeal to him if aggrieved. In May, 1567, during the absence of Inquisitor Miranda, the fiscal presented to the other inquisitor, Gerónimo

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 10, fol. 79.—Danvila y Collado, p. 263.

[2] Ibidem, Leg. 98, 99.

Manrique, a *clamosa* against the brothers. Their arrest was voted but, in view of the importance of the case, the Suprema was consulted, which confirmed the vote and, on July 1st, the warrants were issued. The accused could not be found; edicts summoning them were published and, on January 12, 1568, Don Cosme presented himself. It is his trial that has been preserved, but presumably the others took the same course, except that Don Hernando's name disappears towards the end, probably in consequence of death.

At the first audience Don Cosme said that he presumed he had been baptized when a child, yet he did not consider himself a Christian but a Moor; he had through life performed Moorish rites and had gone to confession only to conform with the edicts, but in future he desired to be a Christian and to do whatever the inquisitors might require. He offered no defence in the various stages of his trial, but on July 15th, in consequence of the crowded condition of the secret prison, he was given the city as a prison on furnishing security in two thousand ducats.

Notwithstanding this he visited Madrid where, for seven thousand ducats, he purchased for himself and his brothers a pardon from the king, the inquisitor-general and the Suprema, and he also exercised important influence in securing the Concordia of 1571. His stay in the capital was prolonged when, after an interval of nearly three years, the tribunal suddenly revived his case, May 25, 1571 and, on June 6th, it summoned his bondsmen to produce him within nine days, a term extended to twelve days on their protesting that it was notorious that he was in Madrid, on business with the Suprema. This action brought from the Suprema a curt letter stating that Don Cosme complained that, after compounding his case, it had been revived, and ordering the tribunal to drop the matter and explain its motives. This it did and received from the Suprema a second order to do nothing, but to send the papers and await instructions. Subsequently Don Cosme returned to Valencia and exhibited certificates of the pardons for himself and his brothers to Juan de Rojas, then inquisitor, who told him to go *enhorabuena*, for they were pardoned and the Inquisition had nothing further to do with them.

Six years passed away when suddenly, without further evidence being sought for, on September 3, 1577, the Suprema returned to the tribunal the papers in the cases of Don Cosme and Don

Juan, and ordered it to summon them, examine them, vote on them and report to the Suprema for its decision. Don Cosme by that time seems to have been impoverished, and was supporting himself by farming the revenues at Genoves; after some delay he was brought to the prison, December 24th and his trial was resumed. At first he refused to be examined, alleging his pardon, but it was elaborately explained to him that it was not intended to interfere with it but to render it operative, for which it was necessary for him to abjure his errors and be reconciled, to which end he must make full confession as to himself and his accomplices; if he refused, it would show that he desired to remain in his old errors and under excommunication. After some fencing, he submitted and described how, about the age of twelve, his mother had taught him to perform the zala and fast the Ramadan and to believe in one God; that Santa María was a virgin and holy, but not the Mother of God; that the Lord Jesus Christ was a son of God and prophet of God, who had ever spoken truth, and it was a sin not to believe in what he had uttered, but that Mahomet was also a prophet of God, whose utterances were to be believed; he had also been taught to commit no murder, not to covet his neighbor's daughter and not to bear false witness—all of which would seem to indicate that there was developing among the Moriscos an intermediate faith which in time would have become Christian had opportunity been allowed. Don Cosme further declared that, since his first arrest, he had always been a Christian and desired to live and die in the faith of Christ; he repeated all the Christian prayers accurately, in both Latin and Romance, and wished that he had been born among Christians, as it would have been better for him, both in body and in soul. This went on, until February 21, 1578, when he was allowed the city as a prison, under bail, and on March 26th he was permitted to return home, keeping himself subject to summons.

Then fifteen months elapsed, until July 17, 1579, his case was voted upon *in discordia*, requiring its reference to the Suprema which, October 2d, ordered torture at discretion for Don Cosme and Don Juan. Preliminary audiences, however, were prescribed in order that they might discharge their consciences and satisfy the evidence, especially as to accomplices, giving them to understand that this was necessary to enable them to enjoy the pardon of 1571. Under this the trial was resumed, but the record

ends before the stage of torture was reached, and the archivist, Don Julio Melgares Marin, who copied it, assumes that the case remained suspended. Probably either the two brothers had succeeded in raising a sum sufficient to satisfy the Suprema, or they were recognized as too poor to be worth further prosecution.[1]

From such a case as this, it can readily be conceived how efficient an instrument was the Inquisition in exciting and perpetuating among the Moriscos an abhorrence of the religion imposed on them by force, and scarce known to them save as an excuse for cruelty and exaction. To some extent this was recognized by the governing powers. After the wise toleration had been discarded, which had rendered the Mudéjares contented subjects, the apostasy of the neophytes was the source of grave concern in the spiritual field, and their known hostility was the cause of even greater disquiet in the sphere of statesmanship. For more than three-quarters of a century it was the subject of a constant series of efforts and experiments, alternating between moderation and severity. With an efficient and honest administration, something might have been accomplished by a consistent policy, but vacillation, incompetence and greed resulted only in increasing exasperation. The story is long and intricate and the barest summary must suffice here to indicate its leading features and the causes of the failure to assimilate the races, on which depended the peace and prosperity of Spain. We have seen the mistaken policy adopted in Granada; in Valencia it was less unreasonable in spirit, but failed miserably in execution.

After the Germanía and the edict of 1525, some futile attempts were made at missionary work among the so-called converts, but the situation, in 1526, is correctly described by Navigero, the Venetian envoy, who says that there was so little care about teaching them, priestly gains being the main object, that they either were as much Moors as before or had no religion of any kind.[2] It was self-evident that to Christianize a large population, scattered over the land, for the most part in exclusive communities, would require a complete organization of parish churches with schools and all the necessary appliances. A basis for this existed in the property of the mosques, which Clement VII, in 1524, had ordered

[1] Boronat, I, 540–69.

[2] Gachard, Voyages des Souverains des Pays-Bas, I, 208.

to be converted into churches, and in the tithes, which were now imposed as a fresh burden upon the converts. These were spoils which all, who saw a chance for gain, hastened to grasp. To recompense the lords for the expected loss of tribute from their vassals, who were promised to be treated in all things like Christians, the tithes were made over to them, in return for which they were to provide the churches with what was requisite for divine service, while the revenues of the mosques were expected to furnish foundations for benefices, the patronage of which was given to the lords. For this, as we have seen, the requisite papal authority was procured, but the measure was attacked in innumerable suits, some of which were carried up to the Roman Rota, with the consequent interminable delays.[1] In some fashion, two hundred and thirteen mosques were converted into churches in the archbishopric of Valencia, fourteen in the see of Tortosa, ten in Segorbe and fourteen in Orihuela, but the object kept in view was the revenues, and not the religious training of the Moriscos.[2]

Nearly ten years passed away with nothing accomplished. A thorough reorganization was seen to be necessary, and papal faculties were obtained empowering Cardinal Manrique to provide persons to instruct the converts, to erect and unite churches, to appoint and dismiss priests, to regulate tithes and to decide summarily all the suits that were expected from archbishops, bishops, chapters, abbeys, priests and secular lords, thus rendering him and his delegates independent of the bishops who thus far had done nothing.[3] Under this, in 1534, Manrique despatched commissioners with detailed instructions, including provisions to be made for a college to be founded for the instruction of Morisco children, who should in turn instruct their parents.[4] The scheme, however, though well intended, was wrecked on the money-question which, to the end, proved an obstacle frustrating all intelligent work in conversion. The revenues of the mosques, the tithes and first-fruits seem to disappear—swallowed up by noble and prelate and, although they derived their incomes in great part from the labor of the Moriscos, it seemed impossible to wring from them what was necessary to support the new establishment. In 1544, St. Thomas of Vilanova, then Archbishop of Valencia, urged the

[1] Sayas, cap. cx.—Dormer, Lib. II, cap. i.

[2] Danvila y Collado, p. 116.—Bledæ Defensio Fidei, p. 190.

[3] Bulario de la Orden de Santiago, Lib. II, fol. 94, 96, 105.

[4] Archivo de Simancas, Inq., Lib. 77, fol. 227.

emperor to place zealous and exemplary rectors in the Morisco villages, with ample salaries to enable them to distribute alms, but it does not seem to have occurred to him that this was part of his duty and that of the Church.[1]

Manrique's commissioners established a hundred and ninety rectories, endowed with the beggarly stipend of thirty crowns a year. It was impossible to find suitable priests for such livings, and the complaint was general that they were, for the most part, ignorant and depraved, creating repulsion rather than attraction to the religion which they assumed to teach. Many were non-resident and neglected their duties entirely, or found vicars at still lower salaries to replace them. There was no one to inspect them or keep them in order. A pension of two thousand ducats a year had been levied on the archbishopric of Valencia, to maintain the projected college for Morisco youths, but two-thirds of this was diverted to the support of the rectories and the rest was made up from various sources, not always adequate, for some holders of benefices refused to pay the moderate assessments made on them.[2]

It was in vain that one effort after another was made to remedy these deficiencies. The indifference of the ecclesiastical authorities, or their opposition when asked for funds, paralyzed every plan devised. In 1564, the Córtes of Monzon pointed out the failure of all attempts to instruct the converts, who were punished for their ignorance, and they made some remedial suggestions. Philip in response assembled a junta under the presidency of Valdés, the conclusions of which were embodied in a royal cédula. This confided the instruction of the Moriscos to the bishops in their several dioceses, who were to appoint proper persons and keep them under supervision, treating the neophytes with the utmost kindness, rewarding the good according to their deserts, and appointing the more prominent among them to familiarships. Archbishop Ayala, on his return from this junta, called a provincial council, but the bishops took no action to carry out the provisions of the cédula, contenting themselves with inflicting heavy fines on those who did not have their children baptized at birth in the best clothes that they could afford; on alfaquíes who visited the sick, and on secular officials who neglected to denounce Moorish observances. The pious hope was expressed that, by compelling

[1] Col. de Documentos, T. V, p. 81.

[2] Ibidem, T. V, pp. 92, 93, 102–7.

them to attend mass on Ash Wednesday, Maundy Thursday, Good Friday and All Saints, they might be attracted to Christian worship, and their salvation was cared for by ordering them on the death-bed to give something for the benefit of their souls, in default of which the heirs must at least have three masses sung for them.[1]

This was the spirit in which the prelates conceived their duties towards those whom clerical pressure had made their spiritual children, and to whom they owed great part of their revenues. Juan de Ribera who, in 1568, succeeded to the archbishopric of Valencia was a man of different stamp. He preferred the radical cure of expulsion but, so long as the Moriscos remained, he recognized the duty of laboring for their conversion. In 1575 he held a conference with the Bishops of Tortosa and Orihuela (Segorbe being vacant), when it was agreed that the rectorial stipends were inadequate, as there were no offerings at the altar, which led many to abandon their cures, while those who would accept the position were mostly unfitted, through ignorance and character. It was therefore resolved to increase the stipends to a hundred crowns. The king made a contribution, and a sum of seven thousand ducats per annum (or 7350 libras) was assessed on the bishops and those who enjoyed the tithes of the Moriscos. Ribera's share of this was thirty-six hundred ducats, levied on the income of his "table," which was forty thousand ducats, so that the assessment was 9 per cent. The rest fell upon ecclesiastics, except a negligible amount to be paid by five laymen. A brief of June 16, 1576, was obtained from Gregory XIII confirming this arrangement, and Ribera punctually paid his portion into the *taula* or bank of Valencia, but the other churchmen were recalcítrant. The share of his cathedral chapter was eight hundred libras a year, which it not only refused to pay but organized a league to contest the whole measure; the procrastinating resources of litigation were limitless and, in 1597, Philip sent to Valencia the Licentiate Covarrubias to settle the matter if possible. For three years he labored, and finally induced the chapter to obey the papal brief, but on some pretext it refused to abide by the agreement and the litigation continued. The chapter of Segorbe, although its portion was only seventy libras a year, threatened to raise a tumult if it was forced to pay, and sent its treasurer to Rome to work for

[1] Danvila y Collado, pp. 167–71.—Boronat, I, 238.—Bledæ Defensio Fidei, p. 192.—Aguirre, Concil. Hispan. V, 415, 419, 432.

the revocation of the brief; in 1604 it procured an inhibition on the execution of the brief, but finally, in 1606, the matter was decided against the chapters. By this time their arrearages amounted to a hundred and fifty thousand crowns, which Philip III forgave them and, for the few remaining years they paid their assessments. Meanwhile, Ribera's contribution had gone on accumulating with interest until it amounted to 157,482 libras 13 s., 11 d. Of this about thirty-two thousand libras had been expended on the rectories; in 1602, sixty thousand were devoted to the college for Morisco youths and, in 1606, thirty-one thousand were given to endow a girl's college; part went for expenses and, in 1607, a balance of over thirteen thousand was given to the Collegiate Seminary of Corpus Christi which he had founded.[1] Thus this well-intended plan came to naught, like all other attempts, through the covetousness and indifference of those whose duty and interests alike demanded their earnest co-operation.

What might have been accomplished by zealous Christian prelates can be gathered from the experience of Feliciano de Figueroa, Bishop of Segorbe. He had long been Ribera's secretary and was thoroughly familiar with the question. Promoted to the see of Segorbe, in 1599, he writes, in 1601, that there were twenty Morisco villages in his diocese; at his own cost he put resident rectors in them, with *doctrineros*, or religious teachers, and twelve preachers, supervising the whole work himself. Already he reports a notable reformation in the adults, while the children manifested affection and readiness to embrace the faith; moreover, during the past forty years, many Moorish ceremonies had fallen into disuse. Again, in 1604, he describes his continued labors without discouragement, although he complains of the obstacles thrown in his way by the secular authorities, who aided the alfaquíes in opposing his efforts.[2]

This alludes to a serious difficulty which aided in bringing about the catastrophe. The lords of Morisco vassals were actuated by the most purely selfish motives. Exploiting their dependents to the utmost, they feared that, if the latter became Christians in fact as well as in name, they would be unable to extort the imposts and tribute which they exacted almost at discretion, for the Moriscos were helpless and defenceless, and the pledges that they should

[1] Boronat, II, 45–6, 69–71, 169, 435, 438, 478, 683.

[2] Ibidem, II, 436, 440–3.

be treated as Christians were forgotten. The lords therefore discouraged all missionary work and, as far as they could, protected their vassals against the Inquisition. When the latter obtained evidence of this interference with conversion, it did not hesitate to prosecute the highest nobles. In 1570 it condemned Don Sancho de Cardona, Admiral of Aragon, to abjure *de levi*, to a fine of two thousand ducats and to reclusion in a convent at the pleasure of the Suprema—reclusion which proved perpetual, for he died in the convent of his confinement. He deserved much more if the testimony was true which asserted that he advised his vassals to appeal to the king, to the pope, and finally to the Grand Turk to induce him to threaten to persecute the Christians in his dominions if the Moriscos were not left in peace, and further that he advised them to rise and promised to arm them if they would do so. This was not the only case for, in 1571 the Master of Montesa and two other nobles appeared in an auto for the same offence and, in 1578, two others were the subjects of investigation.[1] The lords further made themselves obnoxious by seeking to protect their vassals from the ceaseless exactions of the alguaziles set over them to see that they attended mass regularly, and to fine those who did not, or who worked on feast-days. These gentry were paid by a half or a third of their collections; their position was not enviable, threatened as they were both by the lords and the Moriscos in the remoter districts, and it was impossible to fill the position with men of fitting character.[2]

These spasmodic and fruitless efforts to convert the so-called converts were accompanied with frequent relaxations of the rigid canons against heresy, interesting because they infer a dim conception that toleration, after all, might be a more practical method of winning human souls than oppression and persecution. Unfortunately, this fluctuating policy was the most irrational that could be devised. The Moriscos had been so sedulously taught to abhor Christianity and to distrust their conquerors that leniency could be regarded only as dictated by fear, and as affording licence to follow more undisguisedly the practices of their ancient faith, while the alternations of severity only increased their hatred of the religion of their oppressors.

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[1] Danvila y Collado, pp. 126, 129, 181, 183, 194.—Boronat, I, 443–69, 569.

[2] Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 3.

Edicts of Grace were the favorite resort when there was a disposition to show moderation, but these, as we have seen, were, for the most part, nugatory, because they were contingent on recorded confessions and the obligation to denounce accomplices. The recorded confession rendered the penitent liable to the terrible penalties of relapse and, as the latter was sure to occur, the Morisco naturally hesitated to incur the liability. To obviate this objection, the unprecedented concession was made of suspending the canons concerning relapse. This could be done only by papal authority and it was repeatedly tried. The earliest instance seems to be a brief of Clement VII, December 5, 1530, empowering Manrique to appoint confessors with faculties to absolve penitents, even if they had relapsed repeatedly, with secret absolution and penance, and to release them and their descendants from all penalties, disabilities and confiscation, the reason alleged for this liberal condonation of apostasy being the lack of priests in the Morisco districts to instruct the converts in the faith. It was not, however, until 1535 that Manrique transmitted this to the Valencia tribunal with orders to execute it, and even then it does not seem to have exercised much influence on the number of trials, though if honestly put into operation it would have superseded them.[1] This policy continued to be followed spasmodically and grants exonerating from the penalties of relapse were repeatedly made during the rest of the century.[2]

There was also, in the Edicts of Grace, the necessity of denouncing accomplices, which the Moriscos, to their credit, could rarely persuade themselves to do. Bishop Figueroa of Segorbe pointed this out to Philip III as a matter of supreme importance, as it required them to accuse their parents, their wives and their children, which even the secular laws pretermitted as a matter so horrible to human nature.[3] Still it was required by the canon law, and could not be omitted without special papal authority. Philip II was so convinced of its impolicy that, when a crucial effort was to be made to test whether the Moriscos could be converted, as an alternative to expulsion, by an Edict of Grace on the most

[1] Archivo de Simancas, Inq., Lib. 926, fol. 57, 80.—Bulario de la Orden de Santiago, Lib. II, fol. 79.

[2] Archivo de Simancas, Inq., Lib. 926, fol. 49, 53, 59, 63, 67.—Bulario, Lib. III, fol. 51, 85, 88, 109; Lib. IV, fol. 24, 103.—Archivo de Alcalá, Hacienda, Leg. 1049.—Boronat, I, 495.

[3] Boronat, II, 439.

favorable terms, he endeavored to have this condition removed, but Clement VIII, as we have seen (Vol. II, p. 462) while granting, in 1597, an edict covering relapse and conceding that confession could be made to the episcopal Ordinaries, insisted that confession must include full denunciation of the apostasy of others.[1]

Various causes delayed the publication of the edict until 1599, after Philip III had succeeded to the throne. Great preparations were made for it as for a final experiment; rectors, preachers and commissioners were sent through the land, under detailed instructions from Ribera, who told them that the work was difficult but not impossible; Ribera's fund was drawn upon for the colleges; the barons were to found schools for the instruction of young children, and a *hermandad* was organized to place girls in convents or in the families of Old Christians.[2] The edict was duly published in Valencia, August 22, 1599; its term was for only one year, but it was extended to eighteen months. Philip III eagerly awaited the result, which was conveyed to him in a report of August 22, 1601, by the tribunal. During the eighteen months of the edict, the inquisitors said, only thirteen persons had come forward to take advantage of it and these had made such fictitious confessions, and had so protected their accomplices, that they deserved condemnation rather than absolution; some of them, indeed, had already been denounced to the Inquisition, so that they had evidently been impelled by fear rather than by the desire of conversion. The inquisitors went on to describe the Moriscos as Moors who would always be Moors and, if the Inquisition did not convert them, it at least compelled them to sin with less publicity and thus diminished their evil example.[3] This failure may be regarded as virtually deciding the fate of the Moriscos. Archbishop Ribera emphasized it in two strong memorials addressed to Philip III, and expulsion came to be recognized as the only solution of the situation, although the vacillation and irresolution of the court postponed for some years the execution of the measure.

A glance at the tables in the Appendix will show how little influence the successive Edicts of Grace had on the operations of the Inquisition, which reaped its harvests irrespective of them. Yet

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[1] Bulario de la Orden de Santiago, Lib. iv, fol. 128.—Archivo de Simancas, Inq., Lib. 926, fol. 71.

[2] Boronat, I, 669; II, 8.—Escolano, Decada primera de la Historia de Valencia, II, 1783–97 (Valencia, 1610–11).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 5, fol. 185, 186, 220, 295, 297–99.

those tables reveal that, between 1540 and 1563, there were periods during which the tribunal was idle, at least as to cases of heresy. These intervals represent some remarkable efforts to try the effect of moderation, which, although neutralized by lack of coöperative work in winning over the converts, merit examination as measures without example in the career of the Spanish Holy Office.

The nobles of Valencia complained forcibly of the disquiet caused among their vassals by the operations of the Inquisition, and the Córtes petitioned that thirty or forty years might be allowed for their instruction during which they should be exempt from prosecution. Charles assembled a junta of prelates and theologians, which suggested various plans of moderation and conciliation, from among which he selected that of granting a term of grace for past offences, allowing them to confess sacramentally to confessors, and that a period should be provided for their instruction, during which the Inquisition should not prosecute them. This period was liberally fixed at twenty-six years, with the warning that, as they should use or abuse it, it would be extended or shortened. We have seen the failure to provide them with churches and instructors, and it is scarce surprising that they commenced to live openly as Moors, saying that, as they had thirty years in which to do as they pleased, they would take full advantage of it.[1] This could not be permitted, and the effort to convert by toleration came to a speedy end. The tribunal which had no cases in 1541, 1542 and 1543 resumed operations and had 79, 37 and 49 in 1544, 1545 and 1546—a portion of which, however were undoubtedly the Judaizers prosecuted for revoking confessions (Vol. II, p. 584).

Then, in 1547, came a reversion to a milder policy. A brief dated August 2, 1546, was obtained from Paul III, of so liberal a character that it virtually superseded the Inquisition, by granting faculties to appoint confessors with full power to absolve *in utroque foro*—both sacramentally and judicially—even those who had been condemned by the Inquisition, and to relieve them and their descendants from all disabilities.[2] Unfortunately the faculty to appoint confessors was conferred on Antonio Ramírez de Haro, who had for some years been acting as "apostolic com-

[1] Danvila y Collado, p. 130.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 33.

missioner" in Valencia, with extensive powers over everything relating to the Moriscos, but he had, in 1545, left Valencia, on a summons, as Bishop of Segovia, to attend the Council of Trent—from which summons he succeeded in getting himself excused—and had not subdelegated his authority. According to the Archbishop St. Thomas of Vilanova, this made little difference, because the brief was ineffective, inasmuch as it required abjuration *de vehementi*, entailing relaxation for relapse, to which none of the converts would expose themselves. He, therefore, suggested that more extensive faculties should be obtained, to absolve and pardon without legal forms, seeing that these people had been forcibly converted, that they had never been instructed, and that their intercourse with Barbary indisposed them to Christianity.[1]

What followed is strikingly illustrative of the procrastination and neglect that rendered Spanish administration so ineffective. The commission of the Bishop of Segovia superseded both the inquisitorial and the episcopal jurisdiction, and his absence left everything in confusion. Archbishop Thomas wrote, April 12, 1547, to Prince Philip that, since the bishop had gone, the Moriscos had daily become bolder in performing their Moorish ceremonies, as there was no one to restrain them; the bishop had left no one to represent him, and no time should be lost in getting him to subdelegate some one who could come at once. Promises were made that a person should shortly be sent, but the habitual *mañana* postponed it indefinitely. On November 10th, the archbishop again represented the complete liberty enjoyed by the Conversos, with no one empowered to correct them, but his representations were neglected and, in 1551 and 1552, he was still calling for some one authorized to keep the Moriscos in order. Even when, in 1551, the Bishop of Segovia, who still retained his commission, appointed the Inquisitor Gregorio de Miranda as a delegated commissioner, he granted him no inquisitorial power, and the Valencia Moriscos remained, for ten years longer, free from persecution.[2]

This anomalous condition explains why the tables show only a few cases in 1547, 1548 and 1549, and then an entire cessation up to and including 1562, the former being probably the unfinished work of previous years. In 1561, Paul IV empowered

[1] Col. de Documentos, T. V, p. 104.

[2] Ibidem, pp. 100, 101, 107, 108, 122.

Valdés to grant faculties to the Archbishop of Valencia and his Ordinary to reconcile secretly the New Christians: in those cases which could be judicially proved, the confessions were to be made before a notary and delivered to the tribunal, where they remained of record against both the penitent and his accomplices, while in cases that could not be proved, the penances were to be purely spiritual.[1] This fresh experiment indicates a revival of interest in the Morisco question, to be necessarily followed by a return to the old methods. In 1562, accordingly, the tribunal began to act in Teruel, where the town of Xea had the reputation of an asylum for malefactors; it was exclusively Morisco, no Old Christian being permitted to reside there. Finally, all restrictions were removed and, in 1563, the Inquisition was vigorously at work, with sixty-two cases, and held two autos, in which appeared nine cases from Xea.[2] After that there was no further interference with its functions, and it continued to the end to contribute its share to rendering Christianity odious. What Archbishop Ayala thought of its influence in this direction is indicated by his offer, in 1564, to undertake the instruction of the Moriscos at his own expense, but only on condition that the Inquisition should have nothing to do with them, except in cases of open and defiant sin.[3]

Even without the aggravation of the Inquisition, the condition of the Moriscos was deplorable. They had been promised, in return for baptism, that they should have all the privileges of Christians, but this, like all other pledges, was made only to be broken. Enforced conversion had added to their burdens and had brought no compensatory relief—they were Christians as regards duties and responsibilities, but they remained Moors in respect to liabilities and inequality before the law. In 1525 the syndics of the aljamas pointed out that, in order to enjoy their religion, they had been subjected by their lords to many imposts and servitudes which they could not render as Christians, for they would not be allowed to work on Sundays and feast-days, wherefore they asked to be taxed only as Christians. To this it was replied,

[1] Archivo de Simancas, Sala 40, Lib. IV, fol. 262.

[2] Danvila y Collado, pp. 164, 167.—Archivo hist. nacional, Inq. de Valencia, Leg. 98.

[3] Discorso de la Vida de D. Martin de Ayala (Revista crítica de Historia y Literatura, 1902, p. 375).

in the Concordia of 1528, that they should be treated as Christians and that, to avoid injury to parties, investigation should be made to prevent injustice. Their lords, however, did not admit this and, in the same year, the Córtes of Valencia declared that they retained all their rights over their vassals, who were forbidden to change their domiciles.[1] The lords accepted the tithes and the first-fruits as a compensation, but merely added these fresh burdens on their vassals, who were powerless to resist.

Charles recognized this injustice and his responsibility for it, but he dared not raise a conflict with the nobles, and he sought to shield himself behind the awful authority of the Inquisition. He therefore procured from Clement VII, July 15, 1531, a remarkable brief reciting that, when the Saracens were converted, the barons and knights, in compensation for the loss inflicted on them, were empowered to exact from their vassals the tithes and first-fruits, but they have not only enjoyed these new imposts but have continued to extort the personal services and *açofras*[2] and other demands of the ante-conversion period. Thus the converts, unable to endure these accumulated burdens, allege them as justifying their retaining their old customs and disregarding the Christian feasts and ceremonies. As Charles had asked him for a remedy, and as he knew nothing of the matter, he committed it to Manrique with power to hear complaints and render justice, enforcing his decisions with censures.[3] The rôle of protector of the Moriscos was novel for the Inquisition and Manrique kept the brief until January, 1534, when, in sending Fray Antonio de Calcena and Antonio Ramírez de Haro as commissioners to organize the Morisco churches, he informed them that the king ordered the Concordia to be enforced; the New Christians were in all things to be treated like the Old; they were to investigate secretly and report whether this was the case.[4] Apparently the Inquisition shrank from the unaccustomed task; there is no trace of its intervention in behalf of the oppressed Moriscos, and its only prosecutions of the nobles were for favoring their vassals against its persecution. As for

[1] Dormer, Lib. II, cap. i.—Danvila y Collado, pp. 101, 105.

[2] The *zofres* or *zofras* were imposts or excise paid by the Mudéjares in addition to the division of crops. It remained a grievance to the last.—Ximenez, Vida de Ribera, pp. 362, 444.

[3] Bulario de la Orden de Santiago, Lib. I de copias, fol. 118.

[4] Archivo de Simancas, Inq., Lib. 77, fol. 227.

the Córtes, their sole efforts were directed to increase the burdens of the vassals and, in case of their condemnation, to profit by the confiscations.

Thus they were mercilessly pillaged. Besides the division of the crops, of which one-third or one-half went to the lord, and besides the tithes and first-fruits, there were innumerable imposts of all kinds and forced loans or benevolences. In 1561, one of the numerous consultas on the Morisco question alludes to the hardship of forcing them to live like Christians and pay like Moors. The king, it added, ought to relieve them from these unjust impositions, but it would throw the whole kingdom into confusion and impede the work of conversion, so the commissioners ought to see how it could be brought about that they should pay no more than the Christians. This continued to the end. In 1608, Padre Antonio Sobrino, S. J., argued that one of the chief obstacles to conversion was the tyranny of the lords and, in addition to the exactions in money and kind, he alludes to the forced labors imposed on them, on meagre wages and still more meagre food, or frequently with no wages.[1] In fact, they were virtually *taillables et corvéables à miséricorde*, and their oppression was tempered only by the ever-present apprehension of rebellion and, in the coast districts, by the facilities of escape to Africa. Even their ecclesiastical persecutors were almost moved to pity by the hopeless misery of their lot, but we are told that there was no compassion felt for this, as it was generally deemed advisable to keep them impoverished and in subjection.[2]

The control of the lords over their vassals was further safeguarded by a pragmática of Charles V, in 1541, forbidding the Moriscos of Valencia, under pain of death and confiscation, from changing either domicile or lord, and any one accepting them as vassals, without special royal licence, was fined five hundred florins, or was scourged in default of the money. Granadan and Castilian Moriscos were threatened with death for entering Valencia and this, in 1545, was extended to those of Aragon. This ferocious legislation was repeated in 1563 and 1586.[3]

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[1] Boronat, I, 531; II, 147.

[2] Bleda, Corónica, p. 1030; Defensio Fidei, pp. 47, 51.—Fonseca, Giusto Scacciamento, p. 65.

[3] Danvila y Collado, pp, 128, 133, 211.—Boletin, Abril 1887, p. 288.—Boronat, I, 469.

Akin to this was the suicidal policy of forbidding the emigration of those who were recognized as dangerous domestic enemies. This, as we have seen, was begun by Ferdinand and Isabella and was rigidly persisted in—partly, no doubt, from a pious scruple of allowing the baptized to apostatize in Barbary, and partly to protect the lords from the loss of their vassals. In time this was enforced in Aragon by the Inquisition, which published edicts to that effect, including the guidance over the mountains of emigrants by Christians. In the auto of June 6, 1585, the tribunal punished two who were seeking to leave the country and two who served as guides, with scourging and the galleys for three men and scourging and imprisonment for a woman.[1] Not only was this a grievous hardship, by depriving the oppressed of all hope of relief, but it was a fatal error for, if the discontented had been allowed to expatriate themselves, the remainder could have commanded better treatment, and the Morisco question which, for half a century, distracted Spanish statesmanship, might have settled itself without the desperate expedient of expulsion.

Disarmament was another precaution entailing a grievance which was keenly felt. We have seen it in Granada, and that in Valencia it was a prudent preliminary to enforced baptism in 1525. In the Concordia of 1528, the Moriscos asked that their arms be restored to them, and were told that they would be treated as Old Christians. This promise, like the rest, was broken. The pragmática of 1541, among its other restrictions, included that of bearing arms. This was not enforced and, in 1545, orders were sent to carry it into effect, but the methods suggested show that it was regarded as a dangerous business, and the purpose was abandoned. In 1552, St. Thomas of Vilanova urged that it should be done, and so did Inquisitor Miranda in 1561. Finally, in 1563, the work was done by a sudden simultaneous action of the lords, when the inventories compiled show that, in 16,377 Morisco houses, there were seized 14,930 swords, 3,454 cross-bows and a long list of other weapons, indicating how industriously the Moriscos had provided themselves.[2]

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[1] Archivo de Simancas, Inq., Sala 40, Lib. iv, fol. 263.—Bibl. nacional, MSS., PV, 3, n. 20.

[2] Danvila y Collado, p. 127.—Col. de Documentos, V, 88, 102, 123.—Janer, Condicion social de los Moriscos, p. 342.—Boronat, I, 233.—Danvila, in Boletin, Abril, 1877, pp. 276–306.

In Aragon, the matter was confided to the Inquisition. The tribunal of Saragossa issued a decree, November 4, 1559, forbidding the Moriscos from carrying arms, but the nobles appealed to the Suprema and procured its indefinite suspension.[1] The question was revived, in 1590, but a quarrel with the archbishop on a point of precedence delayed its consideration, and then the troubles of Antonio Pérez distracted attention. Finally, in 1593, Philip II ordered the disarmament, the execution of which was entrusted to the tribunal. Two inquisitors traversed the land and collected 7,076 swords, 3,783 arquebuses, 489 cross-bows, 1,356 pikes, lances and halberds and large numbers of other weapons. Knives were permitted, but these increased in size until they became formidable; after two or three officials of the Inquisition had been killed with them when making arrests, a royal edict of 1603 limited them to a third of an ell in length and required them to be pointless.[2] The result of these precautions was seen when the edict of expulsion was enforced and the desperate wretches who essayed a hopeless resistance were slaughtered.

The growth of the absurd cult of limpieza brought another hardship of no little moment. At first there was a disposition to exempt Moriscos from its exclusiveness. When, in 1565, Philip II was trying conciliation he ordered that leading and influential Moriscos should be appointed as familiars, and we have seen that Inquisitor Miranda gave commissions to the brothers Abenamir. Paul IV forbade admission to holy orders to the descendants of Jews to the fourth generation and, in 1573, Gregory XIII extended this to the Moriscos, but the Córtes of Monzon, in 1564, had decreed that those trained in the Morisco college of Valencia should be allowed to hold benefices and the cure of souls among their people, and we are told that it graduated some good priests and preachers and doctors of theology.[3] Yet in time the exclusion became general, and throughout Spain no distinction was made between descendants of Jews and Mudéjares. In a land where a career in office, secular or ecclesiastical, was the ambition of every man who had a smattering of education, this barrier condemned to obscurity

[1] Guadalajara y Xavierr, Expulsion de los Moriscos, fol. 62.—Archivo de Simancas, Inq., Lib. 13, fol. 372.—Relazioni Venete, Serie I, T. VI, p. 407.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 296.—Guadalajara y Xavierr, fol. 64.—Lanuza, Historias de Aragon, II, 417 (Zaragoza, 1622).

[3] Bledæ Defensio Fidei, p. 372.—Fonseca, p. 377.

able men who naturally devoted their energies to stimulating disaffection and provoking revolt. Navarrete, as we have seen, even thinks that the necessity of the expulsion would have been averted but for this; that the Moriscos could have been Christianized, if they had had the opportunity to identify themselves with the nation and to share in its public life, in place of being driven to desperation and to hatred of religion by the indelible stigma imposed upon them.[1]

The baptism of Morisco children furnished a perpetual source of irritation. Rigid regulations were prescribed to ensure the administration of the sacrament, as it was essential to their salvation and to rendering them subject to inquisitorial jurisdiction. No Morisco woman was allowed to act as midwife, but in every village there was a Christian midwife, carefully selected and instructed. She kept watch on all pregnant women, under a fine of a hundred reales for every case she missed. After putting the infant to the breast, her first duty was to notify the priest and alguazil, after which she was not to leave the bed-side save for indispensable household duties. The baptism was performed the same day or the next, and careful registers were kept, so that identification could be secured. There is doubtless truth in the universal assertion that, on returning home, the father scraped and washed the spots touched by the chrism, in the belief that he thereby effaced the sacrament.[2]

Marriage was the source of infinite trouble. The Church had prohibited unions within the fourth degree of kinship and, by inventing spiritual affinity, it had complicated and enlarged the incestuous area while, by assuming for the pope the profitable power of selling dispensations, it admitted that the restriction was purely artificial. Among the Moors, marriage between first cousins was permitted and, as the Moriscos dwelt confined in their Morerías, or in small, isolated villages, without power to change domicile, intermarriage throughout generations had created such complexity of relationship that unions lawful under the canon law must have been exceptional. We have seen the question raised in the Concordia of 1528, with the result that existing marriages and betrothals were dispensed for, but that future ones

[1] Navarrete, Conservacion de Monarquías, pp. 51–3 (Madrid, 1626).
[2] Bleda, Corónica, pp. 951–2.

must conform to the canons. This was a virtual impossibility; the rectors sought to make their subjects purchase dispensations, but we are told that they rarely did so; that, in some places, they merely told the lord that the parties were of kin and that, if he made no objection, the marriage would take place—an indifference for which more than one noble was prosecuted and publicly penanced.[1] Under such circumstances, there could have been no Christian marriage-rites, and the union was legally pure concubinage, or at best clandestine marriage, which the Council of Trent, in 1563, pronounced invalid.[2] It was probably the conciliar definitions that induced the Córtes of Monzon, in 1564, to petition that facilities should be afforded for obtaining dispensations from the Commissioner of the Santa Cruzada, who possessed the requisite faculties, and further that the offspring of such unions should be legally legitimate. To this not unreasonable request the bishops of the Council of Valencia, in 1565, replied by threatening excommunication and other penalties on all marrying within the prohibited degrees, and on all concerned in evasions of the canons.[3]

The matter was universally admitted to be of supreme importance, but it was treated with the customary negligence and procrastination. At length, in 1587, Philip II represented it to Sixtus V, but he only obtained a brief, January 25, 1588, granting to the Valencia bishops, for six months only, faculties to validate such marriages, legitimate the children and absolve the parents *in utroque foro*, with salutary penance, for all of which no fees were to be exacted. It is not likely that the officials took much interest in performing this gratuitous labor, or that the Moriscos, even if they chanced to hear of the brief, exposed themselves to the annoyances which it entailed. The last recorded action in the matter is that Philip, in 1595, resolved to apply for another brief of the same nature. He doubtless obtained it with the same nugatory result.[4]

The Moorish rule, to eat no meat slaughtered by the uncircumcised, was made the pretext for some troublesome intermeddling. In the Granada decree of 1526, Charles V forbade all slaughtering by Moriscos, in places where there was an Old Christian; where

[1] Fonseca, p. 72.—Cf. Bleda, *op. cit.*, p. 905.

[2] C. Trident. Sess. XXIV, de Reform. Matrim. C. 1.

[3] Danvila y Collado, p. 169.—Aguirre, Concil. Hispan. V, 418.

[4] Bulario de la Orden de Santiago, Lib. IV, fol. 101, 102.—Boronat, I, 661.

there was none, the priest was to designate a person to perform the office.[1] Little attention appears to have been paid to the matter, until Archbishop Ribera issued an edict prohibiting Moriscos from eating meat that had not been slaughtered by an Old Christian. This was trespassing on the jurisdiction of the Inquisition and, in 1579, the Suprema called upon the Valencia tribunal for a report, including what Bishop Gallo of Orihuela had done with regard to the same matter. The tribunal replied that the edict was obeyed, but that the Moriscos would eat no meat slaughtered by Old Christians, except in a few places, under compulsion by their lords. The edict ought to be perpetuated, for the refusal to eat the meat of a Christian butcher was proof of suspicion, requiring prosecution by the Inquisition. In Orihuela there was doubt whether a cow killed at Aspe had been properly slaughtered; the Moriscos refused to eat of it, for which the Murcia tribunal punished a number of them, leading Bishop Gallo to order that, at Aspe and Nobelda, the butchering should be done by Old Christians. It was probably this which led to general legislation forbidding Moriscos to follow the trade of butchers, or even to kill a fowl for a sick man, a law repeated as late as 1595.[2]

Subjected to the perpetual exasperation of interference with their habits and customs, to the oppression of their lords and the persecution of the Inquisition, denied all opportunity to rise in the social scale, forbidden to enjoy the faith of their ancestors, while sedulously trained to hate the religion imposed on them, and despairing of relief in the future, it is no wonder that the Moriscos were discontented subjects, eager to throw off the insupportable yoke and to rise against their oppressors. They were, however, but little more than half a million of souls, weaponless and untrained, in a population of eight or ten millions—a negligible quantity in the vigorous days of Ferdinand and even in the earlier years of Charles V. The Spanish monarchy, however, had squandered its strength on distant enterprises; even before the fearful drain in the Netherlands, the exhaustive effort required to crush the Moriscos of Granada showed that it was already

[1] Nueva Recop., Lib. viii, Tit. ii, ley 13, cap. ix.

[2] Boronat, I, 589.—Bledæ Defensio Fidei, pp. 57, 42ʊ1.—Dnvila, p. 230.

bankrupt in resources. That episode was a warning which Spanish statesmanship might well take to heart, and, year by year, the fear grew greater of what might be the fate of Spain if internal enemies should unite with external.

There had long been a source of humiliation and annoyance, though not in itself of danger, in the ravages of Moorish corsairs along the southern coast, for which the Moriscos were held responsible. Undoubtedly they aided by conveying information, maintaining relations with Barbary, and availing themselves of the razzias to escape thither when they could, but the primary fault lay in the incredible fatuity of a policy, so preoccupied with foreign ambitions and the fatal Burgundian inheritance, that it neglected the protection of the Spanish shores, until it became a proverb that these were the Indies of the Turkish and Moorish sea-rovers.

Complaints of these ravages commence with the Christianization of Granada and continue uninterruptedly for more than a century, while the measures to guard against these attacks were spasmodic and miserably insufficient. Boronat gives a list of thirty-three descents, between 1528 and 1584, but this cannot include the innumerable landings from small vessels to carry away bands of Moriscos and such pillage as could hastily be gathered—little raids such as that picturesquely described by Cervantes, with its characteristic feature of the fortified church, in which the Christians of the sea-coast village defended themselves, while the Moriscos eagerly hurried to embark.[1] In the larger expeditions, the Moriscos sometimes escaped in considerable numbers. In 1559, Dragut carried off twenty-five hundred; in 1570, all those of Palmera were taken; in 1584, an Algerine fleet removed twenty-three hundred, and the next year another fleet took away the whole population of Callosa, all of which was exceedingly damaging to the lords who lost their vassals.[2]

These raids were practically unresisted and unavenged, for the coasts were unguarded by land or sea. Occasionally, as in 1519, we hear of a few hundred troops sent, when news was received of an expected hostile fleet: sometimes there were negotiations between the central government and the exposed provinces to main-

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[1] Boronat, I, 208–12.—Escolano, II, 1746–68, 1798–1810.—Persiles y Sigismunda, Lib. II, cap. xi.

[2] Danvila y Collado, pp. 161, 182, 205, 207.

tain a force on the water, but the inadequacy of these precautions is illustrated by the bargaining in 1547, when the Catalan Córtes complained of the irreparable damage inflicted by the Moorish corsairs and asked that six of the Castilian galleys be sent to winter there. Prince Philip would only promise that he would do what was suitable, which brought an offer that Catalonia would equip and man one galley while Valencia promised one or two, and Philip acceded to the request that the Castilian galleys should coöperate with them.[1] Another expedient was based on the assumed collusion of the Moriscos with the corsairs, and it seemed easier to exclude them wholly from the coast than to guard it effectually. As early as 1507 Ferdinand undertook to depopulate it from Gibraltar to Almería, but the experiment proved a failure.[2] It was tried again repeatedly, in various savage laws to prevent Moriscos from travelling within prescribed distances from the sea, and from holding communication with the corsairs, but this naturally effected nothing.[3] In 1604, the Córtes of Valencia even proposed to enlist the coöperation of the Moriscos, by suggesting that they should redeem all Christians captured and enslaved on the Valencian coast, in return for which the rigor of the Inquisition should be relaxed and their evidence against each other should not be required, but it is needless to say that the plan was rejected.[4]

While this matter of the corsairs was comparatively trivial in itself, it bore a disproportionately large share in the discussions on the Morisco question, and undoubtedly had its influence on the final decision. The result, indeed, showed that there was a connection between the Moriscos and the corsairs, for one of the benefits derived from the expulsion was relief to the coasts.[5] Vastly greater, however, in the eyes of statesmen, was the impending danger of rebellion, coincident with attack from Barbary or from the Turk or, in later years, from France.

Even as early as 1512, Peter Martyr, in describing the disturbed

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[1] Boronat, I, 207.—Constitutions en la Cort de Barcelona en lany 1520; en lany 1547 (Barcelona, 1520, 1548).

[2] Pet. Mart. Angler. Epist. 499.—Mariana, Hist. de España, IX, 217 (Ed. 1796).

[3] Danvila y Collado, pp. 109–12, 118, 129, 132, 210.—Nueva Recop., Lib. VIII, Tit. ii, ley 20.—Archivo de Simancas, Inq., Lib. 940, fol. 69, 184.—Boronat, I, 471, 499.

[4] Fonseca, pp. 341, 343.

[5] Guadalajara y Xavierr, fol. 160–3.

condition of Granada, declared that if some daring pirate leader should march into the interior, the population would rise and, as Ferdinand was occupied with the conquest of Navarre, all would go to ruin.[1] In 1519, there was a scare in Valencia over a report that the Moors of Algiers were coming to seize the kingdom, in concert with the Moriscos.[2] It is somewhat remarkable that, when a conspiracy was discovered in 1528, the eagerness of the Valencia tribunal to defend its jurisdiction actually led it to protect the conspirators. The authorities had arrested Pere de Alba and his mother-in-law Isabel, as the leaders of the plot. The tribunal claimed them as apostates and, when they were sent to it for examination, it threw them into its prison and refused to surrender them, although the viceroy demanded them as essential to unravelling the details of the conspiracy. Cardinal Manrique was obliged to despatch a special courier with a letter expressing his surprise, as the safety of the state was the first consideration, but even then the tribunal only gave them up with a warning that they must not be made to suffer in life or limb.[3]

When Philip II returned to Spain, in 1559, he called for a report on the Moriscos, and the information submitted to him comprised an account of a plot with the Turks for an invasion.[4] In 1565, a number of arrests were made on charges of treasonable correspondence with the Turk, and it was public rumor that thirty thousand Moriscos were enrolled, awaiting only the capture of Malta to rise in aid of an invasion. The French ambassador, who reported this, subsequently added that the story of the conspiracy was contradicted, but the Moriscos were so badly treated by the Inquisition that despair might readily lead them to rise in arms to aid the Turk.[5] In 1567, the trial of Gerónimo Roldan, by the Valencia tribunal, revealed evidence of envoys from the ruler of Algiers with a letter urging the Moriscos to rise, together with plans to organize and arm them.[6] It is true that the rebellion of Granada showed that there was no such eagerness to invade Spain as was apprehended, but, on the other hand if, with the aid of five or six hundred Moors and Turks, the insurgents

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[1] Pet. Mart. Angler., Epist. 499.
[2] Escolano, II, 1448.
[3] Boronat, I, 179.
[4] Danvila y Collado, p. 158.
[5] Dépêches de M. de Fourquevaux, I, 8, 13.
[6] Archivo hist. nacional, Inq. de Valencia, Leg. 30.

had taxed to the utmost the power of the kingdom, what was the prospect if a powerful fleet, holding command of the sea, should land a heavy force of trained and well-armed fighting men? During the rebellion, the Venetian envoy, Sigismondo Cavalli, pointed out that assistance from Barbary would involve the kingdom in the greatest straits, for there were about six hundred thousand Moriscos to help an invader. So, in 1575, Lorenzo Priuli, estimating them at four hundred thousand, described them as the source of perpetual danger.[1] The peril constantly increased with time. It was universally recognized that, through the drain to the colonies, the external wars, and the growth of the celibate clergy, the Old Christians were constantly diminishing in numbers, while the Moriscos were rapidly increasing; the material and especially the military resources of Spain were becoming gradually exhausted, and Spanish statesmen looked forward anxiously to the time when, as Fray Bleda tells us, the Moriscos hoped eventually, to reconquer the land with the aid of the Moors and Turks.[2]

Nor was this all for, with the pacification of France under the able control of Henry IV, there loomed before them a new and more dangerous enemy. Henry had a long debt of vengeance to pay, and was but awaiting his opportunity. He was in alliance with the Turk and had no conscientious scruple as to Moslem aid. Even as early as 1583, while as yet he was only King of Navarre, there was a scare over an asserted combination between him and the Turk, for an invasion in combination with the Moriscos, which led the Suprema, in January, 1584, to order from the Saragossa tribunal a report on all the evidence in the records as to plots for rebellion.[3] This was furnished in detail and shows the incessant vigilance and constant anxieties, since 1565, to which the disaffection of the Moriscos had given rise, and their correspondence not only with the Barbary States and the Turk, but with the French Huguenots. A portion of the evidence was undoubtedly manufactured by the spies in the pay of the Inquisition, but there was enough of genuine to show that plots and intrigues were constantly on foot among the Moriscos. Henry

[1] Relazioni Venete, Serie I, T. VI, pp. 165, 241.

[2] Bledæ Defensio Fidei, pp. 272, 276, 285.

[3] Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, fol. 192.

IV was quite ready to utilize their disaffection in furtherance of his plans for the overthrow of the Spanish monarchy and, in 1602, he entered into negotiations with them, through the Marshal Duke de la Force, his governor in Béarn and Navarre. They promised to raise eighty thousand men and to deliver three cities, one of them a seaport and, as an earnest of their resolve, they paid to la Force, at Pau, in 1604 or 1605, a hundred and twenty thousand ducats, but Henry decided that the moment was not favorable and the plan was postponed.[1]

Then, in 1608, there came a fresh alarm through negotiations of the Valencian Moriscos with Muley Cidan, a pretender to the throne of Morocco, to whom they promised two hundred thousand men, if he would bring twenty thousand and seize a seaport, while certain Hollanders agreed to furnish transportation. Philip III was so impressed with this that, in sending the report to the Royal Council, he ordered it to consider the matter to the exclusion of everything else. He admitted the defenceless condition of Spain; Muley Cidan was its declared enemy; Sultan Ahmed I had his hands free from the war with Persia and had suppressed his own rebels; Spain's Italian possessions were exhausted and ripe for revolt, while at home the Moriscos were impatient for liberation. The Council was therefore ordered to consider the means of preserving peace, short of butchering them all.[2]

This scare passed away; Muley Cidan rejected the Morisco overtures, and Ahmed sent his fleet against the coasts of Italy. The impression remained, however; the final impulsion had been given, and thenceforth the expulsion of the Moriscos was only a question of means and opportunity. Its execution can scarce be said to have been premature for, although those of Valencia were deported in the autumn of 1609 and those of Aragon in the spring of 1610, Henry IV still relied on those who were left to aid him in his plans for the destruction of Spain. A part of his design was an invasion by la Force with ten thousand men, trusting to the coöperation of the Moriscos, with whom negotiations had been resumed. La Force was in consultation with him, and was in his carriage on May 14, 1610, when, in the Rue de la Ferronerie, the knife of Ravaillac gave Spain a respite.[3] It was evidently

[1] Mémoires du Duc de la Force, I, 217–20, 339–45 (Paris, 1843).—Escolano, II, 1811–18.

[2] Janer, p. 274.

[3] Mémoires de la Force, I, 217, 221–2.

supposed that the expulsion had been imperfect and that Spain was still an easy prey. The Baron de Salignac, French Ambassador at Constantinople, wrote to Henry, May 2, 1610, that no matter how many Moriscos had been banished, enough remained to give the Spaniards trouble; war that elsewhere could cost a crown would not there cost a maravedí, and when it should begin Spain would find it more difficult to raise a maravedí than it would be to raise a doubloon elsewhere.[1] As events turned out, these were vain speculations, but they have interest as showing how, in the estimation of her enemies, Spain had fatally crippled herself by the mismanagement of her Morisco subjects. To the Spanish statesmen of the time the situation had become one from which extrication was imperative at whatever cost.

It can readily be believed that the matter had long before awakened the earnest solicitude of Philip II and his counsellors. As early as 1581, when in Lisbon consolidating his rule over Portugal, he formed a junta of his chief advisers to formulate a definite conclusion. That which they reached was the merciful one of sending to sea all the Moriscos who would not be catechised or did not desire to remain, embarking them on worthless ships which were to be scuttled, for it was deemed unwise to add to the population of Africa; it was resolved that, when the fleet returned from the Azores, the plan should be executed by Antonio de Leyva but, when the fleet arrived, it was wanted in Flanders, and the project was abandoned. When, in 1602, Philip III was informed of this, he expressed his pleasure because it justified what was then in contemplation.[2]

As Fray Diego de Chaves, confessor of Philip II, was a member of the junta, there could have been no conscientious scruples concerning this wholesale murder. The Church for centuries had taught that death was the penalty for heresy; this was past discussion and was accepted as a matter of course, so that anything short of it was a grace undeserved—slavery, the galleys, the mines, castration, were mercies for which the culprits should feel grateful. So all theologians taught and so Fray Bleda learnedly set forth in his hideous book, the *Defensio Fidei*, which was approved in Rome after careful examination, and was printed at the ex-

[1] Ambassade en Turquie de Jean de Gontaut-Biron, Baron de Salignac, II, 353 (Paris, 1889).

[2] Danvila y Collado, pp. 250–4.

pense of Philip III.[1] Yet, for the honor of humanity, it must be said that there were a few rare souls who held that religion should be spread by love and charity—at least we may so assume from a memorial presented to the Lisbon junta, setting forth that the proper means of conversion had never yet been tried; that the cure had failed through the use of violence, for the disease was not incurable and the fault lay in the methods adopted; Christ had sent forth the apostles to convert the world by preaching the gospel, and the effort should be to find teachers of exemplary life, who would preach with love and gentleness. The memorial recited calmly and temperately the mistakes that had been made in the use of coercion and the absence of instruction and persuasion, and it proposed a series of measures which show that the writer was familiar with the difficultes of the task, the essential condition of which was that those entrusted with it should persuade themselves that it was not impossible. The junta contented itself with proposing that, if the king so desired, the memorial could be sent to the prelates of Valencia, Aragon and Granada, for examination and report. It seems to have been so sent, but only two answers are on record. Archbishop Ribera replied with the alternative of immediate expulsion or, what would be better, thinning out the Moriscos by appointing a body of special inquisitors, who should execute speedy justice, until there should be so few left that they could be expelled without trouble, thus calmly proposing to burn men and women by the hundred thousand. A shade less ferocious was the suggestion of the Inquisitor of Valencia, Ximenez de Reynoso, who favored expulsion to Newfoundland, under the guard of soldiers, who should receive allotments of land and vassals, similar to those of the conquistadores in the New World.[2] Such an expulsion averted the danger of increasing the African population and was recommended, with a characteristically savage addition, by Martin de Salvatierra, Bishop of Segorbe, when, in 1587, his advice was sought by Philip. He responded by a long and brutal attack on the Moriscos, and suggested deportation to Newfoundland, where they would speed-

[1] Bleda, Corónica, p. 928; Defensio Fidei, pp. 13–14, 502.

[2] Boronat, I, 291–4, 596, 603–4.—Danvila y Collado, pp. 196–200.

The memorial, in a somewhat more elaborate form, was presented to the conference of bishops in Valencia, November 22, 1608, when Ribera pronounced it to be a hallucination, founded on ignorance—Boronat, II, 132, 493 sqq.

ily perish, especially if the precaution were taken of castrating all the males, old and young.[1]

It is to the credit of Philip II and his counsellors that, after the failure of the Lisbon project of 1581, they refused to entertain the inhuman suggestions of their ecclesiastical advisers. The matter continued to be threshed out, over and over again, in repeated juntas and councils, in innumerable consultas, and in the system, which Philip had reduced to perfection, of endless talking and writing, which served as an excuse for inaction. One device after another was discussed, such as reducing all the Moriscos to slavery, or sending the able-bodied to the galleys, but the idea of expulsion gradually forged to the front. In this confused tangle of prejudice, passion and fanaticism, it is refreshing to meet with a more statesmanlike view, expressed in a letter of the royal secretary, Francisco de Idiaquez, October 3, 1594, concerning a paper, submitted to him by the king, from some zealous but unpractical person, who argued that the existing scarcity arose from overpopulation, which would be relieved by the expulsion of the Moriscos. So far from this being the case, said Idiaquez, Spain had less inhabitants than for the last two or three centuries. If the presence of this vile race were as safe as it was profitable, there was not a corner of land that should not be placed in their hands, for they alone would bring fertility and plenty by their skill and thrift, which would reduce the price of provisions and with them that of other products. Cheapness was not caused by scanty population but by dense, if the people would work; the high prices were the result of the vice, the idleness, the luxury and the excessive superfluities indulged in by all classes.[2]

The panic fear entertained of the Moriscos is reflected in an elaborate memorial presented to Philip III, on his accession in 1598, by the Marquis of Velada, who had been his tutor and was his *mayordomo mayor*, seriously urging Sicilian Vespers to prevent them from adopting the same expedient.[3] Yet the simpler solution of allowing the irreconcilables to depart was not without its advocates, and at one time came near to adoption. In 1598, Don Martin González de Cellorigo submitted to Secretary Idiaquez

[1] Boronat, I, 610–34.
[2] Danvila y Collado, p. 227.
[3] Boronat, II, 64.

the suggestion that they should be permitted or required to leave Spain, scattering the rest throughout Castile, on their abjuring their heresies, and subjecting them to the restrictions imposed on the exiles from Granada.[1] Even as late as 1607, the *Junta de Tres*, to which the whole affair of the Moriscos had been entrusted, in a consulta of January 1st, favored the plan of allowing all, who would not accept Christianity, to betake themselves to Barbary, pointing out the futility of the objection that this would increase the power of the Moors, and this it repeated, October 29th, adding the suggestion that the Moriscos of Castile should be scattered and confined to agricultural labor, in all of which Philip signified his concurrence.[2]

This was too sensible and humane to suit the ecclesiastics, who were bent on getting rid of the obnoxious apostates by expulsion or extermination, and Spain was not to be allowed so easy a solution of the difficulties created by a century of fanaticism and wrong-doing. In the irresolute and vacillating policy of the court, a final effort was made, as we have seen, to conciliate and instruct, in the Edict of Grace of 1599, under conditions that rendered it nugatory. Its failure, in 1601, was followed by the memorials of Archbishop Ribera urging expulsion, and any subsequent efforts to convert, such as a junta of bishops held in 1608 and 1609, were merely to keep the Moriscos amused and in ignorance of the more drastic measures proposed, during the years in which Philip III and his advisers discussed and rediscussed the question, pondered over details and avoided an irrevocable decision.

When, under pressure of the alarm about Muley Cidan, Philip called upon his Council of State for an immediate decision, it admitted that there had been too much delay and that the matter must not be left for the next generation, for the Christians, through wars and religion and dissolute lives, were constantly diminishing in numbers, while the Moriscos, through peace and frugality, were multiplying until in time they would be the majority. The alternatives of massacre or slavery, or the galleys, or allowing the discontented to emigrate were barely alluded to, and expulsion was in the minds of all. The external relations of Spain rendered the opportunity propitious and it ought not to be wasted. The work should commence with Valencia, which was the most dangerous

[1] Boronat, I, 366.

[2] Ibidem, II, 75, 98–111.

centre, and the other kingdoms could be kept quiet with assurances that the expulsion was not to go further. The opposition of the nobles could be bought off by granting them the real and personal property of their vassals, and preparations should be made to have a powerful fleet off the coast by the end of Spring, and sufficient forces on land to crush resistance. As the Inquisition was in the habit of making many arrests, it could readily seize the influential Moriscos, so as to deprive the rest of their leadership. This sketched out the plan eventually followed, and the only partially dissentient voice was that of the royal confessor, Cardinal Fray Gerónimo Xavierr,who pleaded the forcible baptism and the futile endeavors to instruct by ministers, many of whom were of lives so depraved that they wrought harm by their evil example; he asked that efforts to convert should continue and if, by the time set for expulsion, there was no prospect of improvement, the proposed rigor would be justified. A process could then be formed by the Inquisition as to their apostasy, when they could be condemned for treason against God, or, if rebellion were proved, for treason against the king.[1]

This last suggestion refers to a characteristic scruple. Ribera had alluded to it in his second memorial, to the effect that expulsion would be an invasion of ecclesiastical jurisdiction, depriving it of inflicting the canonical punishments, but this, he suggested, could be removed by application to the pope.[2] It was doubtless in view of this scruple, and to avoid interference by the Inquisition, which was interested in maintaining the existing situation, that the edict of expulsion represented the measure as purely secular, caused by the treasonable correspondence of the Moriscos with the enemies of Spain, and by the necessity of placating God for their heresies.[3]

Still there were irresolution and delay, and the die was not cast until, in April, 1609, the Council of State presented a consulta unanimously agreeing on expulsion and virtually determining that the work should commence in autumn, the interval being employed in organizing the militia, bringing troops from Italy, and assembling squadrons to command the coast. Early in May orders were sent to the viceroys of Sicily, Naples and Milan to

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[1] Boronat, II, 464–74.

[2] Ximenez, Vida de Juan de Ribera, p. 381.

[3] Janer, p. 299.

have the galleys in readiness and, at the end of June, the squadrons were instructed to rendezvous at Majorca on August 15th. Even after this there were evidences of hesitation and vacillation, but the plan was adhered to.[1]

Early in August, Don Agustin de Mexia, an officer of high rank, who had distinguished himself at the siege of Ostend, was sent to Valencia, ostensibly to inspect the fortifications, but armed with full powers to carry out the expulsion. He bore a letter from the king to Ribera, expatiating on the influence which the latter had had in leading him to a decision. Ribera had obtained more than he had bargained for. His somewhat selfish theory had been that, by expelling the Moriscos from the rest of Spain, those of Valencia and Aragon could be controlled, and he shrank from the loss and misery to be inflicted on his immediate surroundings. As late as December 19, 1608, he had urged this view in a letter to the royal secretary, arguing that they were an injury to Castile and Andalusia, while their removal would be ruin to Valencia and Aragon, now the most flourishing kingdoms of Spain. The larger cities, he said, lived on the provisions brought by the Moriscos; the churches, hospitals, monasteries, brotherhoods, pious bequests, nobles, gentry and citizens depended on their services and were supported by the censos charged on their communities; he often wished to die rather than to witness such destruction.[2] So, when Mexia reached Valencia, August 20th, and, after conference with the Viceroy Caracena, Ribera was sent for and read the royal letter, he repeated these arguments and proposed that all three should join in appeal to the king to commence with Andalusia. When the conference ended at 4 P.M., he was still firm and was told that a courier for Madrid would start at midnight when he could write what he saw fit. On reflection he concluded that the king wanted obedience, not advice, and he sent to the palace, in time for the courier, a letter to the king, and word to Mexia and Caracena, setting forth that the royal resolution came from heaven and he would further it with all his power. Still, he could not reconcile himself to the prospect of poverty. On August 23d he wrote to Secretary de Prada repeating his urgency that commencement be made with Castile and Andalusia and, on September 3d, he said to Fray Bleda and the Domin-

[1] Danvila y Collado, pp. 274–86.—Boronat, II, 506.—Janer, pp. 282–91.
[2] Ximenez, p. 397.—Boronat, II, 501.

ican Prior Alcocer "Padres, we may well in the future have to eat bread and herbs and to mend our own shoes."[1]

The secret had been admirably kept, but the mission of Mexia on a duty so incompatible with his rank caused suspicions which grew from day to day. The Moriscos commenced to fortify their houses, to cease laboring and bringing provisions to the city, which suffered in consequence; the nobles brought their families to town to be prepared for the worst, and Ribera's action in increasing his guard and laying in stores of victuals increased the excitement. The *Estamento Militar*, or House of Nobles, held two or three stormy meetings, in which it was resolved to send a deputation to the king to represent the ruin which expulsion would bring upon every class in the kingdom, where eleven millions of ducats were invested in the censos charged on the Morisco communities. The envoys went but, when they reached Madrid, they were told by the king that it was too late, for the edict had been already published in Valencia.[2]

Everything, in fact, had worked with precision. By September 17th the fleet, consisting of sixty-two galleys and fourteen galleons, conveying about eight thousand disciplined troops, had reached their stations at Alicante, Denia and the Alfaques de Tortosa, and had commenced landing the men. Possession was taken of the Sierra de Espadan, while Castilian cavalry guarded the frontiers. When all was in readiness, royal letters to the Jurados, Diputados and Estamento Militar were read and, on the 22d, the edict was published.

The comparative liberality of the terms and the short notice allowed manifest the sense of weakened power. Under irremissible pain of death, within three days after publication in the several towns and villages, all Moriscos were to depart for the port of embarkation designated by a commissioner. They could take such portable property as they could carry on their backs; they would find vessels ready to carry them to Barbary and would be fed on the voyage. During the three days all must remain at home awaiting the orders of the commissioners and, after that, any one absent from his domicile could be robbed by the first comer and carried to a magistrate or be slain if offering resistance. As the king gave to the lords all real and personal property not

[1] Boronat, II, 501, 167.—Bleda, Corónica, p. 988.

[2] Guadalajara y Xavierr, fol. 109.—Fonseca, pp. 148–58.

carried off, any firing of houses or harvests or hiding of portable things would be punished by putting to death all the inhabitants of the place. In order to preserve the houses, the sugar mills, the rice crop and the irrigating canals, six per cent. of the Moriscos were allowed to remain. The same permission was given to those who, for two years, had lived among Christians without attending the meetings of the aljamas, as well as those admitted to communion by their priests. Children under four years of age desiring to stay could do so, with consent of parents or guardians. Children under six, whose fathers were Old Christians, were to stay, together with their Morisco mothers: if the father was a Morisco and the mother an Old Christian, he was to go and children under six were to stay with their mother. Sheltering fugitives was forbidden, under pain of six years of galleys, and all soldiers and Old Christians were strictly forbidden to insult or injure Moriscos by word or deed. As an evidence of good faith, after every instalment had been carried to Barbary, ten were allowed to return and report to their fellows what their treatment had been.[1]

The publication was followed by days of anxious suspense. The people, we are told, rejoiced, for they hated both the Moriscos and the nobles, and there were symptoms of a rising against the latter. The lords grieved over the ruin of their lands and the religious communities over the loss of their enormous investments in censos. The Moriscos at first were inclined to resist and, after vainly offering large sums to the viceroy, they sought to arm themselves by forging ploughshares and reaping-hooks into pikes, which with slings were their only weapons.[2] Then suddenly their purpose changed. They were awed by the large bodies of disciplined troops and by the cavalry on the border. A meeting was held of their alfaquíes and leaders, in which it was agreed that resistance was hopeless and that, in case of defeat, their children would be brought up as Christians, while prophecies were talked of which promised an unexpected blessing. Consequently it was resolved that all should go, including the six per cent. allowed to remain, and that any one who stayed should be regarded as an apostate. This had such an effect that those who had been offering large sums to be included in the six per cent. now refused to stay, although asked to name their own terms. The Duke of

[1] Janer, p. 299.

[2] Fonseca, pp. 165, 198.

Gandía, who had an enormous sugar crop and who could get no other skilled labor to work his mills, vainly offered whatever they might ask. The only condition they would accept was the free exercise of their religion; the Duke applied to the viceroy, but Ribera declared it to be a concession beyond the power of king or pope to grant, for they were baptized.[1]

The nobles, for the most part, loyally accepted the situation and aided in the execution of the decree. The Duke of Gandía who, next to the Duke of Segorbe, had the largest number of vassals, wrote to the king, October 9th, that on September 28th the Marquis of Santa Cruz had embarked for him five thousand of them, whom he desired to be the first, in order to quiet the apprehensions of the rest as to the safety of the voyage. To protect and reassure their vassals, a number of the nobles—the Duke of Gandía, the Marquis of Albaida and others—accompanied them and saw them safely on shipboard, and the Duke of Maqueda even sailed with them to Oran, the point of debarkation.[2] All, however, were not thus self-sacrificing. Bishop Balaguer of Orihuela reported, October 31st, that some were retaining their vassals by threats or by force, and that, unless energetic commissioners were sent, many would be kept.[3]

The Moriscos objected to abandoning their personal effects to their lords and sought to convert what they possessed into money. Gandía and some others permitted this, but many insisted on their rights and, on October 1st, the viceroy issued a proclamation forbidding all sales, but this led to imminent danger of rebellion and was wisely abandoned. The land became a universal fair in which stock, produce and household gear were sold at a fraction of their value, and finally were given away. The Grao or port of Valencia, while the exiles were awaiting fair winds, became a bazaar, in which exquisite Moorish garments, rare embroideries, rich gold and silver laces and the like were bought for a song.[4]

As soon as the first shock was over, of abandoning home and possessions, the prospect of reaching a land, where they could openly

[1] Fonseca, pp. 199 sqq.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.—Bleda, Corónica, p. 1000.

[2] Danvila y Collado, p. 301.—Fonseca, p. 219.

[3] Boronat, II, 240.

[4] Fonseca, pp. 202 sqq., 219.—Janer, p. 203.—Bleda, Corónica, p. 1004.—Boronat, II, 210.

profess their faith and escape paralyzing oppression, stimulated them to intense eagerness to leave Spain. They contended for places in the first embarkation, and the commissioners had no trouble in assembling and leading them to the designated ports. Troops escorted them to protect them from the savage greed of the Old Christians, who gathered in bands, robbing and often murdering those whom they encountered. Royal edicts commanding swift justice were issued, gallows were erected along the roadsides and executions were numerous, but it was impossible to prevent outrages. In spite of this the Moriscos pressed forward to the shores. At Alicante they came with music and song, thanking Allah for the happiness of returning to the land of their fathers, which suggests how simple a solution of the question it would have been to permit the emigration of the discontented. Many, indeed, distrusting the royal faith, preferred to charter ships and pay for transportation, which was encouraged by providing elaborate regulations to ensure, as far as possible, their safe passage and fair treatment. All the Spanish ports were ordered to send their ships to the Valencia coast, even discharging those which were loaded, and all arrivals were pressed into service. Seeing this eagerness, the promise of free passage was broken after the first embarkation, and the royal galleys charged the same fare as the private vessels—seventy-five reales per head for all over sixteen and thirty-five for those younger. In all there were three embarkations, occupying about three months and including, according to lists kept at the ports, over a hundred and fifty thousand souls.[1]

This eagerness to go was, however, not universal. There were many who, not unreasonably, felt little confidence in the royal faith and preferred the chances of resistance. Gathering into bands they sought refuge in two easily defensible positions, one on a peak in the Val del Aguar, where their numbers were reckoned at from fifteen to twenty-five thousand, and the other in the Muela de Cortes, where there were said to be nine thousand. Mexia paid no attention to them, until the business of embarkation

[1] Fonseca, pp. 212–22.—Escolano, II, 1988.—Bleda, Corónica, pp. 999, 1001–3, 1005–7, 1020.—Boronat, II, 234.

A report, apparently drawn up by the Valencia tribunal, puts the number at the more moderate figure of 100,656, viz., at Valencia, 17,766; at Alicante, 32,000; at Denia, 30,000; at Vinaros, 15,200; and at Moncofar, 5,690.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.

was nearly concluded, when they were readily reduced. In the Val del Aguar it was a massacre of the weaponless wretches, rather than a battle; three thousand Moriscos were slain and only one Spaniard, Bautista Crespo, who was killed by his own firelock. The survivors, starved, frozen and dying with thirst, surrendered at discretion, November 28th, and were conducted to the port of embarkation, but many perished of exhaustion on the road and many women and children were stolen by the soldiers and sold as slaves, while of those who embarked but few reached Africa. At the Muela de Cortes they surrendered on promise of safety to life and property, provided they embarked within three days, but the soldiery, disappointed at the loss of expected booty, fell upon them. Only three thousand were brought to the sea-ports, and more than two thousand scattered among the mountains, where for a year or two they gave much trouble. They had elected as king Vicente Turixi, who was tracked to a cave and brought to Valencia, where he was put to a cruel death, December 18th. He died as a good Christian and made a most edifying end, for we are told that he had been a most liberal almsgiver and was devoted to the Virgin and to the religious Orders.[1] This ended the only open resistance to the expulsion throughout Spain.

The unexpected ease of the affair in Valencia, rega ded as the most dangerous district, quickened the preparations for the other kingdoms. Thus far it had been represented as confined exclusively to Valencia, but the rest felt that their turn was to come, and remonstrances were showered upon the government, which met them with equivocating denials and assurances. The mask was gradually thrown off. Towards the end of October the Marquis of San German was sent to Seville to prepare for the expulsion from Murcia, Granada and Andalusia. Murcia succeeded in obtaining a suspension of the decree, which was published for the other provinces on January 12, 1610, after the galleys and troops had been brought from Valencia. It gave the exiles thirty days—subsequently reduced to twenty—after which they were threatened with death and confiscation without trial or sentence. Their lands were confiscated to the king, for the service of God and the public, but they were allowed to sell movable property and carry away the proceeds in merchandise bought of Spanish subjects, but were forbidden to take bills of exchange, jewels, bullion

[1] Fonseca, pp. 234–49.—Bleda, Corónica, pp. 1009–20.—Escolano, II, 1972.

or money, beyond what was needed for transportation. They could take their children with them, provided they went to Christian lands, which led many to charter vessels, ostensibly for France, but in reality for Africa. In spite of the reports of the cruelties perpetrated in Algiers on the Valencia exiles, they are said to have gone with cheerfulness, and many of them sought Morocco. By April, Andalusia was reported clear of Moriscos and that a few remained on the coast of Granada, waiting for vessels. The whole number was estimated at from eighty to a hundred thousand, besides twenty thousand who had voluntarily gone in advance. They were reported to have carried much wealth with them, which is not improbable, as many, especially those of Seville, were rich and prosperous and held positions of honor. A significant incident was the desire of Córdova to retain six per cent. of them and, when this was refused, it petitioned for the retention of two Morisco saddlers, for the encouragement of horsemanship, especially as they were old and childless. Apparently there were no Spaniards capable of making harness.[1]

Yet, at first, there were some exceptions made. It had been represented to the king that there were many descendants of Mudéjares, voluntarily converted prior to the enforced baptism, who were Spaniards in dress, language and religion, including many *beatas* and persons vowed to chastity. Accordingly an order was issued, February 7, 1610, to the bishops to examine all such cases and report to San German those whom they found worthy to be retained. This, however, amounted only to a brief reprieve. Their cases were referred to the Royal Council and those who did not, within the impossibly brief term of thirty or sixty days, obtain favorable decisions were hunted like wild beasts and forcibly carried off.[2]

Expulsion from Castile had been resolved upon by the Council of State, September 15, 1609, but was deferred to await the result in Valencia. In preparation, an attempt was made in October to organize the militia, by enrolling one in five of the able-bodied men—a measure twice attempted in vain by Philip II—but it

[1] Cabrera, Relaciones, pp. 386, 390, 396, 402.—Nueva Recop., Lib. VIII, Tit. ii, ley 25.—Bleda, Corónica, pp. 1038–42.—Janer, pp. 295, 296.—Cf. Bravo, Catálogo de los Obispos de Córdova, p. 582.

[2] Guadalajara, fol. 144.—Aguilar y Caro, Memorial Ostipense, I, 164–66. (Estepa, 1886).

met with resistance which forced its abandonment, for there was no military ardor in Spain, even for local service. Then an enumeration of the Moriscos was ordered which, in conjunction with events in Valencia, aroused much excitement. Appeals to the court were unanswered, while orders to the magistrates intended to quiet alarm only increased it. Many commenced to sell their lands, and this diminution of prospective confiscations was met, towards the end of October, by prohibiting sales, but they were continued under various devices.[1]

On November 3d, the Count of Salazar was appointed to superintend the expulsion from Old and New Castile, La Mancha and Extremadura. From their anxiety to sell their lands he assumed that they mostly would go voluntarily, and he suggested the granting of permission to emigrate. This was adopted, and a royal cédula of December 28th allowed them to leave Spain within thirty days, under the same conditions as those of Andalusia. Such multitudes arranged to pass through Biscay into France that the term was extended for thirty days and, on January 19, 1610, Salazar was sent to Burgos to register them and issue certificates. Under this arrangement 16,713 persons, of 3,972 families were registered up to May 1st, when intimations that further admissions to France would be refused, turned the stream to Cartagena, where 10,642 embarked, nominally for Christian lands, in order to retain their children.[2]

The prohibition to carry money or jewels was naturally evaded as far as possible and, for infractions of it, more than thirty were hanged at Burgos. There were also at hand obliging Portuguese brokers, who undertook the transmission of the forbidden valuables and who were detected and prosecuted. A safer conduit was found through the French ambassador at Madrid, who received very large sums, to be repaid in various French cities. His steward was despatched with the documents, but the Spanish authorities were on the alert; he was arrested at Buitrago and brought back to Madrid, whereupon the ambassador threatened that, if the letters were opened, thereafter no Spanish courier should pass through France without seizure of his papers. After an angry

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[1] Danvila y Collado, p. 292.—Cabrera, Relaciones, pp. 386, 389, 390.—Bleda, Corónica, pp. 1036–7.

[2] Danvila y Collado, p. 310.—Boronat, II, 288–91.—Bleda, Corónica, p. 1051.—Cabrera, Relaciones, pp. 393, 396.

correspondence, the Spaniards yielded, and the steward was allowed to resume his journey.[1]

Aragon and Catalonia were next taken in hand. There had been much disquiet there, which the glozing assurances from the court failed to allay. The Old Christians began to maltreat the Moriscos, who ceased their labors and commenced to sell their movables, while their creditors and holders of censos became alarmed and proceeded to collect their claims with rigor. Envoys were sent to the king from Aragon with an elaborate memorial detailing the enormous damage to result from expulsion, and the impolicy of reducing the diminishing population of Spain. Philip made fruitless efforts to prevent the mission from coming, and when it came it was put off with reassuring generalities.[2]

The edicts for Aragon and Catalonia were the same as that for Valencia, except in two points. The Catalan one retained children under seven years of age, whose parents were going to infidel lands, which led them to make their way through France to Barbary. The other exception, induced by the expense of the Valencia expulsion, the cost of which had been swelled to eight hundred thousand ducats, threw upon the exiles all the charges, not only of the journeys and voyage, but the wages of the superintending officials and half a real per head as export duty on what they carried with them, all of which amounted to twenty-four reales at the Alfaques de Tortosa. The rich were required to pay for the poor, and the commissioners were unmerciful in their exactions, making them pay for the water in the brooks and the shade of the trees in their long summer journeys, besides exacting from them as wages much more than was due.[3]

The edicts were published simultaneously, in Saragossa and Barcelona, on May 29, 1610. No resistance was attempted, but there went up a cry of despair which moved even their persecutors to compassion; they protested that they were Christians and would die as such, even though torn to pieces, but it was too late for

[1] Tapía, Historia de la Civilizacion española, III, 272.—Cabrera, Relaciones, p. 402.—Bofarull y Broca, Historia de Cataluña, VII, 292 (Barcelona, 1878).—Watson's Philip III, Appendix B.

[2] Lanuza, II, 49.—Bleda, Corónica, p. 1045.—Danvila y Collado, p. 311.—Guadalajara y Xavierr, fol. 124–8.

[3] Janer, p. 280.—Boronat, II, 298, 301, 596.—Bledæ Defensio Fidei, pp. 602–6, 612–18.—Watson's Philip III, Appendix B.—Guadalajara y Xavierr, fol. 135–41.

this, and they were led submissively in bands of from one to four thousand souls, without guards, although they suffered severely from the brigandage of the Old Christians. This apathy of despair was most fortunate for Spain, as resistance would have been overcome with difficulty. The troops, debarked at the Alfaques de Tortosa, had not been paid since they left Italy; after vainly clamoring for their money, they disbanded, leaving none but the officers, who were fain to gather together such raw recruits as they could find. From Aragon the number of exiles was estimated at seventy-five thousand and from Catalonia at fifty thousand.[1]

France was inundated by the emigration. Henry IV had anticipated it and, in February, had issued an ordonnance permitting those who would profess the Catholic faith to settle in the lands beyond the Garonne and Dordogne, while shipping should be provided for those desiring to sail for Barbary.[2] Under this the immigration from Castile had been taken care of, but his assassination in May threw everything into confusion, and there was no preparation for the twenty or twenty-five thousand from Aragon, who passed through Navarre, or sought to make their way over the mountains. La Force, after some delay, arranged to admit them in bands of a thousand each, so as not to oppress the population of the sterile district through which they had to pass, and thus they struggled on towards Marseilles and other ports where they hoped to find shipping.[3]

There was one body, of some fourteen thousand souls, that was refused admission to France, after they had reached Canfranc, the last Spanish town on the mountain road over the Pyrenees. They had paid forty thousand ducats for permission to go to France, besides the export duties on what they carried, and the expense of the commissioners in charge of them. Forced to turn back on the long road to the Alfaques, so many of them sickened and died in the summer heat that it was feared that they would bring pestilence to the ships.[4] In short the story of the exodus from Aragon is one of heartless greed and reckless inhumanity.

The dangers which had weighed so heavily on Spanish states-

[1] Bleda, Corónica, pp. 1046–50.—Guadalajara y Xavierr, fol. 142.—Janer, p. 90.—Lanuza, II, 249.

[2] Mémoires de Richelieu, I, 88 (Paris, 1823).

[3] Mémoires de la Force, II, 8–12, 288–311.

[4] Cabrera, Relaciones, pp. 410, 413, 415, 418.

manship were thus removed, but fanaticism and race hatred were not yet satisfied, and it was resolved to root out all traces of the old Moorish population. An edict of July 10, 1610, banished all Moriscos of Granada, Valencia and Aragon, who were settled in the Castilian kingdoms, and this was followed, August 2d, by a similar provision for the kingdoms of Aragon. These edicts exempted those who had lived as good Christians, but this was a point difficult to establish, and the claims under it were multitudinous and embarrassing. To save the trouble of deciding them an end was put to the matter by banishing all who had thus far been exempted, including even the *Moriscos antiguos*, descendants of the old Mudéjares. This was effected by orders of March 22d and May 3, 1611, to the corregidores, stating that it was for the service of God and the kingdom that the matter be perfected, wherefore all who had previously been exempted and all who, after expulsion, had returned, were given two months to leave the kingdom, under the irrevocable penalty of death and confiscation, the only exceptions being priests, nuns and the wives of Old Christians with their children.[1]

This final rooting-out gave infinite trouble. There was often nothing to distinguish these Moriscos from Old Christians, in language, dress or mode of life, and there was no lack of persons to harbor them, whether from compassion or to have the benefit of their services. Commissioners were sent to the different provinces with instructions that no privileges or antiquity should avail them, while the courts were expressly prohibited from interference; it was added, indeed, that those who bore the reputation of Old Christians could appeal to the king, but his representatives soon grew tired of the multitude of perplexing cases thus thrust upon them. The number thus expelled was computed at about six thousand, exclusive of young children, who were given to Old Christians to bring up. The difficulty of effecting this final clearance was increased by the number of exiles who persisted in returning, in spite of an edict of September 12, 1612, which consigned them all to the galleys. The work seemed endless and finally it was confided to the Count of Salazar. In this he labored long and strenuously. At Almagro he found more than eight hundred returned exiles, of whom he consigned some to the galleys, others to the quicksilver mines of Almaden, and the rest he sent

[1] Janer, pp. 344, 345, 350.—Boronat, II, 293–4.—Bleda Corónica, pp. 1051–2; Defensio Fidei, pp. 524–5, 607–12.—Cabrera, Relaciones, p. 415.

abroad at the expense of the magistrates, who had been remiss in detecting and punishing them. His greatest trouble, we are told, lay in deciding the numerous suits of those who claimed that they were not comprised in the edicts and, to cut matters short, on October 26, 1613, he issued, in the name of the king, an edict commanding all Moriscos to leave the kingdom within fifteen days; any person receiving or harboring them was threatened with confiscation and, as he included in this fiefs, castles, vassals and royal grants, it shows that nobles were sheltering them. Finally a reward of ten ducats was offered for information leading to the capture of a Morisco.[1] In this insane determination to purify the land of all trace of Moorish blood, and in the confusion of the process, many Catholics as sincere as their persecutors must have been consigned to infidel lands.

The time came at last for the Moriscos of Murcia and the Val de Ricote to share the fate of their brethren. Influence had been exercised to procure the suspension of the edict of December 9, 1609, and of a subsequent one of October 8, 1611, but, after the work was completed elsewhere, the Duke of Lerma and the royal confessor, Fray Aliaga, sent investigators who of course reported them to be Christians only in name. Lerma insisted, Philip yielded, and a cédula of October 6, 1613, ordered Salazar to enforce the edicts. He was hurried from Madrid, November 20th, with instructions to lose no time and, in January 1614, some fifteen thousand were deported, although many old people and invalids were allowed to remain. Many women married Old Christians in order to obtain exemption, and numerous husbands and wives of honorable birth entered religion, to the great enrichment of the monasteries, for which the bishops and the superiors of the Orders cheerfully granted licence. Early in February, Salazar returned to Madrid with his work accomplished, although some had escaped to Valencia and had returned on being driven out from there. In 1615 Salazar reported that he had sent his assistant Manrique to Murcia to complete the expulsion, but there were still some Moriscos in Tarragona and the Balearic Isles, and he knew of others in Sardinia and the Canaries.[2]

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[1] Cabrera, Relaciones, pp. 434, 437, 440, 522.—Bleda, Corónica, pp. 1044, 1057–8, 1060.—Janer, pp. 351, 355, 356, 357, 360.—Danvila y Collado, pp. 212, 213.

[2] Bleda, Corónica, pp. 1058–60.—Janer, pp. 361–66.—Cabrera, Relaciones, pp. 531, 546.—Danvila y Collado, pp. 314, 317.—Boronat, II, 285–7, 593.

For some years yet the effort was continued to discover and eject those who were concealed among the Old Christians—an effort complicated by the numbers who persisted in returning after experiencing the inhospitable reception accorded to them in Africa. They offered themselves as slaves to those who would receive them, and in this manner many succeeded in remaining. To prevent this, royal orders were repeatedly issued, but they were ineffective, and the Royal Council at length grew tired of reiterating them, so that Bleda, writing in 1618, deplores the fact that he would die without seeing his land purified of this evil seed. Total purification, in fact, was impossible. We are told that, in Valencia, La Mancha, and Granada, there are still communities which in dress, customs and tendencies may be regarded as Moriscos with scarce any trace of Christianity, and Padre Boronat ascribes to this element the growth of modern scepticism and the mingled fanaticism and superstition which afflict certain portions of Spain.[1]

However this may be, in so far as the Inquisition was concerned, the expulsion was a success. In such of its records as I have been able to examine, the *cosas de Moros* virtually disappeared, the exceptions being scarce more than enough to show that vigilance was unrelaxed. For awhile, it is true, there were Morisco slaves to be looked after. A letter of March 14, 1616, from the commissioner at Denia, asks for instructions concerning some baptized Morisco slaves, who had plotted to escape to Barbary, which shows how carefully they were watched.[2] Then the exiles who chanced to be captured in Moorish corsairs, or who were brought to Spain as slaves, or who were in the royal galleys, were subject to prosecution as apostates because they had been baptized, until, in 1629, the Suprema mercifully decreed that they should not be molested unless they gave occasion for scandal.[3] The scattering cases of Mahometanism, which figure in the autos de fe subsequent to the expulsion, are mostly of Christian renegades, captured at sea, or of Moorish slaves taken in the perpetual warfare of the Mediterranean, who were baptized under legislation of 1626, repeated in 1638 and 1712.[4] Occasionally, however, we hear of a Morisco, such as Gerónimo Buenaventura—probably one of the children

[1] Bleda, Corónica, pp. 1021-3.—V. de la Fuente, Hist. eccles. de España, III, 228.—Boronat, I, 197; II, 307.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 372.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 224.

[4] Autos acordados, Lib. VIII, Tit. ii, Autos 4, 6.

detained in 1609 or 1610—condemned to relaxation by the tribunal of Valencia, transferred in 1635 to Valladolid and, in 1638 to Saragossa, to be burnt for pertinacity.[1]

Yet, in spite of the sleepless vigilance of the Inquisition, there were descendants of the Old Moriscos who managed to preserve an organization for the perpetuation of their faith. In 1727 such a one was discovered in Granada, so numerous that it furnished forty-five reconciled in an auto of May 9, 1728, followed by twenty-eight more in that of October 10. They must have been wealthy, for the confiscations proved so profitable that the Inquisition granted to the chief informer and his heirs a perpetual pension of a hundred ducats.[2] Probably one of these Granadans, escaped to Jaen, was the Ana del Castillo, condemned in the Córdova auto of March 4, 1731, as a *herege Mahometana*, to reconciliation, confiscation and irremissible prison.[3] The latest allusions to these persistent Moriscos occurs in a report, in 1769, by the Inquisition to Carlos III, that it had verified the existence, in Cartagena, of a mosque maintained by New Christians.[4] Details are lacking but, if there were prosecutions and convictions, they may safely be assumed to be the last endured by Moriscos. In the complete record of the operations of all the tribunals from 1780 to 1820, there is not a single case of a Morisco and the only Mahometans are renegades.[5]

Contemporary estimates of the number of exiles vary from three hundred thousand to three millions, and the statistics furnished are too fragmentary to admit of accurate computation.[6] In modern times Llorente assumes a total of a million, while Janer estimates at the same figure the total Morisco population, of whom a hundred thousand perished or were enslaved, leaving nine hun-

[1] Archivo de Simancas, Inq., Lib. 552, fol. 22, 23.

[2] E. N. Adler, in Jewish Quarterly Review, XIII, 417.—Archivo de Simancas, Inq., Leg. 1479, fol. 2.

In Mr. Adler's paper, by a printer's error, the auto of Oct. 10th is attributed to Córdova May 15th.

[3] Matute y Luquin, p. 268.

[4] Danvila y Collado, p. 318.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[6] Guadalajara y Xavierr, Expulsion, fol. 163; Historia Pontifical, V, 161.—Escolano, II, 1990.—Navarrete, Conservacion de Monarquías, p. 50.—Dávila, Vida y Hechos del Rey Felipe III, p. 151.—Von der Hammer y Leon, Felipe el Prudente, fol. 33.—Alfonsi Sanctii de Rebus Hispan. Anacephaleosis, p. 390.

dred thousand exiles. Vicente de la Fuente reduces the number to a hundred and twenty thousand, while Danvila y Collado, after a careful comparison of all official statistics,reaches an estimate of something under five hundred thousand souls, which Padre Boronat accepts.[1] This is probably somewhat under the mark. The nearest approach to a contemporary official statement is that of Sebastiano Gigli, the Lucchese envoy, August 12, 1610, placing the number at six hundred thousand. This he doubtless procured at head-quarters, for he adds that the ministers assured him that it was much greater than they had foreseen.[2] Considering how large had been the Mudéjar population and its notorious fecundity, these figures indicate how many had been Christianized and had merged into the general mass. One cannot help concluding that with time and reasonable treatment, there would have been no Morisco question to perplex the statesmen of Spain.

The fate of the exiles parallelled that of the Jews in 1492, and indeed was even worse, for they were banished more precipitately, and were absolutely forbidden to return even as Christians. They were thrust into the new and strange life before them under most unpromising conditions, intensified by the inhumanity of their reception in the homes which they sought. The transit to Africa in the royal ships was doubtless safe enough, but the masters of the vessels chartered by them had no scruple in robbing and murdering them, despite the regulations adopted for their safety. Many who sailed were never accounted for as arriving. It was not that the Spanish authorities were indifferent. Fonseca relates that in Barcelona, on December 12, 1609, he witnessed the execution of the captain and crew of a barque which had sailed with seventy Moriscos. Falling in with a Neapolitan felucca, the united crews conspired to kill the passengers and divide the booty, amounting to three thousand ducats. Under promise of pardon a dissatisfied sailor revealed the crime, when not only were the Spaniards punished but the Viceroy wrote to Naples with details that enabled the authorities there to seize and execute the crew of the felucca.[3]

In France, la Force no doubt did what he could to minimize the sufferings of the outcasts, but their hardships were such as to

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[1] Llorente, Hist. crít., cap. XII, art. 1, n. 20.—Janer, p. 143.—V. de la Fuente III, 229.—Danvila y Collado, pp. 337–40.—Boronat, II, 307.

[2] Pellegrini, Relazioni di Ambasciatori Lucchesi, p. 32 (Lucca, 1903).

[3] Fonseca, pp. 222–6.

call forth energetic remonstrances from Ambassador Salignac and from Ahmed I himself. Cardinal Richelieu tells us that some of the officials commissioned to superintend their passage were guilty of much thievery and even permitted murder, but they were punished with such severity that the outrages ceased.[1] France, however, was only a place of transit. Some who passed through sought refuge in Italy, where their reception was not hospitable. In 1610 and 1611 the Holy See refused to allow those arriving at Civita Vecchia to remain but, in 1612, some seventy, who reached Recanati and asked to be allowed to live as Christians, were permitted to settle at a distance from the coast, broken up into small parties and under close surveillance.[2]

Barbary, however, was the destination of the vast majority of the exiles, whether direct from Spain or by way of France, and their reception by their fellow religionists was terrible. They were landed at Oran, whence they had to make their way to the Moorish states; they had the reputation of bringing money with them and, after the first embarkation had been safely convoyed by paying heavily for a guard, they were plundered and slain without mercy, and their women were taken from them. Even before the year 1609 was out, the Count of Aguilar, Governor-general of Oran, wrote that, through fear of the Arabs, many were remaining and were starving; twenty of their principal men had come to him, professing to be Christians, for they had not known what to believe until they had seen the abominations of the Moors, and now they desired to remain and die as Christians. In his perplexity, Aguilar threw them into prison and applied for instructions. What were given to him we know not, but there is doubtless truth in the statement of the Comendador de Nuestra Señora de las Mercedes of Oran that, what between disease and the atrocities of the Arabs, two-thirds of the exiles had perished. Indeed, the general estimate was that the proportion was at least three-quarters.[3]

These horrors are heightened by the fact that, in the vigorous determination to eradicate every vestige of Islam, and in the cruel haste of the process, many who were really Christians were cast

[1] Ambassade de Salignac, II, 389, 434.—Mémoires de Richelieu, I, 89.

[2] Decret. Sac. Congr. S. Officii, p. 435 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[3] Cabrera, Relaciones, pp. 391, 396.—Archivo de Simancas, Inq. de Valencia, Leg. 205, fol. 2.—Juan Ripol, Diálogo de Consuelo, fol. 20 (Pamplona, 1613)—Bleda, Corónica, p. 1021.—Escolano, II, 1988.

upon the tender mercies of the infidel. Discrimination was difficult and doubt was settled adversely. A typical case is furnished in a petition, November 26, 1609, of Gaspar Galip, a priest and vicar of the general hospital of Valencia, in favor of his two brothers-in-law, Francisco Castillo and Vicente de Alcázar. Galip himself was the son of a Morisco father and Old Christian mother; his sisters were Christians and so were their husbands and children, two in each family, the latter being even ignorant that they had Morisco blood. Yet Ribera was pitiless and both families were deported, doubtless to perish among unbelievers.[1] Escolano tells us that in Tunis some of the Castilians continued to hear mass and to live as Christians, and he prints a letter from a Valencian in Algiers expressing his determination to persevere in the faith.[2] If remorse were possible to those who believed that they were rendering a service to God, it might have been felt by the prime movers of the expulsion when they learned that in Tetuan, exiled Moriscos, firm in the faith, were lapidated or otherwise put to death, because they resolutely refused to enter the mosques.[3] These were true martyrs, and the Church might well have canonized them, in place of beatifying their persecutor Ribera.[4]

Among the arguments advanced in favor of expulsion was that the confiscation of Morisco property would bring permanent relief to the treasury and enable it to discharge the enormous and constantly increasing indebtedness. Undoubtedly the amounts realized from the rapacious seizure of the property of the exiles were large. Already, in October, 1610, the Council of Finance reported that, in Ocana and Madrid, it had mostly been sold, and that two hundred thousand ducats had been paid in.[5] Whatever was the magnitude of the receipts, they were quickly dissipated to the greedy courtiers who profited by Philip's reckless prodigality. Sir Francis Cottingham, the English Ambassador, in letters of March 4th and May 16, 1610, reports that commis-

[1] Boronat, II, 243–5.

[2] Escolano, II, 1992.

[3] Cabrera, Relaciones, p. 404.

[4] Escolano (II, 2001) attributes the slow fever which ended Ribera's life, in January 1611, to the execration aroused by the misery of the kingdom resulting from the expulsion, for which he was held responsible, and to the vexations endured in his unsparing endeavors to root out the remnants.

[5] Janer, p. 343.

sioners had been sent to the provinces to sell the houses and farms of the exiles, but the king did not propose to lighten the burdens of the state, for he was dividing the proceeds among his favorites in advance with scandalous liberality. To Lerma were assigned two hundred and fifty thousand ducats, to his son, the Duke of Uceda, a hundred thousand, to his daughter, the Countess of Lemos, fifty thousand and to her husband a hundred thousand.[1] We need not be surprised, therefore, to find Philip, in 1611, when appealing to the Córtes for relief, enumerating, among the reasons for his poverty, the expulsion of the Moriscos, in which he had postponed the interest of the treasury to the service of God and of the state.[2]

Thus, nine hundred years after the overthrow of the Gothic monarchy, Spain purified her land of the invader by a stroke which Cardinal Richelieu qualified as the boldest and most barbarous in human annals.[3] The yearning for unity of faith was gratified, and the anxiety as to attack from without was allayed. That the price paid was heavy is seen in the premature decrepitude which overtook the monarchy during the rest of the century. The causes of decadence were many, but not least among them must be reckoned the fierce intolerance which led to the expatriation of the most economically valuable classes of the population.

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[1] Watson's Philip III, Appendix B.
[2] Cabrera, Relaciones, p. 458.
[3] Mémoires de Richelieu, I, 86.

CHAPTER III.

PROTESTANTISM.

THE fate of the little band of Spanish Protestants has, not unnaturally, excited the earnest sympathy of modern students. Much has been written about them; their works have been gathered and reprinted with pious care, and the importance of the reformatory movement has been largely exaggerated. There never was the slightest real danger that Protestantism could make such permanent impression on the profound and unreasoning religious convictions of Spain in the sixteenth century, as to cause disturbance in the body politic; and the excitement created in Valladolid and Seville, in 1558 and 1559, was a mere passing episode leaving no trace in popular beliefs. Yet, coming when it did, it exercised an enduring influence on the fortunes of the Inquisition, and on the development of the nation. At the moment, the career of the Holy Office might almost seem to be drawing to a close, for it had nearly succeeded in extirpating Judaism from Spain, while the influx of Portuguese New Christians had not commenced, and its operations against the Moriscos of Valencia were suspended. The panic, skilfully excited at the appearance of Lutheranism, raised it to new life and importance and gave it a claim on the gratitude of the State, which enabled it to dominate the land during the seventeenth century, while its audacious action against Carranza showed that no one was so high-placed as to be beyond its reach. It gained moreover a firmer financial basis than it had previously enjoyed, while, at the same time, Inquisitor-general Valdés was saved from banishment and disgrace. Yet more important even than all this was the dread inspired of heresy, which served as a reason for isolating Spain from the rest of Europe, excluding all foreign ideas, arresting the development of culture and of science, and prolonging medievalism into modern times. This was the true significance of the little Protestant movement and its repression, and it is this which deserves the attention of the student rather than the ghastly dramas of the autos de fe.

Before the Lutheran revolt there was much liberty of thought

and speech allowed throughout Catholic Europe. Neither Erasmus nor popular writers and preachers had scruple in ridiculing and holding up to detestation the superstitions of the people, the vices, the greed and the corruptions of the clergy, and the venality and oppression of the Holy See. The Franciscan, Thomas Murner, who subsequently became the most virulent reviler of Luther, castigated the clergy, both regular and secular, with more vigor if with less skill than Erasmus. Erasmus himself, in his *Enchiridion Militis Christiani*, or Manual of the Christian Soldier, did not hesitate to stigmatise, as a new Judaism, the reliance reposed on external observances, which had supplanted true piety, causing the teachings of Christ to be neglected—and the Enchiridion had been approved by Adrian VI, at that time the head of the University of Louvain.

When, however, it became necessary, in order to cure these universally admitted evils, to strike at the dogmas of scholastic theology, of which these evils were the outcome; when Northern Europe was rising almost unanimously in Luther's support, and when the curia recognized that it had to deal, not with a mere scholastic debate between monks, but with a rapidly developing revolution, the necessity was soon felt of a rigid definition of orthodoxy, while the licence which had been good-naturedly tolerated, so long as it did not threaten the loss of power and wealth, became heresy, to be diligently inquired into and relentlessly punished. Men who esteemed themselves good Catholics, and had no thought of withdrawing from obedience to the Holy See, found themselves accused of heresy and liable to its penalties. Prior to the definitions of the Council of Trent, there was a certain amount of debatable ground, within which no authoritative decision had as yet rendered the speculations of the schoolmen articles of faith. Erasmus, for instance, had not been called to account for asserting that sacramental confession was not of divine law but, as the conflict grew more desperate, and the Church found defence of its outworks to be requisite, it became heretical to question the divine origin of confession, even before the Council had made it *de fide*. We shall then find the chief sufferers from inquisitorial action divided into two classes. Before the middle of the century they largely consist of unconscious heretics—of men who, prior to the condemnation of Luther, would have been reckoned as undoubtedly orthodox. After 1550, with some exceptions, like Carranza, they were those who had knowingly and

consciously embraced more or less of the doctrines of the Reformation. Outside of these another, and by no means the least numerous class, can be defined of those who incurred more or less vehement suspicion of heresy through mere carelessness, in the constantly increasing rigor of external observance. It is doubtless to the first of these classes that we may refer the earliest victim of so-called Lutheranism whom I have found recorded —Gonsalvo the Painter of Monte Alegre in Murcia, a resident in Majorca, relaxed, in 1523, by that tribunal as a Lutheran. It is inconceivable that Lutheran errors could have penetrated at that time to Majorca, or that the inquisitor could have had any clear conception of what they were and, as Gonsalvo is described as a *negativo*, he doubtless considered himself a good Catholic and perished because he would not admit himself to be otherwise.[1]

It was not until 1521 that the curia was aroused to the necessity of preventing the dissemination in Spain of the new doctrines in the writings of Luther. The Nuncio Aleander, writing from Worms, February 18th of that year, mentioned that in Flanders Spanish versions of Luther's books were in press, through the efforts of the Marrani, and that Charles V had given orders to suppress them.[2] Acting promptly on this, Leo X, on March 21st, addressed briefs to the Constable and Admiral of Castile—the governors in Charles's absence—exhorting them to prevent the introduction of such works, and Cardinal Adrian lost no time in ordering, April 7th, the tribunals to seize all the obnoxious volumes that they could find, an order which he repeated May 7, 1523, together with instructions to the corregidors to enforce the surrender of the books to the inquisitors.[3] Very earnest letters were also written, April 12 and 13, 1521, to Charles V, by an assembly of grandees, and by the President and Council of State, urging him to adopt strong measures to prevent the spread of Lutheranism, which had been introduced into Spain and threatened to develop.[4]

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[1] Archivo de Simancas, Inq., Lib. 595.—The next Lutheran relaxation in Majorca did not occur until 1645, and then it was the effigy of the fugitive Jan Anhelant, a Hollander.

[2] Balan, Monumenta Reform. Lutheranæ, p. 79 (Ratisbonæ, 1883).

[3] Llorente, Añales, II, 253.—Archivo de Simancas, Inq., Lib. 940, fol. 1.

[4] Bergenroth, Calendar of Spanish State Papers, Supplement, pp. 376, 384. See also Danvila, Historia de las Comunidades, III, 580–3 (Mem. hist. español, XXXVII).

These may be regarded as measures rather precautionary than called for by existing exigencies. So far as the records of the Inquisition have been searched there is no trace, for some years as yet, of prosecutions for Lutheranism, save the solitary case above referred to. With the return of Charles to Spain, in 1522, the influence of Erasmus seemed to promise a perpetuation of the freedom and even licence of speech, of which he was the protagonist. The emperor was his admirer and he became the fashion among courtiers and churchmen pretending to culture. The Inquisitor-general Manrique openly defended him, and so did the primate, Alfonso Fonseca, Archbishop of Toledo. His immense reputation, the immunity conferred on him by the patronage of successive popes against the vindictiveness of the religious Orders, provoked by his merciless ridicule, and the futility of condemnations by scholastic faculties, seemed a guarantee for those who merely echoed the opinions to which he had given currency so wide. So it continued until, in 1527, a translation of his Enchiridion was issued by Alonso Fernández de Madrid, Archdeacon of Alcor. It was dedicated to Archbishop Manrique, who had it duly examined and authorized its publication; its success was immediate, and it was universally read. From the standpoint of scholastic theology, however, it was too vulnerable not to invite attack from the religious Orders. The pulpits, which they virtually monopolized, resounded with their denunciations until Manrique felt obliged to interfere. Many prominent frailes were summoned before the Suprema and sharply reproved for exciting the people against Erasmus, in defiance of repeated edicts; if they found errors in the book, they should denounce them to the Inquisition. The challenge was promptly accepted and, with the assistance of the English Ambassador, Edward Lee, subsequently Archbishop of York, a list of twenty-one articles was drawn up, ranging from Arianism to irreverence towards the Virgin and the denial of various essentials of sacerdotalism. These were submitted to an assembly of twenty theologians and nine frailes, who disputed for a month over the first two articles; the debate promised to be interminable, and Manrique suspended it, at the same time issuing an absolute prohibition to write against Erasmus. As we have seen, however, he fell into disgrace in 1529 and was relegated to his see of Seville; Charles left Spain the same year, carrying with him some of the most powerful protectors of the Erasmists, and the inquisitors, who were largely

frailes, were eager to detect the heresy latent in the latitude of speech which had become common among those who prided themselves on culture.[1]

A typical case of this kind is that of Diego de Uceda, to which allusion has already been made on other accounts (*supra*, p. 68). He was an hidalgo of Córdova of unblemished Old Christian stock. Although a courtier, he was studious and deeply religious, even entertaining thoughts of entering the Geronimite Order. Greatly admiring Erasmus, the failure of the effort to condemn him by the Inquisition gave assurance that his works were approved, and Diego earned some reproof by constantly quoting his opinions and endeavoring to impress them on others. In February, 1528, he was journeying from Burgos to Córdova and, one evening at Corezo, he fell into discussion with a man named Rodrigo Duran who, with his servant, Juan de Avella, was on his way to Seville to embark for the West Indies. The talk fell upon confession and then upon images, in which Diego quoted the views of Erasmus; then upon miracles, when he expressed disbelief in a story of a Christian slave in Africa who prayed for deliverance to Our Lady of Guadalupe; his master overheard him, placed him in a chest, made his own bed on top and slept there, with the result that next morning the chest was in Guadalupe with the master inside and the Christian on top. Something also was said about Luther, whose name got mixed up with that of Erasmus. Duran, on reaching Toledo, denounced Diego to the tribunal, his serving-man furnishing the necessary *conteste*, and went on his way to the Indies. Diego was tracked to Córdova and was sent back as a prisoner to Toledo, where he vainly protested his orthodoxy and offered submission to the Church, although his frequent allusions to Erasmus probably did his case no good. He proved by witnesses that he habitually confessed four times a year, that he took all indulgences and that he was a man of blameless life and strong religious convictions, but it was all in vain. I have already shown how he was tortured, confessed and then revoked, and how he was condemned to a humiliating penance, July 22, 1529, ruining his career and leaving an indelible stain on a family that had boasted of its limpieza.[2]

[1] In my "Chapters from the Religious History of Spain" there will be found fuller details of this episode drawn, for the most part, from the excellent account given by Menéndez y Pelayo in his *Heterodoxos Españoles*, Vol. II.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 112, n. 74.

The danger impending over Erasmists is still more forcibly illustrated by the case of one who was regarded as perhaps the foremost among them in Spain. No man stood higher for learning and culture than Doctor Juan de Vergara. He had been secretary of Ximenes as Archbishop of Toledo, and subsequently to Fonseca, who succeeded to the primatial dignity in 1524. Ximenes had made him professor of Philosophy at Alcalá, where he translated the Wisdom of Solomon for the Complutensian Polyglot, and the treatises *de Anima*, *de Physica* and *de Metaphysica* for the projected edition of Aristotle. He was an elegant Latin poet, and Menéndez y Pelayo tells us that he was the father of historical criticism. He was regarded with favor by Manrique and was a warm defender of Erasmus in the contest over the Enchiridion.[1] We shall have occasion hereafter to treat of the adventures of the *alumbrada* Francisca Hernández and the men whom she entangled in her toils; among them was Bernardino de Tovar, also an Erasmist, half-brother of Vergara, who incurred her enmity by rescuing him from her clutches. To revenge herself, when on trial in 1530, she accused Vergara of holding all of Luther's doctrines, except as to confession, and of possessing some of Luther's works—the latter accusation being true, but when, in 1530, Manrique ordered the surrender of all such books, Vergara, after some delay, carried them to the tribunal. Another of Francisca's disciples, Fray Francisco Ortiz, when on trial, also accused Vergara of denying the efficacy of indulgences and abusing the University of Paris for condemning the writings of Erasmus, in which, he said, the Church had found no heretical errors. The tribunal collected some other evidence against Vergara and industriously searched for more, even as far as Flanders. In May, 1533, a willing witness was found in Diego Hernández, a buffoon of a priest, whom María Cazalla had employed as confessor until she dismissed him for seducing a nun and asserting that it was no sin. This worthy produced a list of seventy Lutheran heretics, qualified according to their degrees of guilt, among whom Vergara figured as *fino lutherano endiosado* (mystically abstracted). Whatever hesitation there may have been in arresting such a man, however, disappeared when it was found, in April, 1533, that he had been communicating with Tovar in prison, by bribing the officials. The fiscal presented his clamosa, May 17th, accusing

[1] Nic. Anton. Bibl. Nova, s. v.—Heterodoxos españoles, II, 63.

Vergara of being a fautor and defender of heretics, a defamer of the Inquisition and a corrupter of its officials, and his arrest and imprisonment followed on June 24th.

This occasioned general surprise. Archbishop Fonseca was deeply moved and endeavored to obtain his release under bail for fifty thousand ducats, or to have him confined in a house under guard, but the only result of his efforts was to lead the tribunal to shut up the windows of Vergara's cell, converting it into a dungeon and seriously affecting his health. The trial proceeded through the regular stages. He refused the services of an advocate and, on January 29, 1534, he presented his defence, denying nearly all the errors attributed to him and explaining the rest in a Catholic sense. After this a fresh accusation was presented based on his friendship for and correspondence with Erasmus, to whom he had induced Archbishop Fonseca to grant a pension. Fonseca had died, February 24th, so that his evidence was unattainable, but Vergara pronounced the story as to the pension to be false, though had it been true it would have been innocent. Everyone knew that Erasmus had neither income nor benefice, never having been willing to accept either, and that he was supported by the liberality of gentlemen who contributed to him from all parts. Fonseca had only offered him an income if he would come to reside at Alcalá, an offer which Ximenes had previously made. It was true that, when Erasmus dedicated to him his edition of St. Augustin, Fonseca sent him two hundred ducats, scarce enough, in the case of so large a work, to give the printers their customary *pour-boire*. Fonseca felt this, and, when he heard of the death of Archbishop Warham of Canterbury († 1532), who was accustomed to provide liberally for Erasmus, he said that he ought to pay for the printing of the book, whereupon Vergara wrote that he would send something, but it was not done. As for corresponding with Erasmus, popes and kings and the emperor himself were gratified to have letters from him and, in the printed collections of his epistles, were to be found his answers to Vergara, showing that the latter had urged him to write in confutation of Luther.

The day after this defence was presented, there came the most serious evidence as yet offered against him. This was from another distinguished Erasmist, then on trial, Alonso de Virués, who testified that, four years before, in a discussion whether the sacrament worked *ex opere operato*, Vergara ridiculed it as a fantastic opinion,

and further, that he did not hold as he should, certain pious and Catholic doctrines. It is true that the Council of Trent had not yet pronounced, as it did in 1547 (Sess. VII, De Sacramentis, can. viii) the self-operation of the sacrament to be *de fide*, but the doctrine was coeval with the development of the sacramental theory in the twelfth century and was indispensable in vindication of its validity in polluted hands against the Donatist heresy. To deny it, even in disputation, could not fail to prejudice Vergara's case, which dragged on, in spite of the efforts of his friends, and even of the empress, to expedite it. At length, on December 21, 1535, he was sentenced to appear as a penitent in an auto de fe, to abjure *de vehementi*, to be recluded in a monastery for a year irremissibly, and to pay a fine of fifteen hundred ducats. In three months, however, Manrique charitably transferred him to the cathedral cloister and, on February 27, 1537, his confinement came to an end.[1] He incurred no disabilities; his reputation seems not to have suffered, for he retained his Toledo canonry and, as we have seen, he incurred, in 1547, the displeasure of Archbishop Silicio by opposing the statute of limpieza.

Virués was a similar victim to the revulsion against Erasmus. He was Benedictine Abbot of San Zoilo, a learned orientalist and the favorite preacher of Charles V, who had carried him to Germany. Envy of his favor at court caused his denunciation; isolated passages in his sermons were cited against him, and he was thrown in prison in 1533. His incarceration lasted for four years, in spite of Charles's efforts for his liberation; it was in vain that he pleaded that, some fourteen years before, Erasmus had been regarded as orthodox, and that he adduced the arguments which he had used against Melanchthon in the Diet of Ratisbon. In 1537, he was declared to be suspect of Lutheranism, he was required to abjure and was recluded in a convent for two years, with suspension from preaching for two more. Charles was so much interested in him that, notwithstanding his strenuous objection to papal interference, he procured from Paul III a brief of May 29, 1538, by which the sentence was set aside and Virués was declared capable of any preferment, even episcopal. When

[1] Don Manuel Serrano y Sanz has given a full analysis of this case, from the documents, in the *Revista de Archivos*, Dic. 1901, Enero y Junio, 1902.

Juan de Sarvia, Bishop of Canaries, died in 1542, Virués was appointed his successor and died in 1545.[1]

Contemporary with these cases was that of Pedro de Lerma, a member of one of the leading families of Burgos. He was a canon of the Cathedral and Abbot of Alcalá, renowned as a preacher and a man of the highest consideration. He had spent fifty years in the University of Paris, where the Sorbonne made him dean of its faculty. Happening to read some of the works of Erasmus, he was so impressed that they influenced his sermons. He was denounced to the Inquisition, which imprisoned him and, after a long trial he was required, in 1537, to recant eleven propositions publicly in all the towns where he had preached, confessing that he had taught them at the instigation of the devil to propagate error in the Church. He was so humiliated that he abandoned Spain for Paris, where he was warmly received as dean of the faculty, and where he died in 1541. The people of Burgos, we are told, who had regarded him with the greatest reverence, were so impressed by this that those who had sent their sons abroad to study at once recalled them.[2]

This atmosphere of all-pervading suspicion, and this exaggerated sensitiveness to possible error, exposed everyone to prosecution for the most innocently unguarded remark. Miguel Mezquita, a gentleman of Formiche (Teruel) appeared January 19, 1536, before the Valencia tribunal in obedience to a citation and, under the usual formula of being told to search his conscience, he intuitively recurred to Erasmus and related a talk which he had, some five or six years previous, with a Dominican, in which he had defended the Enchiridion on the ground that it had been subjected to examination without being condemned. This however proved not to be the cause of his summons, for Pedro Forrer, a priest of Teruel, had denounced him as having said that Luther preached the gospel and was therefore called an evangelist, while the followers of the pope were called papists, and that Luther was right in maintaining that Scripture did not say that Christ gave power to St. Peter, but to all the apostles. Mezquita explained that he had been several times to Italy and had been sent to

[1] Menéndez y Pelayo, II, 94.—Llorente, Hist. crít., cap. XIV, art. ii, n. 4–12. Virués must have taken possession of his see, for he is said to have died at Telde, a village near Las Palmas, the capital of the Grand Canary.—Murga, Constituciones Sinodales del Obispado de la Gran Canaria, fol. 320 (Madrid, 1634).

[2] Mémoires de Francisco de Enzinas, Ed. Campan, II, 158–70 (Bruxelles, 1862).

Flanders; the priest had asked him what was said about Luther, and he had merely gratified his curiosity by repeating what he had heard abroad in common talk. He earnestly implored to be released, for he had eight children, four of them studying in Salamanca and, when suddenly carried off from home, he had left but six sueldos in his house. Fortunately for him, the inquisitors were not unreasonable and, on January 29th, he was allowed to return to his family, but the case remained on the records to be brought up against him should any malevolent neighbor see fit to distort some careless utterance.[1]

Mysticism and illuminism, which, about this time, commenced their development in Spain, furnished another source of accusations of Lutheranism, due to their common tendency to cast aside the observances of sacerdotalism and to bring the sinner into direct relations with God, but this field of inquisitorial activity demands separate consideration. Meanwhile the above cases will probably suffice to indicate the way in which Catholics, who had no thought of wandering from the faith, fell under suspicion of partaking in the new heresies and were consequently subjected to persecution more or less distressing. It would scarce be worth while to follow in detail the long succession of those who had similar experience. The case of Carranza has already been discussed. Fray Juan de Regla, confessor of Charles V at San Yuste, and one of the witnesses against Carranza, was imprisoned by the Saragossa tribunal and was required to abjure eighteen propositions. Fray Francisco de Villalba, who preached the funeral sermon of Charles V, was denounced for Lutheranism and was saved only by the protection of Philip II. Miguel de Medina, one of the theologians of the Council of Trent, was so orthodox that, in his *Disputatio de Indulgentiis*, he ascribes to indulgences a virtue so great that without them Christianity would be a failure, yet this did not prevent his prosecution for defending certain propositions thought to savor of Lutheranism and, after four years' detention, he died in prison with his trial unfinished.[2]

All these were cases of good Catholics, whose prosecution is

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[2] Llorente, Hist. crít. cap. xviii, art. ii, n. 8; cap. xxix, art. ii, n. 8, 9, 10.—Mig. Medinæ Disput. de Indulg., cap. xlviii.

We find Miguel de Medina, in 1570, acting as consultor in the trial at Toledo of Dr. Sigismondo Arquer for Lutheranism.—Schäfer, Beiträge zur Geschichte des spanischen Protestantismus, II, 228 (Gütersloh, 1902).

attributable to a hyperæsthesia of orthodoxy. As regards the real Protestantism, there was necessarily a double duty, one with respect to its literature and the other to its professors. The former will be discussed in the next chapter and it suffices here to point out that although there was as yet no organized censorship of the press, the possession or reading of any of Luther's books was forbidden, under pain of excommunication, in 1520, by Leo X, in the bull *Exsurge Domine*, and this was extended to the works of all his followers in the recension of the bull *in Cœna Domini* by Adrian VI.[1] We have seen the flurry produced, in 1521, by the dread of the introduction of this literature into Spain, and it would appear that there was a demand for it, or that the German heretics were endeavoring to create one for, in 1524, we hear that a ship from Holland for Valencia, captured by the French and recaptured, was brought into San Sebastian, when two casks of Lutheran books were found in her cargo, which were publicly burnt. Some eight months later, three Venetian galeasses brought large quantities of similar books to a port in Granada, where the corregidor seized and burnt them and imprisoned the captains and crews.[2] As yet, however, there seems to have been no definite penalty, save the papal censures, for possessing this forbidden literature. We have seen Juan de Vergara simply surrendering what he had; in 1527 we chance to find a commission, issued by the Suprema, to absolve a fraile from the excommunication thus incurred and, in 1528, a similar one for the benefit of the Licenciado Fray Diego de Astudillo.[3]

As regards heretics in person, the relations of Spain with the Netherlands and Germany, at this period, were too intimate for it to escape their intrusion. The earliest case I have met occurred in 1524, when a German named Blay Esteve was condemned by the tribunal of Valencia.[4] Again the same tribunal, in 1528, tried Cornelis, a painter of Ghent, for saying that Luther was not a heretic and for denying the existence of purgatory, the utility of masses, confession etc. He had not the spirit of martyrdom but pleaded intoxication and that he had abandoned in Spain the errors which he had entertained in Flanders; he was sentenced to reconciliation and perpetual prison and, in the papers of the

[1] Bullar. Roman. I, 613.—Reusch, Der Index der verbotenen Bücher, I, 72.
[2] Menéndez y Pelayo, II, 315–16.
[3] Archivo de Simancas, Inq., Lib. 76, fol. 27; Lib. 940, fol. 2.
[4] Boronat, I, 174.

trial, there is an allusion to the prosecution of Jacob Torres, apparently another Lutheran. Valencia, in 1529, had another case in the person of Melchor de Württemberg, who came there by way of Naples. He preached in the streets, saying that he had searched the world in vain for a true follower of Christ, and he predicted that in three years the world would be drowned in blood. He was probably an Anabaptist and, when on trial, he admitted that he had visited Martin Luther to learn whether the Lutheran sect possessed the truth. The tribunal referred the case to the Suprema, which replied that, if he held any Lutheran errors, justice should be done; if not, the case was trifling and a hundred lashes would suffice. The papers are imperfect and we can only gather that he denied Lutheranism and escaped with the scourging.[1]

Cases of this kind were doubtless occurring in the various tribunals, but it was some time as yet before systematic action was taken by the Inquisition. Clement VII addressed a brief, May 8, 1526, to the Observantine Franciscans, empowering them to receive all Lutherans desiring to return to the Church, who were to be reincorporated on accepting salutary penance, and to be absolved and relieved from all the penalties decreed by Leo X and by others.[2] This was evidently designed for temporary effect in Germany and, although sent to Spain, it was too subversive of the exclusive jurisdiction of the Inquisition to be observed there. The earliest action of the Suprema to protect Spain from the dissemination of the new heresies would seem to be a letter, in 1527, to the provisor of Lugo and to the Dominican provincial and Franciscan guardian there, about the heretics arriving at the Galician ports, and ordering them to enquire after Lutheran books, which they were required to seize.[3] Coruña was one of the chief ports of commerce with the northern seas, thus calling for special watchfulness, and, though a tribunal had recently been provided for Galicia, apparently on this account, it seems not to have been in working order. Still the heretics continued to come, and the Suprema issued, April 27, 1531, a *carta acordada* instructing the tribunals to publish special Edicts of Faith requiring the denunciation of persons suspected of holding Lutheran opinions.[4] Appar-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 30, n. 10; Leg. 31.
[2] Bulario de la Orden de Santiago, Lib. 1 de copias, fol. 97.
[3] Archivo de Simancas, Inq., Lib. 940, fol. 2.
[4] Ibidem, Lib. 76, fol. 401.

ently the time had arrived when some definite position with regard to the growing danger had to be taken; there seems to have been doubt felt as to the authority of the Inquisition to deal with it, and as to the policy to be observed towards these heretics, for a brief was procured, July 15th of the same year, from Clement VII empowering Manrique and his deputies to proceed against the followers of Martin Luther, their fautors and defenders, and a clause to this effect continued subsequently to be included in the commissions of the inquisitor-general. The brief moreover extended Manrique's personal jurisdiction, for this heresy, over archbishops and bishops, although these were not to be arrested and imprisoned; impenitents were to be relaxed, in accordance with the canons, while those who sought reconciliation were to be admitted, with due punishment, and could even be dispensed for irregularity and be relieved of all disabilities and note of infamy.[1] There was evidently as yet a disposition to treat these new heretics with special tenderness.

For some time as yet the labors of the Inquisition, in the suppression of Lutheranism, were confined to foreigners, the most conspicuous of whom was Hugo de Celso, a learned Burgundian doctor of both laws and author of a serviceable *Reportorio de las Leyes*, which saw the light at Valladolid in 1538 and again at Alcalá in 1540. In 1532 he seems to have been prosecuted without conviction at Toledo, but fell again under suspicion and was finally burnt in 1551.[2] It is true that Queen Mary of Hungary, sister of Charles V, did not escape suspicion,[3] but the earliest undoubted heretic recorded of Spanish blood would seem to be Francisco de San Roman of Burgos. Engaged, while still a young man, in business in the Netherlands, his affairs took him to Bremen, where he was converted and became so ardent a proselyte that, after various adventures, he undertook to convert Charles V at Ratisbon. Persisting in the attempt, he was sent in chains to Spain and, as he refused to recant, there was nothing to do with him save to give him the fiery death that he courted—the first of the few Spanish martyrs to Protestantism. Carranza attended him at the stake and urged him to submit to the Church, but the ferocious crowd pierced him with their swords—a not

[1] Bulario de la Orden de Santiago, Lib. I de copias, fol. 98.—See Appendix.

[2] Catálogo de las causas seguidas en el Tribunal de Toledo, p. 113 (Madrid, 1903).

[3] Laemmer, Monumenta Vaticana Sæc. XVI, p. 244 (Friborgi, 1861).

infrequent occurrence at the autos de fe. We have no dates, but an allusion to Charles's expedition to Tunis would seem to place his career about 1540.[1]

Nearly at the same time there appeared another, who was classed as a Lutheran, although he seems to have worked out his heresies independently. All that we know of Rodrigo de Valero rests on the unreliable testimony of González de Montes, who describes him as a wealthy youth of Lebrija, near Seville, suddenly converted from the vanities of the world to an assiduous study of Scripture and the conviction that he was a new apostle of Christ. His special heresies are not recorded, but they led to his trial by the Seville tribunal, which confiscated his property and discharged him as insane. He continued his apostolate and, on a second trial, he was condemned to perpetual prison and sanbenito. Here, in the obligatory Sunday attendance at mass, he contradicted the priest until, to silence him, he was recluded in a convent at San Lucar de Barrameda, where he lay until his death.[2]

Valero was not without importance, for he was the perverter of Juan Gil, or Doctor Egidio, the founder of the little Protestant community of Seville which came, as we shall see, to an untimely end. Egidio was magistral canon of the cathedral and a man of the highest consideration for learning and eloquence; indeed, he was nominated by Charles V to the see of Tortosa, which was vacant from 1548 to 1553. On his post-mortem trial, in 1559, evidence showed that, as early as 1542, he had preached to the nuns of Santa Clara on the uselessness of external works, denying the suffrages of the saints, and stigmatizing image-worship as idolatry.[3] A letter of Charles to Valdés, from Brussels, January 25, 1550, shows that Egidio was then on trial in Seville; Charles ordered Valdés to investigate the case personally in Seville and

[1] Mémoires de Francisco de Enzinas, II, 172–216.—Schäfer, III, 9, 738.

Francisco de Enzinas, or Dryander, does not come within our horizon, as he left Spain before he became a Protestant and, as he never returned, the Spanish Inquisition had nothing to do with him. His curious Latin memoirs, with a contemporary French translation, have been published by the Société de l'Histoire de Belgique (Bruxelles, 1862–3). A German version, by Hedwig Böhmer, appeared at Bonn, in 1893. Eduard Böhmer, with his customary exhaustiveness, has collected everything that can be gleaned about him, in his *Bibliotheca Wiffeniana*, I, 133 sqq.

[2] Reginaldi Gonsalvii Montani S. Inquisit. hispan. Artes aliquot detectæ, pp. 159–64 (Heidelbergæ, 1567).

[3] Schäfer, II, 378 sqq.

consult him before concluding it, all of which must be done speedily for that church (Tortosa) must be provided with a prelate.[1]

Charles's solicitude shows that the matter was regarded as important. Egidio, in fact, was the centre of a little band of Lutherans whom the Inquisition was eagerly tracking. The Suprema wrote, July 30, 1550, to Valdés at Seville, urging him to expedite the case, and adding that it had written to Charles about the arrest of those in Paris and Flanders implicated with Dr. Egidio, and about Dr. Zapata who had delivered Lutheran books to Antonio de Guzman.[2] Yet when Egidio's trial ended, August 21, 1552, he was treated with singular moderation. He was obliged publicly to abjure as heretical ten propositions which he admitted to have uttered, subjecting himself to the penalty of relapse for reincidence. Eight more propositions he recanted as false and erroneous, and seven he explained in a Catholic sense—all of these being more or less Lutheran. He was sentenced to a year's confinement in the castle of Triana and never to leave Spain; for a year after release he was not to celebrate mass and for ten years he was suspended from preaching, confessing and partaking in disputations.[3] Death in 1556 saved him from a harsher fate, although, as we shall see, his bones were exhumed and burnt in 1560.

The mildness of the Inquisition shows that thus far there was no alarm to stimulate severity, nor was there any cause for it. We hear a good deal of the missionary efforts of the German or other heretics, but up to this time there is slender trace of such work. The only indication—and that a very dubious one—that I have met of such attempts, is the case of Gabriel de Narbonne, before the Valencia tribunal in 1537. He was a Frenchman, who had learned heresy during four years spent in Germany and Switzerland. As a wandering mendicant in Spain, he spoke freely of his beliefs to all whom he met. When arrested, he confessed fully to all the leading tenets of Lutheranism and begged mercy; after a year's confinement, under threat of torture, he stated that he had been sent by the Swiss heretics to Spain as a missionary; there were three others, one named Beltran, who was

[1] Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 83.—See Appendix.

[2] Ibidem, Inq., Lib. 79, fol. 98.

[3] Schäfer, II, 342–53. The account of Dr. Egidio by Llorente (Hist. crít., cap. XVIII, art. i, n. 8–20), borrowed from González de Montes, is shown by Schäfer to be wholly incorrect.

likewise in Spain, one was destined to Venice and the other to Savoy. He had wandered, he said, on foot for two years through the whole Peninsula, from Catalonia and Navarre to Lisbon, disseminating his heresies wherever he could find a listener, especially among the clergy. Had the tribunal believed his story, he would have been sharply tortured to discover his converts; as it was, he was merely reconciled with irremissible prison, while his nephew, another Gabriel de Narbonne, who spontaneously denounced himself as having been perverted by his uncle, was reconciled with spiritual penance and forbidden to leave the kingdom.[1]

It would seem as though the Holy See were desirous to arouse the Spanish Inquisition to a sense of its inertness in combating these dangerous innovations for, in 1551, Julius III sent to Inquisitor-general Valdés a brief empowering him to punish Lutheranism irrespective of the station of the offender—a wholly superfluous grant, for he already possessed by his commission all requisite faculties, except as regards bishops, and the case of Carranza shows that they were not included in the brief.[2] If the object was to stimulate, it failed, for the cases of Lutheranism continued for some time to be few and mostly of foreigners. The year 1558 may be taken as a turning-point in the history of Spanish Protestantism and up to that time the industrious researches of Dr. Ernst Schäfer, into the records of all the tribunals, have only resulted in finding an aggregate of a hundred and five cases, of which thirty-nine are of natives and sixty-six of foreigners.[3] Of course, in the chaos of archives, no such statistics can be regarded as complete, but, on the other hand, the tribunals were in the habit of classing as "Lutheranism" any deviation, even in a minor degree, from dogma or observance, or any careless speech, such as those of which we have had examples above. As a whole,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 375.

[2] Bulario de la Orden de Santiago, Lib. III, fol. 88.

[3] Schäfer, II, 1–271, 342, 352. The statistics are as follows:—

	Natives.	Foreigners.		Natives.	Foreigners.
Barcelona	—	8	Granada	—	3
Logroño	18	30	Llerena	1	—
Valencia	—	2	Toledo	8	14
Saragossa	5	6	Seville	2	—
Cuenca	5	3			

There are none reported from Córdova, Murcia, Santiago or Majorca prior to 1558.

the figures are significant of the slender impression thus far made on Spanish thought by the intense religious excitement beyond the Pyrenees. A few individuals—mostly those who had been abroad—are all that can be regarded as really infected with the new doctrines. Thus far there had been nothing of organization, of little associations or conventicles, in which those of common faith assembled for worship, for mutual encouragement or for planning measures to disseminate their belief, but something of the kind was beginning to develop in Seville, where the teachings of Rodrigo de Valero and Dr. Egidio gradually spread through a widening circle. After Egidio's death, in 1556, the leading figure was Doctor Constantino Ponce de la Fuente, who was elected by the chapter to the vacant magistral canonry, and who was a man of the highest consideration, having served Charles V in Flanders as confessor and chaplain. Another important personage was Maestro García Arias, known as Doctor Blanco, prior of the Geronimite house of San Isidro, all the brethren of which became converts, as well as some of the inmates of the Geronimite nunnery of Santa Paula. An influential beneficiary of the church of San Vicente named Francisco de Zafra also joined the group which, although largely composed of clerics, secular and regular, contained many laymen. We hear of two rag-pickers, Francisco and Antonio de Cardenas, while there was also a noble of the highest rank, Don Juan Ponce de Leon, of the great house of the Dukes of Arcos. Every class of society was represented in the little band, which numbered altogether over a hundred and twenty, besides Doctor Juan Pérez de Pineda and Julian Hernández, who had sought safety in flight, probably about the time of the arrest of Dr. Egidio.[1]

In 1557, from some cause, suspicion was aroused and the tribunal commenced a secret investigation, which seems to have reached the ears of some of the inculpated, and eleven of the Geronimites of San Isidro sought safety in flight, among whom were two who became noteworthy—Cipriano de Valera and Cassiodoro de Reina.[2] This increased the suspicion and certain writings of Doctor Constantino were subjected to examination; they had

[1] Schäfer, I, 348–66.—Böhmer, Bibliotheca Wiffeniana, Vol. II.

[2] Cipriano de Valera was the author of *Los dos Tratados del Papa y de la Misa*, of which two editions appeared in London, in 1588 and 1599, reprinted by the pious care of Usoz y Rio, in 1851, as Volume VI of his *Reformistas antiguos españoles*. Of this work there have been two English translations, one by John Golburne in 1600, and the other by J. Savage in 1704. Two other tracts by

passed current without animadversion for ten years, but, in 1557, a carta acordada addressed to all the tribunals called attention to them, followed, January 2, 1558, by a list of books to be burnt, to which were added three of his to be seized but not burnt.[1] Finally the tribunal was able to obtain positive evidence against individuals. Juan Pérez, in the refuge of Geneva, had been busy in preparing propagandist works.[2] To convey them into Spain

Valera, *Tratado para confirmar en la Fe Christiana* and *Aviso sobre Jubileos*, are in Vol. VIII of the *Reformistas*. His largest work was a translation of the great *Institutio* of Calvin, reproduced as Vol. XIV of the *Reformistas*.

Cassiodoro de Reina became the head of Protestant churches, Spanish and French, in London, Antwerp and Frankfort. His chief work was the translation of the Bible into Castilian—a version passing under the name of Cipriano de Valera, who issued a revised edition. Printed in modern times by the Bible Society, it has a circulation throughout Spanish-speaking lands vastly greater than the author could have anticipated three hundred years ago.—Böhmer, *op. cit.*, II, 165.

[1] Archivo de Simancas, Inq., Lib. 940, fol. 3; Lib. 79, fol. 146.—The three books condemned were *Exposicio del Psalmo Beatus vir*, Sevilla, 1546, 1551; *Cathecismo cristiano*, Anvers, 1546, Seville, 1547, and *Confesion de un pecador delante de Jesucristo*, impr. sin author por Jullio, 1547. These are all in the Valdés Index of 1559, together with two others of his—*Suma de doctrina cristiana* and *Dialogo de doctrina cristiana*.—Reuch, Die Indices des XVI Jahrhunderts, p. 232.

[2] Juan Pérez was held in much honor by Calvin and, as the little company of refugees increased, he formed them into a congregation of which he was pastor. In 1562 he went to France and took charge of a church at Blois, becoming subsequently chaplain to Renée de France, the widowed Duchess of Ferrara, whose Huguenot tendencies are well known. In 1567 he died in Paris, leaving his little accumulations for the good work of printing books in furtherance of the faith. In 1556 he issued a Castilian New Testament; in 1557, a prose translation of the Psalms, and these were followed by a number of other works.—Böhmer, *op. cit.*, II, 57.

Several of his writings were included by Usoz y Rios in the *Reformistas*, viz.: *Epistola consolatoria*, in Vol. II; *Carta á Felipe* II, in Vol. III; *Breve Tratado de la Doctrina antigua de Dios*, in Vol. VII; *Suplicacion al Rey Don Philipe*, in Vol. XII; *Breve Sumario de Indulgentiis*, in Vol. XVIII.

There was also by him a Catechism—*Sumario breve de la doctrina Christiana*, printed in 1556 by Crespin in Geneva, though with the imprint of Pietro Daniel of Venice, with approbation of the Spanish Inquisition (Böhmer, II, 86). The rigor with which it was suppressed is illustrated in the trial at Toledo, in 1561, of Mossen Juan Fesque, a French priest, simply for possessing a copy, which he had accidentally bought without knowing what it was and had shown to a bookseller for information. He was tortured with great severity, without eliciting anything more and, as there was nothing else against him, he was discharged. In the course of the trial allusion was made to two other persons, Antonio Martel and Jacobo Sobalti, who had been burnt by the tribunal for possessing the Catechism.—MSS. of Library of Univ. of Halle, Yc, 20, Tom. III.

was a perilous task, but it was undertaken by Julian Hernández, who had spent some years in Paris, had then wandered to Scotland and Germany, and had become a deacon in the Walloon church of Frankfort. The story that he reached Seville with two large casks of Pérez's Testament, Psalms and Catechism is probably an exaggeration, but he brought a supply of them, reaching Seville in July, 1557. The books were deposited outside the walls and were smuggled in at night, or were brought in by Don Juan Ponce de Leon in his saddlebags. Julian made a fatal blunder with a letter and a copy of the *Imajen del Antichristo*, addressed to a priest, which he delivered to one of the same name who was a good Catholic. When the latter saw as the frontispiece the pope kneeling to Satan, and read that good works were useless, he hastened with the dangerous matter to the Inquisition which made good use of the clue thus furnished. Don Juan promptly fled to Ecija and Julian to the Sierra Morena, but they were tracked and brought back on October 7th. Other arrests speedily followed and the prisons began to fill.[1] With its customary unwearied patience, the tribunal traced out all the ramifications of the heretical conventicle, arresting one after another as denunciations of accomplices were obtained from prisoners. Dr. Constantino and his friend Dr. Blanco were not seized until August, 1558, and the first auto de fe was not celebrated until September 24, 1559.

Meanwhile, almost simultaneously, a similar association of Protestants had been discovered at Valladolid, then the residence of the court. An Italian gentleman, Don Carlos de Seso, said to be the son of the Bishop of Piacenza, had been converted about 1550, apparently by the writings of Juan de Valdés. He came to Spain, bringing with him heretical books and ardently desiring to spread the reformed faith. He settled first in Logroño, where he made some converts, and then, through the influence of his wife, Isabel de Castilla, of royal blood and highly esteemed, he was appointed corregidor of Toro, about 1554. There he converted the Bachiller Antonio de Herrezuelo and his wife, Leonor de Cisneros, Doña Ana Enríquez, daughter of Elvira, Marchioness of Alcañizes, Juan de Ulloa Pereira, Comendador of San Juan, and others of more or less distinction, while, in Pedrosa, a town lying between Toro and Valladolid, Pedro de Cazalla, the parish priest, also fell under his influence and became a missionary in his turn. Among his converts was his sacristan, Juan Sánchez,

[1] Schäfer, II, 296, 354–7.

whose imprudent zeal greatly alarmed Cazalla; in 1557, Sánchez left Pedroso for Valladolid, where he entered the service of Doña Catalina de Hortega, whom he soon converted, and with her Doña Beatriz de Vivero, a sister of Cazalla. Through them, seven nuns of the Cistercian house of Nuestra Señora de Belen were brought to the new faith, but the greatest conquest, about May, 1557, was made when Beatriz de Vivero and Pedro Cazalla won their brother, Doctor Agustin de Cazalla. No ecclesiastic was of higher repute or greater influence with all classes; he was the favorite preacher of Charles V, who had carried him to Germany in 1543, where possibly his debates with heretics may have unconsciously undermined his faith. Next to him among the converts might be ranked the Dominican Fray Domingo de Rojas, whose reputation for learning and eloquence was of the highest. He had been a fellow student of Pedro de Cazalla; he had accompanied Carranza to Trent, in 1552, where he had encountered heretics, and since then some of his utterances had led his brother Dominicans to entertain suspicions, but, when Beatriz de Vivero first sought to convert him, he was firm and even thought of denouncing her. In the autumn of 1557, however, Augustin Cazalla and Carlos de Seso won him over to heresy and he, in his turn, brought in his brother, Don Pedro Sarmiento and his nephew Don Luis de Rojas, heir to the marquisate of Pozo. As in Seville, the reformers thus included men of the highest consideration, socially and ecclesiastically, as well as those of the lower classes. Still, their numbers were few; the wild estimates of five hundred or six thousand are baseless, for they did not exceed fifty-five or sixty, wholly without organization, being scattered from Logroño to Zamora, though the house of Doña Leonor de Vivero, the widowed mother of the Cazallas, served occasionally as a meeting-place. Of her ten children, four sons, Agustin and Pedro Cazalla, Francisco and Juan de Vivero, and two daughters, Beatriz and Costanza, were involved; the rest seem to have escaped. She herself, after the prosecutions commenced, was only confined to her house; she speedily died and received Christian burial, but her bones were subsequently exhumed and burnt. Notwithstanding this, one of the sons, Gonzalo Pérez de Cazalla, obtained, May 12, 1560, a dispensation from the *cosas arbitrarias*.[1]

It was inevitable that such a propaganda should be discovered, and the only source of surprise is that it should have been carried

[1] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 239.

on for two or three years without betrayal, but this came at last almost simultaneously from several sources. In Zamora, Christóbal de Padilla, steward of the Marchioness of Alcañizes, was unguarded in his talk; towards Easter of 1558 the publication of the Edict of Faith led to two denunciations, on which he was arrested by the bishop and thrown into the public prison. As he was not *incomunicado* he was able to send word to his accomplices and Herrezuelo promptly advised Pedro de Cazalla, with warning that no reliance could be placed on Padilla's reticence. Even more threatening than this was the inconsiderate zeal of Francisco de Vivero and his sister Beatriz, in seeking to convert two friends, Doña Antonia de Branches and Doña Juana de Fonseca. Their confessors refused absolution and Easter communion unless they would obtain full information; this they did and the tribunal was speedily in possession of the names of nearly all the converts, and made arrangements to seize them all. Despite its profound secrecy, Dr. Cazalla chanced to hear it said that there were heretics in Valladolid who had been denounced by Juana de Fonseca. The purport of this was unmistakable and wild confusion reigned among the little band. Desperate plans of escape were projected, but the time was too short. Some sought mercy by surrendering themselves and denouncing their accomplices; others silently awaited arrest. Only three attempted flight. Fray Domingo de Rojas, disguised in secular apparel, hastened to Logroño to Carlos de Seso and the two tried to escape through Navarre; at Pampeluna they secured a pass from the viceroy, but the agents of the Inquisition were in hot pursuit; they were recognized and conducted back under guard of twelve familiars and some mounted officials, which was rather for their protection than to prevent escape for, wherever they passed, crowds assembled with demonstrations of burning them. Fray Domingo was in mortal fear lest his kinsmen should slay him on the road, and it was deemed necessary to enter Valladolid at night to avoid lapidation by the mob. Of all concerned, the only one who succeeded in leaving Spain was Juan Sánchez, who found at Castro de Urdiales a vessel bound for Flanders and he, as we have seen, was caught a year later and shared the fate of his associates.[1]

[1] For these details I am indebted to Dr. Schäfer (*op. cit.*, I, 251–88, 296–307; III, 796–803), whose careful analysis of the trials of Doña María de Guevara, Pedro de Cazalla and Francisco de Vivero has thrown new light upon the brief episode of Protestantism in Valladolid.

Inquisitor-general Valdés, whose disgrace was imminent, promptly took advantage of the situation to save himself. It is easy for us now to recognize the absurdity of the fear that a couple of hundred more or less zealous Protestants, in Seville and Valladolid, could constitute any real danger to the faith so firmly intrenched and so powerfully organized in Spain, but, at the moment, no man could know how far the infection had spread. There was reasonable cause for alarm at the simultaneous discovery, in places so far apart, of heresy numbering among its disciples those of high rank in the world and of distinguished position in the Church. This alarm it was the business of Valdés to intensify, in order to render himself indispensable, and the most exaggerated rumors were industriously spread. Abbot Illescas, who was an eye-witness, treats it as a most terrible conspiracy which, if the discovery had been postponed for two or three months, would have set all Spain aflame, resulting in the gravest misfortune that had ever befallen the land. That hideous stories were circulated is shown by his assertion that matters too horrible to mention were proved; in the Cazalla house nocturnal conventicles were held, abominable and Satanic gatherings, in which Lutheran doctrines were preached.[1] The legend was industriously maintained. The Venetian envoy, Leonardo Donato, referring to the matter, in 1573, says that if it had not been remedied with speedy punishment, every one believes that the evil weed would have grown apace and would have infected all Spain, and this, perhaps, was not one of the least causes that induced Philip II to make peace with France and return home.[2] So Inquisitor Páramo, towards the close of the century, tells us that no one doubts but that a great conflagration would have resulted had it not been for the vigilance of the Holy Office and that, in the nocturnal conventicles held in the Cazalla house, the heretics polluted themselves with horrid wickedness.[3]

That the government should feel keen anxiety at the unknown proportions of the portentous discovery was natural. Charles V was nearing his end in the retirement of Yuste, and Philip was

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[1] Illescas, Historia pontifical, Paulo IV, § IV.

[2] Relazioni Venete, Serie I, T. VI, pp. 411–12.—He adds that heresy might be expected to spread among the peasantry on account of the oppression, tithes and first-fruits exacted by the Church, but that the nobles are vigilant in defence of the faith by reason of the large provision of benefices which they enjoy.

[3] Páramo, *op. cit.*, p. 300.

in Flanders, engrossed in the war with France. His sister, the Infanta Juana, the temporary ruler, was a woman of very moderate capacity and she and her advisers, in view of the religious disquiet in France and Germany, might reasonably view with dread the prospect of civil dissension which in that age was the usual result of dissidence in faith. The outbreak in Seville had not excited much attention, but now this one at the court, involving such personages, portended unknown evils and came just in time to save Valdés from disgrace, as we have seen above (Vol. II, p. 47). On March 23, 1558 the Princess Juana had written to her father that when he had ordered the body of his mother Juana to be transferred to Granada, she had commanded Valdés to accompany it and then to visit his diocese of Seville; he had endeavored to excuse himself at the moment but promised to arrange so as to obey shortly. Then, when urged to do so some days later he raised further difficulties; it made no difference whether the body was buried then or in September; everybody was endeavoring to drive him away; troubles with his chapter required his presence at the court or in Rome; besides, he was occupied with some heresies which had arisen in Seville and in Murcia, and was busy in endeavoring to get a subsidy from the Moriscos of Granada. Evidently he was belittling the Seville heresies, lest they should serve as an excuse for sending him thither and, when Juana referred his letter to the Council of State, it insisted that he could be properly obliged to reside in his diocese.[1]

It can therefore be easily conceived how eagerly he grasped the opportune explosion in Valladolid and how it was magnified so as to produce on the court a vastly greater impression than the more dangerous one in Seville. In a letter of May 12th to Philip, the Suprema briefly announced the discovery; the heretics were so numerous and the time had been so short that it could give no details, but it suggestively insisted on the necessity of the presence of Valdés to urge the matter forward and it hoped that, with the royal favor, action would be taken for the salvation of the delinquents and the example and restraint of others.[2] As we have

[1] Gachard, Retraite et Mort de Charles-quint, II, 354.

[2] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 228.

This letter also asks that one of the Seville Protestants, Diego or Mateo de la Cruz, who had been burnt in effigy and subsequently captured in Flanders, should be promptly transmitted. He had contributed to Julian Hernández thirty ducats towards books to be smuggled by the latter. What was his fate does not appear. Cf. Schäfer, I, 335; II, 358, 407.

seen this produced immediate effect, for Philip, who had written June 5th that he must be relegated to his see, on the 14th countermanded the order. Charles had already been induced to take the same position. As early as April 27th, Juan Vázquez reported to him the arrest of Dr. Cazalla and the alarming outlook, adding that the remedy should be speedy and that the inquisitor-general and Suprema were actively at work.[1] Charles was thoroughly aroused. He had spent his strength and his life in combating heresy; it had baffled his policies and frustrated his ambitions; it had been a thorn in the flesh, rankling and crippling him at every turn. It had fairly worn him out and driven him to abdication, and now its spectre broke in upon the repose for which his wearied soul and exhausted body had longed. He was appalled by the prospect of a renewal of the struggle, in the only land as yet preserved from its influence, and his religious zeal was enkindled with the conviction that only by the enforcement of unity of faith could public order and even the monarchy itself be maintained.

Accordingly, on May 3d, he wrote to Juana asking her most earnestly to order that Valdés should not leave the court, where his presence was so necessary. She must give him and the Suprema all the support requisite to enable them to suppress so great an evil by the rigorous punishment of the guilty. Had he the bodily strength, he would himself come and share the labor. Juana sent for Valdés and showed him the letter, which assured him that he had regained his position, and the work went on of arresting the heretics, reports of which were duly sent to Charles. The more he pondered over the situation, the more excited he grew. On May 25th, in a long letter to Juana, he magnified the danger and the urgency of stern measures. "I do not know," he said, "that in these cases it will suffice to follow the common law that the guilty of a first offence can secure pardon by begging mercy and professing conversion for, when at liberty, they will be free to repeat the offence. . . . The admission to mercy was not provided for cases like these for, in addition to their enormity, from what you write to me, it appears that in another year, if unchecked, they would have dared to preach in public, thus inferring their dangerous designs, for it is clear that they could not do so without organization and armed leaders. It must therefore

[1] Gachard, II, 417, 418; I, 288.

be seen whether they can be prosecuted for sedition and disturbance of the republic, thus incurring the penalty of rebellion without mercy." He goes on to instance his own cruel edicts in the Netherlands, under which the pertinacious were burnt alive and the repentant were beheaded, a policy which he urged Philip to continue and which the latter practised in England, as though he were its natural king, leading to so many and such pitiless executions, even of bishops. "There must" he concluded "be no competencias of jurisdiction over this, for believe me, my daughter, if this evil be not suppressed at the beginning, I cannot promise that there will be a king hereafter to do it. So I entreat you, as earnestly as I can, to do everything possible, for the nature of the case demands it and, that the necessary action be taken in my name, I order Luis Quijada to go to you and to talk to such persons as you may direct."[1]

Not satisfied with this, Charles, on the same day, sent to Philip a copy of this letter and begged him to give orders for the unsparing punishment of the guilty, for the service of God and the preservation of the kingdom were at stake. Philip's marginal note on this was to thank him for what he had done, to ask him to press the matter, and to assure him that the same would be done from Flanders.[2] We shall see that Charles's cruel desire was fulfilled, though it was done ecclesiastically and not by distorting the secular law.

There followed a brisk correspondence between Valladolid and San Yuste, Charles burning with impatience and urging speedy action, and Valdés assuring him that all possible effort was making by the Inquisition in its crippled condition for want of funds. Philip was kept advised and wrote to Juana, from his camp near Dourlens, September 6th, expressing his satisfaction with what had been done; they were not to delay by communicating with him, who was busy with the war, but were to take orders from the emperor to whom he had written, asking him to take charge of the affair.[3]

Valdés was now master of the situation, both in this and the affair of Carranza, which hinged upon it to a large extent. To exploit it to the utmost he addressed, September 9th, to Paul IV

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[1] Gachard, I, 293, 294, 295, 297. [2] Ibidem, I, 301, 302.

[3] Gachard, I, 302, 304, 306, 309; II, 401, 412, 416, 420–4, 435, 441, 443, 448, 456, 461.

a letter in which he gave a brief account of the development of Lutheranism in Valladolid and Seville; he dwelt upon the dangers impending, the labors of the Inquisition and the poverty which crippled its efforts. Adopting the argument of Charles V, he pointed out that this Lutheranism was a kind of sedition or tumult, occurring as it did among persons of importance by birth, religion and wealth, so that there was peril of greater evils if they were treated with the same benignity as the converts from Islam and Judaism, who were mostly of low estate and not to be feared. Lutheranism promised relief from Church burdens, which bore hardly on the people who would welcome liberation, while tribunals might scruple to relax persons of quality who would not patiently endure penance and imprisonment and, from their rank and the influence of their kindred, great evils might arise, both to religion and the peace of the kingdom. A papal brief would be highly desirable, therefore, under which the tribunals, without scruple or fear of irregularity, could and should relax the guilty from whom danger to the republic might be feared, no matter what their dignity in Church or State, giving to the inquisitors full power to employ the rigor required by the situation, even if it went beyond the limits of the law.[1] We have seen (Vol. II p. 426) how successful was this appeal in establishing on a firm basis the finances of the Inquisition, nor was it less so in obtaining the cruel power for which Charles V aspired, and also a faculty which enabled Valdés to destroy Carranza. Allusion has already been made (Vol. II, p. 61; Vol. III, p. 201) to the briefs of January 4 and 7, 1559 by which Paul IV granted a limited jurisdiction over the episcopal order and authorized the relaxation of penitents who begged for mercy, when it was believed that their conversion was not sincere. In both these directions, as was customary with the Inquisition, the limitation was disregarded and the grant of power was freely exercised.[2]

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[1] Archivo de Simancas, Inq., Sala 40, Lib. IV, fol. 230. This letter throws so much light on a turning-point in the history of the Inquisition that I give it in the Appendix, although Schäfer (III, 103) has printed a German translation.

[2] Although called forth rather by the accession of Queen Elizabeth and her assertion of supremacy over the Anglican Church than by the Spanish Protestants, the bull *Cum ex apostolatus*, of February 15, 1559, is worth alluding to as illustrating the spirit of the age. Issued after mature deliberation with the Sacred College, it confirms and renews all the laws, decrees and statutes against heresy, at any time issued, and orders their strict enforcement. As the vicar

Having obtained authority to set aside the law, the Inquisition was prepared to impress the people with a sense of the danger of wandering from the faith. Nothing was spared to enhance the effect of the auto de fe of Trinity Sunday, May 21, 1559, in which the first portion of the Valladolid prisoners were to suffer. It was solemnly proclaimed fifteen days in advance, during which the buildings of the Inquisition were incessantly patrolled, day and night, by a hundred armed men, and guards were stationed at the stagings in the Plaza Mayor, for there were rumors that the prison was to be blown up and that the stagings were to be fired. Along the line of the procession, palings were set in the middle of the street, forming an unobstructed path for three to march abreast, intrusion on which was forbidden under heavy penalties, but this and the numerous guards were powerless to keep it clear. Every house-front along the line and around the plaza had its stagings; people flocked in from thirty and forty leagues around and encamped in the fields; except the familiars, no one was allowed to ride on horseback or to bear arms, under pain of death and confiscation.

The procession was headed by the effigy of Leonor de Vivero, who had died during trial, clad in widow's weeds and bearing a mitre with flames and appropriate inscription, and followed by a coffin containing her remains to be duly burnt. Those who were to be relaxed in person numbered fourteen, of whom one, Gonzalo Baez, was a Portuguese convicted of Judaism. Those admitted to reconciliation, with penance more or less severe, were sixteen in number, including an Englishman variously styled Anthony Graso or Bagor—probably Baker—punished for Protestantism,

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of God on earth and clothed with supreme power, Paul IV decrees in perpetuity that all guilty of heresy or schism or fautorship—clerics from the lowest up to cardinals and laymen up to kings and emperors—shall be subject to these laws against heresy, shall be deprived of their dignities and possessions, which may be seized by any one obedient to the Holy See; shall be held as relapsed, as though they had previously abjured, and shall be handed over to the secular arm for the legal punishment, unless they manifest true repentance with its fruits, in which case, through the benignity and clemency of the Holy See, they may, if it thinks fit, be thrust into some monastery to perform perpetual penance on the bread of sorrow and water of affliction.—Bullar. Roman., I, 840.—Septimi Decretal., Lib. v, Tit. iii, cap. 9.

The Spanish Inquisition kept this bull in its archives (Bulario de la Orden de Santiago, Lib. III, fol. 55) but never seems to have had occasion to use it. As the most solemn utterance of the Holy See it is presumably still in force.

like all the rest, excepting Baez. When the procession reached the plaza, Agustin Cazalla was placed in the highest seat, as the conspicuous chief of the heresy, and next to him his brother, Francisco de Vivero. Melchor Cano at once commenced the sermon, which occupied an hour, and then Valdés and the bishops approached the Princess Juana and Prince Carlos, who were present, and administered to them the oath to protect and aid the Inquisition, to which the multitude responded in a mighty roar, "To the death!" Cazalla, his brother and Alonso Pérez, who were in orders, were duly degraded from the priesthood, the sentences were read, those admitted to reconciliation made the necessary abjurations and those condemned to relaxation were handed over to the secular arm. Mounted on asses, they were carried to the Plaza de la Puerta del Campo, where the requisite stakes had been erected, and there they met their end.[1] With one exception they were not martyrs in any true sense of the word, for all but one had recanted, had professed repentance, had begged for mercy, and had given full information as to their friends and associates. Under the law, with perhaps two or three exceptions, who might be regarded as dogmatizers, they would have been entitled to reconciliation, but the brief of January 4th had placed them at the mercy of the Inquisition and an example was desired.

Of these there were only two or three who merit special consideration. Cazalla, on his trial, had at first equivocated and denied that he had dogmatized, asserting that he had only spoken of these matters to those already converted. As a rule, all the prisoners eagerly denounced their associates; he may have been more reticent at first, for he was sentenced to torture *in caput alienum*, but when stripped he promised to inform against them fully, which he did, including Carranza among those who had misled him as to purgatory.[2] He recanted, professed conversion and eagerly sought reconciliation. The tribunal insisted on regarding him as chief of the conventicle and, on the afternoon preceding the auto, it sent to his cell the prior of the Geronimite convent of Nuestra Señora de Prado, with one of his monks, Fray Antonio

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[1] Bibl. nacional, MSS., D, 153, fol. 95.—The impression produced by this auto is manifested by the number of relations of it. Schäfer prints translations of three (I, 442; III, 1, 15) and refers to five others. There is still another, drawn up apparently about 1570 and by no means accurate, in Bib. nat., S, 151.

[2] Schäfer, I, 328; III, 808.

de la Carrera, to endeavor to extract further information. As officially reported by Fray Antonio, they found him in a dark cell, loaded with chains and with a *pié de amigo* encircling his head. He greeted them warmly but, when informed of their object, protested that he had nothing to add to his confessions without bearing false witness against himself or others. For two hours they labored with him in vain and then told him that he was condemned to die. In the seclusion of his prison he knew nothing of the papal brief; he had fully expected to be admitted to reconciliation, and the announcement came like a thunderstroke—one version of the interview states that he fainted and lay insensible for an hour; another, that he was incredulous, asking whether it could be possible and whether there was no escape. He was told that he might be saved if he would make a more complete confession, but he repeated that he had already told the whole truth. Then he confessed sacramentally and received absolution, after which he spent the time until morning in begging mercy of God and thanking God for sending him this affliction for his salvation; he blessed and praised the Holy Office and all its ministers, saying that it had been founded, not by the hand of man but by that of God; he willingly accepted the sentence, which was just and merited; he did not wish for life and would not accept it for, as he had misused it in the past, so would it be in the future. All this was repeated when the usual confessors were admitted to his cell and, when morning came and the sanbenito was brought, he kissed it, saying that he put it on with more pleasure than any garment he had ever worn. He declared that, when opportunity offered in the auto, he would curse and detest Lutheranism and persuade everyone to do the same, with which purpose he took his place in the procession.[1]

So great was his emotional exaltation that he fulfilled this promise with such exuberance during the auto that he had to be checked. After the sentences were read and those who were to be relaxed were brought down, when he reached the lowest step

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[1] Archivo de Simancas, Inq., Lib. 1034, fol. 221.—Bibl. nacional, MSS., R, 29, fol. 299.

See Schäfer, III, 78, for a German translation of this and I, 325–7, for his defence of its genuineness against those who persist in regarding Cazalla as a martyr.

There is another recension of this report, differing in many details, and ascribed to Fray Pedro de Mendoza. It is contained in the *Miscelanea de Zapata* (Mem. hist. español, XI, 201).

he met his sister, who was condemned to perpetual prison; they embraced, weeping bitterly and, when he was dragged away, she fell senseless. On the way to the brasero he continued to exhort the people and directed his efforts especially to the heroic Herrezuelo, who had stedfastly refused to abandon his faith and was to be burnt alive. We might possibly feel some suspicion of the accuracy of all this, especially as the Inquisition took the unusual step of having an official report of his behavior drawn up and a briefer one attested, June 5th, by Simon de Cabezon and Francisco de Rueda, the notaries who recorded the delivery of the relaxed to the magistrates.[1] We have, however, the independent testimony of an eye-witness, the Abbot Illescas, who tells us that, after the degradation, Cazalla, with mitre on head and halter around his neck, shed tears so copiously and loudly expressed his repentance with such unexampled fervor that all present were satisfied that, through divine mercy, he was saved. He said and did so many things that everyone was moved to commiseration. Most of his comrades in death showed resignation and all retracted publicly, though it was understood that with some this was rather to escape burning alive than with any good purpose.[2]

It was otherwise with Herrezuelo, the only martyr in the group. He avowed his faith and resolutely adhered to it, in spite of all effort to convert him and of the dreadful fate in store for him. On their way to the brasero, Cazalla wasted on him all his eloquence. He was gagged and could not reply, but his stoical endurance showed his unyielding pertinacity. When chained to the stake, a stone thrown at him struck him in the forehead, covering his face with blood but, as we are told, it did him no good. Then he was thrust through the belly by a pious halberdier, but this moved him not and, when the fire was set, he bore his agony without flinching and, to the general surprise, he thus ended diabolically.[3] Illescas, who stood so near that he could watch every expression, reports that he seemed as impassive as flint but, though he uttered no complaint and manifested no regret, yet he died with the strangest sadness in his face, so that it was

[1] Archivo de Simancas, Inq., Lib, XII, fol. 20-9.

[2] Illescas, Historia Pontifical, Paulo IV, § 4.—See also Sepúlveda (De Rebus Gestis Philippi II, Lib. II, n. 24) who seems to have been present.

[3] Bibl. nacional, MSS., D, 153, fol. 95.

dreadful to look upon him as on one who in a brief moment would be in hell with his comrade and master, Luther.[1]

Perhaps the most pitiful case of all was that of his young wife, Leonor de Cisneros. But twenty-three years old, with life opening before her, she had yielded so promptly to the methods of the Inquisition that she escaped with perpetual prison. In the weary years of the *casa de la penitencia*, the burden on her soul grew more and more unendurable and the example of her martyred husband stood before her in stronger light. At last she could bear the secret torture no longer; with clear knowledge of her fate, she confessed her heresy and, in 1567, she was put on trial again. As a relapsed there could be no mercy for her, but recantation might at least preserve her from death by fire, and earnest efforts were made to save her soul. They were unavailing; she declared that the Holy Spirit had enlightened her and that she would die as her husband had died, for Christ. Nothing could overcome her resolution and, on September 28, 1568, she atoned for her weakness of ten years before and was burnt alive as an obstinate impenitent.[2]

The remainder of the Valladolid reformers were reserved for another celebration, October 8th, honored with the presence of Philip II, who obediently took the customary oath, with bared head and ungloved hand. It was, if possible, an occasion of greater solemnity than the previous one. A Flemish official, who was present, estimates the number of spectators at two hundred thousand and, though he must have been hardened to such scenes at home, he cannot repress an expression of sympathy with the sufferers.[3] Besides a Morisco who was relaxed, a Judaizer reconciled and two penitents for other offences, there were twenty-six Protestants. The lesson was the same as in the previous auto, that few had the ardor of martyrdom. Thirteen had made their peace in time to secure reconciliation or penance. Even Juana Sánchez, who had managed to bring with her a pair of scissors and had cut her throat, recanted before death, but her confession was considered imperfect and she was burnt in effigy. Of the twelve relaxed in person, five manifested persistence, but only in two

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[1] Illescas, *loc cit.*

[2] Ibidem, *loc. cit.*—Schäfer, III, 118, 129.

[3] Vandennesse, Journal des Voyages de Philippe II (Gachard, Voyages des Souverains, IV, 74).

cases did this withstand the test of fire. Carlos de Seso was unyielding to the end and, when we are told that he had to be supported by two familiars to enable him to stand when hearing his sentence, we can guess the severity of torture endured by him. Juan Sánchez was likewise pertinacious; when the fire was set it burnt the cord fastening him to the stake; he leaped down and ran in flames; it was thought that he wanted to confess but, when a confessor was brought, he refused to listen to him; one account says that the guards thrust him back into the flames, another, that he looked up and saw Carlos de Seso calmly burning and himself leaped back into the blazing pile. Fray Domingo de Rojas presented a brave front and, after his degradation, addressed the king, asserting his heresies until dragged away and gagged, but when brought to the stake his heart failed him; he declared that he wished to die in the faith of Rome and was garroted. It was the same with Pedro de Cazalla and Pedro de Sotelo, who were gagged as unrepentant, but were converted at the brasero. Those who had merited mercy by prompt confession and denunciation of accomplices were, as a rule, not severely penanced and, in many cases, their punishment was abbreviated.[1] There would appear to have been some especially severe disabilities inflicted on the descendants of Carlos de Seso, extending to the female line, removable only by the Holy See for, in 1630, Urban VIII, at the special request of Philip IV, granted to Caterina de Castilla, granddaughter of Isabel de Castilla, wife of Carlos de Seso, a dispensation to hold honors and dignities, secular and spiritual.[2]

Thus was exterminated the nascent Protestantism of Valladolid. Meanwhile the Seville tribunal had been struggling with the mass of work thrown upon it by the capture of Julian Hernández and Don Juan Ponce de Leon. So numerous were the arrests that the rule had to be broken which forbade the confinement of accomplices together and, as the circle widened, arrests had to be postponed in expectation of an auto de fe that should empty the cells until, on June 6, 1559, the tribunal asked for power to requisition houses to serve as prisons. To hasten the work, early in 1559, Bishop Munebrega of Tarazona, an old inquisitor, was sent to Seville to aid the tribunal, but he was excessively severe,

[1] Schäfer, III, 53, 68. Dr. Schäfer (I, 334 sqq.), with his customary thoroughness, has traced the subsequent disposition of those reconciled.

[2] Decr. Sac. Cong. Sti Officii, p. 161 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. III).

desiring to burn everyone; he soon became involved in bickering and recrimination with the inquisitors Carpio and Gasca, of whom he complained bitterly; votes in discordia were frequent, appeals to the Suprema were constant and the work was delayed.[1] It was not until September 24, 1559, that an auto could be celebrated. If all Old Castile had poured into Valladolid, so all Andalusia manifested its religious zeal by crowding into Seville. Three days in advance the people began to assemble, until the city could hold no more and they were obliged to sleep in the fields. The stagings and scaffoldings were on the most extensive scale and a place was specially provided for the Duchess of Bejar and her friends, who apparently desired the pleasure of seeing her kinsman, Juan Ponce de Leon relaxed.[2] As was so often the case, the solemnities were somewhat marred by an unseemly contest for precedence, between the civil and ecclesiastical authorities, which was renewed at the auto of 1560 and was not settled for several years.[3]

The services of thirty-eight frailes and Jesuits were required to prepare for their doom those who were to be relaxed. The most prominent of the victims was Don Juan Ponce de Leon, who had remained hardened, during his two years of confinement, in the belief that a man of his rank would not be burnt. He was an ardent Protestant; he had founded in his lands a sort of church, where worship was conducted in secret; he had gone to the brasero where, raising his hands to heaven, he had wished to God that he could be burnt there to ashes, with his wife and children, in defence of his faith, and he had said that if he had an income of twenty thousand ducats he would spend it all in evangelizing Spain but, when he learned his fate that night, he professed conversion; on the staging, he busied himself in urging his fellow-convicts to abandon their errors, and he made an exemplary end with tears and repentance. The next most conspicuous sufferer was the Licenciado Juan González, a famous preacher. He was of Moorish descent and, when only twelve years old, had been penanced at Córdova for Moorish errors. Throughout his trial he had steadily refused to incriminate others and, during the night, he answered the padres' exhortations with the psalms of David. On the staging he talked heresy with his two sisters until he was gagged and all three were burnt. The most interesting victim was María de Bohorques, aged 26, natural daughter of Pero

[1] Schäfer, I, 382; II, 361–8.
[2] Ibidem, II, 271.
[3] Archivo de Simancas, Inq., Leg. 787.

García de Xeres, a prominent citizen of Seville. She was a disciple of Cassiodoro de Reina, highly educated and thoroughly conversant with scripture, in both its literal and spiritual senses. When the confessors entered her cell that night, she received them pleasantly and expressed no surprise at their fateful message. It was in vain that relays of frailes sought her conversion—Dominicans following Jesuits and Franciscans succeeding to Carmelites. She met all their arguments with biblical texts, and was the only one of the condemned who defended her faith. Thus she passed the night until summoned to the procession. On the staging Ponce de Leon sought to convert her but she silenced him, saying that it was a time for meditation on the Savior. She treated the frailes who surrounded her as troublesome intermeddlers but, at three o'clock, she yielded to their entreaties, relapsing soon afterwards, however, to her errors, and she was burnt. Another prominent culprit was Hernando de San Juan, master of the *Doctrina Christiana* for children in Seville. He was an obstinate heretic, who resisted all efforts at conversion. After his sentence was read, the inquisitors asked whether he persisted in his errors, when he emphatically answered in the affirmative. Thereupon he was gagged, which he endured as though thanking God that it was given him to suffer for His sake. At length, however, he was persuaded by the frailes to escape burning alive by conversion, but his salvation, we are told, was uncertain as he had been impenitent until then.[1]

Altogether, at this auto, there were relaxed in person eighteen Lutherans, besides the effigy of the fugitive Francisco de Zafra. Two of these were foreigners—Carlos de Brujas, a Fleming and Antonio Baldie a Frenchman, master of the ship Unicornio. Evidently full use was made of the power to execute repentant converts, but whether any persisted to the end and were burnt alive cannot be gathered with certainty from any of the relations. The only guide we have is the general assertion of Illescas that, in this and subsequent autos in Seville, there were forty or fifty Lutherans executed, of whom four or five suffered themselves to be burnt alive.[2] Besides those executed there were eight Luther-

[1] Bibl. nacional, MSS., R, 29, p. 310.

[2] Illescas, Historia Pontifical, Paulo IV, § 4.

To the Spaniards of the period all Protestants were Lutherans but, from the relations of the Seville refugees with Geneva, it may be assumed that these were Calvinists.

ans reconciled, three abjured for vehement suspicion and ten for light suspicion, making forty in all. Two houses were ordered to be torn down and sowed with salt—those of Luis de Abrego and Isabel de Baena—which had been used for meetings. There were also thirty-four culprits for other offences—fourteen Moriscos of whom three were relaxed, one Judaizer reconciled, four bigamists, two blasphemers, twelve for holding fornication not to be a sin, and one false-witness, making a total of seventy-four and giving the crowd ample entertainment.[1]

The work went on with unrelaxing vigor, but it was not until December 22, 1560, that another gaol-delivery could be arranged. Of this auto we have the dry official report, which shows that there were fourteen relaxations in person and three in effigy, the latter being the deceased Doctor Egidio and Doctor Constantino, and the fugitive Juan Pérez de Pineda. There were fifteen reconciled and imprisoned, five abjurations *de vehementi* and three *de levi*, and there was one acquittal, making forty-one in all, but soon afterwards there were sixteen Spaniards and twenty-six foreigners discharged as innocent, showing how reckless and indiscriminating had been the arrests. Whether any of the relaxed persisted to the end and were burnt alive is not recorded, for the only remark accompanying the report is that there were no offensive speeches, because those likely to utter them were duly gagged in advance.[2]

Of these there were two or three deserving special notice. At the head of the list of sufferers stood Julian Hernández, who had left his safe retreat in Frankfort on the desperate errand of evangelizing Spain. He had lain three years in prison and, if González de Montes is to be believed, he bore unshrinkingly repeated torture without betraying his associates and, when carried back to his cell, would inspirit his fellow-prisoners by chanting along the corridors

Vencidos van los frayles,
Vencidos van.
Corridos van los lobos,
Corridos van.

Montes adds that he persisted to the end, when, after the faggots were lighted, a fraile had his gag removed in hopes of his yield-

[1] Archivo de Simancas, Consejo y Secretaria de Hacienda, Leg. 25.—This appears to be the only complete relation of the auto.

[2] Schäfer, II, 290, 295, 311.

ing and, disgusted with his obduracy, cried "Kill him! kill him!" when the guards thrust their weapons into him. It may be hoped that he was spared the final agonies, but there are not wanting indications that, towards the close of his imprisonment, his resolution gave way and that he furnished evidence against his comrades.[1]

The one acquittal was that of Doña Juana de Bohorques, wife of Don Francisco de Vargas and sister of the María de Bohorques who had perished in the previous auto. She died in prison and it was her fame and memory that were absolved. González de Montes says that her death was caused by atrocious torture and the case has, thanks to Llorente, served as a base for one of the severest accusations against the Inquisition. In the absence of the documents the truth of the story cannot be ascertained but, if true, it manifests more readiness to render a righteous judgment at the cost of self-condemnation than we are accustomed to attribute to the Inquisition.[2]

Seville, as the chief commercial centre of Spain, naturally attracted many merchants and mariners, and this auto furnishes an illustration of inquisitorial methods in discouraging commerce. Among the relaxed there were three foreigners—a Frenchman named Bartolomé Fabreo and two Englishmen, William Bruq (Brooks) and Nicolas Bertoun (Burton or Britton). Of the two former we know only their fate, but of the latter we chance to have some details. Burton was a shipmaster or supercargo, who made no secret of the reformed faith in which he had been trained, wherefore he was arrested and all the merchandize in his charge was sequestrated. One of the owners, seeking to recover his property, sent a young man named John Frampton to reclaim it. After months of delay he was told that his papers were insufficient, when he went back to London and returned to Seville with what was needed. More delays ensued and then he was cast into the secret prison on the charge that a suspicious book had been found in his baggage—the book being an English translation of Cato. His trial was protracted, though he made no secret of his belief; he was tortured until he fainted and, when his endurance was exhausted, he consented to adopt Catholicism. Burton was more

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[1] Inquis. Hispan. Artes detectæ, pp. 219–22.—Schäfer, II, 360.

[2] Inquis. Hispan. Artes detectæ, p. 181.—Llorente, Hist. crít., cap. xxi, art. iii, n. 26.

persistent and was burnt. Frampton, after fourteen months of confinement, escaped with reconciliation, confiscation and a year of sanbenito and prison, with orders never to leave Spain. All the goods under Burton's charge were confiscated; Frampton figured his own loss at £760 and the whole confiscations at the auto at the enormous sum of £50,000—doubtless an exaggeration, but the whole affair indicates that the profitable side of persecution was not lost to sight.[1]

The next auto was celebrated April 26, 1562, and comprised forty-nine cases of Lutheranism. There were nine relaxed in person and, as none of them are described as obstinate, it may be assumed that all were garrotted. There was one effigy of the dead and fifteen of fugitives. Of the latter, nine were monks of San Isidro, among whom were Cipriano de Valera and Cassiodoro de Reina. That the native stock of heretics was becoming exhausted is seen in the fact that, of the thirty-three persons figuring in the auto, twenty-one were foreigners, mostly Frenchmen. This was followed by another auto, October 28th of the same year, in which there were thirty-nine cases of Lutheranism, of which nine were relaxations in person and three of fugitives in effigy, none of the culprits being described as impenitent. There were nine reconciliations, seventeen abjurations *de vehementi* and one *de levi*. The number of ecclesiastics is a noteworthy feature of this auto for, besides the Prior of San Isidro, Maestro Garcí Arias Blanco, there were four priests burnt in person and one in effigy, and seven who abjured *de vehementi*. They contributed largely to the fines levied, amounting to 5050 ducats and 50,000 maravedís, besides four confiscations of half the property. It may be remarked, moreover, that the officers and crew of the ship Angel seem to have fallen victims in a body, for three were burnt, six were reconciled and four abjured *de vehementi*.[2] Trading with Spain was becoming more and more perilous.

The little band of Seville Protestants was thus almost rooted out, and the succeeding autos show a constantly preponderating number of foreigners. That of April 19, 1564, only presented

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[1] Strype, Annals of the Reformation in England I, 228–35 (London 1709), from a MS. relation of his sufferings by Frampton. An English translation of Erasmus's Precepts of Cato was published in 1545 and was probably the book found in Frampton's possession. If so, the name of Erasmus was sufficient to compromise him.

[2] Schäfer, II, 312, 319.

six relaxations in person and one in effigy, of which all the former were of Flemings, and two abjurations *de vehementi*, both of foreigners.[1] The next was celebrated May 13, 1565, in which there were six relaxations in effigy for Protestantism, the offenders having fled. Of these only two were Spaniards, one being the last inculpated monk of San Isidro. Of seven reconciliations, all were of foreigners, six being Flemish or Breton sailors. Of five abjurations *de vehementi*, three were of Flemings. There was also a cruel warning against harboring and protecting these foreign heretics, for two Flemings of Puerto Real, for this offence, were visited, one with four hundred lashes and the other with two hundred, besides fines and banishment.[2]

We have thus virtually reached the end of native Spanish Protestantism, but the impression produced by the Valladolid and Seville heretics was still profound. Philip II addressed, November 23, 1563, to the Spanish bishops, a letter enlarging upon the efforts of the Lutherans to spread their doctrines throughout Spain. In these perilous times, he says, the Inquisition must be aided by having everywhere those who will report to it all suspect of Lutheran or other errors. The bishop is to see to this and also that preachers shall confine themselves to setting forth Catholic belief, making no allusions to heresies, even to confute them. Confessors are to be instructed to charge their penitents to denounce to the Inquisition all whom they know to entertain these errors. No one is to be allowed to teach school without a preliminary examination, by both the ecclesiastical and secular authorities, who must be satisfied with his character and habits.[3] It is evident that extraordinary precautions and universal vigilance were deemed necessary to exclude the obnoxious doctrines.

Yet these efforts were rewarded with no new discoveries, for Spanish Protestantism was a mere episode, of no practical moment save as its repression fortified the Inquisition and led to the segregation of Spain from the intellectual and industrial movement of the succeeding centuries. A few sporadic cases may be noted from time to time, but the persecution of Jew and Morisco had trained the nation too thoroughly in enthusiastic fanaticism, and the organization of monarchy and Church was too absolute for

[1] Schäfer, II, 327.

[2] Archivo de Simancas, Inq., Leg. 787.—Schäfer, II, 331.

[3] MSS. of Royal Library of Copenhagen, 214 fol. (Cédulas en favor de la Inquisicion).

there to be any real danger that Protestantism could obtain a foothold. Yet the danger was deemed so pressing that extreme measures were justified to protect the land from the intrusion of foreign ideas. Philip II had lost no time, after his return from Flanders, in issuing the pragmática of November 22, 1559, by which all Spanish youth studying abroad were ordered home within four months, and all Spanish subjects for the future were forbidden to seek foreign lands for study under penalty, for laymen, of confiscation and perpetual exile, and for clerics, of forfeiture of temporalities and loss of citizenship. The only exceptions allowed were the college of Albornoz in Bologna and those of Rome and Naples, for Spaniards residing in Italy and that of Coimbra for the professors there.[1] It would be difficult to exaggerate the unfortunate influence of this in retarding Spanish development, yet it was but the first of a series of measures which, by isolating Spain, crippled its energies in every direction.

The spectre of active proselytism on the part of Protestants abroad was vigorously conjured up to stimulate vigilance and justify repression. Undoubtedly the refugees in the Rhinelands and Switzerland were earnestly desirous of evangelizing their native land, and they labored industriously to this end, but the difficulties in the way were too great and the reports as to their efforts were systematically exaggerated. Carranza, in his defence, dwelt on his exertions in Flanders to check this traffic, but though he was told of barrels full of a forged letter of Philip II and of a papal bull, at the Frankfort fair for shipment to Spain, and of shops in Medina del Campo and Málaga to which heretic books were sent, the net results of his energy show how little substratum of fact there was in all this.[2] The career of Julian Hernández proves that men who took their lives in their hands might occasionally bring in a few books, but his fate was not encouraging. If some times a missionary undertook such work his mission was apt to be brief. Hughes Bernat of Grenoble landed at Lequeitio (Biscay) August 10, 1559, on such an errand. On the road to Guadalupe he fell in with a Minim named Fray Pedro, who pretended inclination to Lutheranism and led Bernat to unbosom himself as to his plans and hopes, resulting in his speedy arrest by the tribunal of Toledo, when he boldly confessed as to himself and

[1] Nueva Recop. Lib. I, Tit. vii, ley 25.

[2] Coleccion de Documentos, V, 530.

was tortured to discover his accomplices. He was sentenced to relaxation in the auto of September 25, 1560, and as he is not described as pertinacious, he probably professed conversion when, for some reason, his sentence was not executed.[1] In the trial of Gilles Tibobil (or Bonneville), at Toledo, in 1564, we hear of Francisco Borgoñon, a French haberdasher who, in his trips from France, brought with him heretic books, but they were for the benefit of a little Huguenot colony in Toledo; the number of such Frenchmen and Flemings in Spain was large and this, rather than projects of evangelization, probably explains the greater part of the smuggling, attempted or performed.[2]

There were constant rumors, however, of propagandism on a larger scale which served to magnify the importance of the Inquisition and to justify interference with commerce. In 1566, Don Francisco de Alava, a Spanish envoy to France, was busy in Montpellier endeavoring to trace the agency by which heretic books were conveyed to Catalonia, where the number of Frenchmen was large,[3] and, in the same year, Margaret of Parma, from the Netherlands, sent to Philip the absurd statement that thirty thousand of Calvin's books had been transmitted through Seville, whereupon the Suprema issued vigorous orders for their seizure.[4] In January, 1572, it announced to all the tribunals that the Princess of Béarn (Jeanne d'Albret) had recently held an assembly of Lutherans, in which it was resolved to send some of their ministers in disguise to Spain as missionaries. The utmost vigilance was enjoined to counteract this effort; all the commissioners were to be warned and prelates be asked to order all priests and preachers to be on the watch.[5] In June, 1578, it sent letters to a number of tribunals, stating that advices from Valladolid showed that the heretics had printed a New Testament in Spanish, with a Venetian

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 108, n. 3.—Schäfer, II, 81.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 113, n. 64, fol. 20.—The little knot of Huguenots in Toledo is treated exhaustively by Dr. Schäfer in the *Zeitschrift für Kirchengeschichte*, October, 1900. He reckons at about forty the number of those alluded to in the trials, which is probably a full estimate for, as usual, they freely denounced all whom they knew or suspected. The tribunal made short work of them in the auto of June 17, 1565, where forty-five eulprits appeared and eleven were relaxed, though what portion of these were Protestants is not stated.

[3] Sehäfer, II, 70.

[4] Archivo de Simaneas, Inq., Lib. 940, fol. 3.

[5] Ibidem, Lib. 82, fol. 16; Lib. 942, fol. 31.

imprint, and were flooding the land with copies, and also that the heretic ministers had correspondents in Spain. Great watchfulness was therefore commanded at all sea-ports and frontier towns, and all persons found in possession of the prohibited volume were to be sent to Madrid for trial. A month later, this scare was renewed on the strength of information from Flanders, but the records of the Toledo tribunal at this period do not indicate that these efforts were rewarded with any captures.[1]

Whatever proselyting zeal Protestantism may have had passed away with the early years of the seventeenth century. The latest work of the kind of which we hear is that, in 1603, the Prince of Anhalt introduced into Seville a number of copies of the Bible of Cipriano de Valera and, when Catherine, Duchess of Bar, sister of Henry IV, heard of this, she ordered six hundred copies printed and sent a Huguenot gentleman, named Hierosme de Taride, to the Duke of la Force at Pau, to learn how to transmit them to Saragossa, when la Force gave him the names of parties there who could be trusted to handle them, but the death of the duchess in 1604 put an end to the project.[2] The Thirty Years' War gave the German Protestants ample occupation at home and, after the Peace of Westphalia, proselytism was out of fashion.

Yet it was a curious episode of the War of Succession that when, in 1706, the Archduke Charles and his English allies seemed for a brief space to be at the point of success, when all the kingdoms of the Crown of Aragon had acknowledged him and he even for a time occupied Madrid, the opportunity was seized to circulate a catechism of Anglican doctrine in Spanish and other books prejudicial to the faith. The energetic measures adopted by the Inquisition to meet this assault show the strength of its apprehension. It ordered the most careful watch to be kept at all ports and frontier towns. Edicts were to be published forbidding these and all other works of evil doctrine introduced by heretics, and inquisitors were told to be energetic in punishing the guilty, enforcing their sentences by censures, interdicts and *cessatio a divinis* when, if these proved futile they were to abandon, in solemn procession, the disobedient cities, even at the risk of their lives.[3] The rising of the Spanish people, in this same year, soon limited the territory occupied by the Allies; we hear nothing more of this

[1] Archivo de Simancas, Inq., Lib. 941, fol. 5.

[2] Eduard Böhmer in *Zeitschrift für Kirchengeschichte*, 1897, pp. 373 sqq.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 123.

attempt at conversion under the shadow of the sword and, taken as a whole, the efforts to evangelize Spain have attracted vastly more attention than their intrinsic importance deserves.

Unsuccessful as were the endeavors to introduce the new doctrines in Spain, there continued to be occasional cases of Spaniards embracing them partially or wholly, of which a few examples may be cited. There was arrested and brought to the Toledo tribunal, December 24, 1562, Hernando Díaz, a cowherd of San Roman, near Talavera. He was a simple-minded creature, who had been at times *melancolico*. In the Sierra Morena there had been much talk among the shepherds of the Lutheran doctrines made known in the Seville autos. While working there he had heard of them, they fixed themselves in his wandering mind and, when the fit was on him, he could not help talking of his *imaginaciones* as he called them, although his wife and daughter and his neighbors, cautioned him against it. At his first audience he freely admitted having denied the power of pope and priest and asserted that salvation came by faith and love of God and charity and love of one's neighbor, and not by the laws of the Church or by indulgences and images and pilgrimages. The inquisitors treated him kindly, exhorting him to cast aside these fancies, which he professed willingness to do but could not control them. Physicians were called in who bled and purged him; be begged for mercy, but could not conquer his beliefs. This went on for a couple of months when he announced his conversion through the teaching of his cell-companion, a priest named Juan Ramírez, who confirmed it, stating that Díaz had talked like a Lutheran until the feast of the conversion of St. Paul, when he had read to him from his breviary the services of the day and had urged his conversion; Díaz had wept and professed his belief in the Church and Ramírez held him to be sincere. Thus far the conduct of the case had been eminently humane and considerate, but when the consulta de fe met, May 17th, two of the consultors voted for relaxation, while the two inquisitors, the Ordinary and two others voted for reconciliation, confiscation and irremissible perpetual prison and sanbenito. At an auto held, September 19th, this sentence was duly pronounced and, when the city of Toledo was assigned to him for a prison, he was thrust into the streets to take his chance of starvation.[1] The case is not without interest as showing that the

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. III.

sentences read at the autos might be as effective as the dreaded missionaries.

A heretic of different calibre was Don Gaspar Centellas of Valencia, a gentleman of birth and culture. During his trial, he evaded the accusation with skill but, when his counsel drew up for him a defence in which he was made to recognize the Roman Church and pope as the Church of God, in which he wished to live and die, he refused to sign it. He renounced all defence and was obdurate to the arguments of the theologians, who were repeatedly summoned to convert him; there was nothing to do but to burn him, which was executed accordingly, September 17, 1564.[1] His brother, Don Miguel Centellas, Comendador of Montesa, was likewise exposed to a prolonged trial, but was acquitted in 1567.[2] Connected with Don Gaspar was Doctor Sigismondo Arquer who, though not a Spaniard, was a Spanish subject, being from Cagliari. His trial at Toledo occupied nine years; he was unrepentant to the last and when, in the auto of June 4, 1571, he was delivered to the secular arm, a curious debate arose. The official entrusted with the execution of the sentences declared that, under the law in other offences, there was no burning alive and he ordered Arquer to be garroted. The pious zeal of the populace could not endure this ill-timed mercy; a riot occurred in which Arquer was pierced with halberds and other weapons; fire was finally set and so, half dead already, he was burnt.[3]

By this time it was rare to find a native Spaniard tried for Protestantism, and women virtually disappear as culprits. Moreover, the cases which are classed in the records as *cosas de Luteranos* are nearly all those in which some trifling aberration or careless speech was qualified by the calificadores as savoring of Lutheranism, so that the statistics unconsciously exaggerate greatly the prevalence of Protestantism. Such cases were mostly treated with leniency, as that of Mosen Monserrat, a beneficed priest of the church of San Salvador, accused in 1567 of Calvinism, to the Valencia tribunal, for saying that extreme unction was not as efficacious as formerly, that it was mortal sin to administer the sacraments in mortal sin, and that the religious Orders were not as strong as they had been. He escaped with having to revoke his utterances in presence of the chapter of San Salvador and with

[1] MSS. of Library of Univ. of Halle, Yc, 20, Tom. XI.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 30.

[3] Schäfer, II, 93.

celebrating nine masses.[1] So, in 1581, Juan de Aragon, a peasant, was tried at Toledo, on a charge of saying that masses for the dead were absurd, for the priest was a sinner who could do nothing with God, and that it sufficed to recommend oneself to God and the saints. He denied the accusation, the consulta de fe voted in discordia and the Suprema merely sentenced him to abjure *de levi*, to hear mass as a penitent and to pay a fine of twelve ducats.[2]

While such trivial matters form the bulk of the cases of so-called Lutheranism there were occasionally more serious ones, such as that of Juan López de Baltuena of Calatayud in 1564, at Saragossa. In his written defence there were sundry heresies, qualified as Lutheran, for which he was condemned to abjure *de vehementi*, to serve in the galleys for life and never to read, write or talk about theology.[3] Nor were there altogether lacking cases, like those of Centellas and Arquer, in which conscientious conviction carried the delinquent to the stake, as that of Pedro Mantilla, a student of Vezerril in Old Castile, who, in 1585, was relaxed at Saragossa as a pertinacious heretic, who was Arian in denying the Trinity and Lutheran in rejecting papal authority.[4]

The last relic of the movement of 1558 was the Catalan, Pedro Galés, reckoned as one of the most learned Spaniards of the age, and highly valued as a correspondent by such scholars as Isaac Casaubon, Cujas and Arias Montano. As early as 1558 he had commenced to reject some of the Catholic dogmas, but he escaped suspicion and enjoyed intimate relations with Archbishop Antonio Agustin, who made him one of the interlocutors in his celebrated *Dialogi de Emendatione Gratiani*—the first assault on the authority of the False Decretals. About 1563 he left Spain for Italy, where he made progress in heresy, leading to his prosecution by the Roman Inquisition and the loss of an eye under torture. Abjuration saved him and, in 1580, he returned to Spain, where Don Juan de Idiaquez sought to secure him as tutor to his son Alonso. In 1582 he passed through Italy to Geneva, where he married and occupied the chair of philosophy until 1586. He rejected some of the Calvinist doctrines and, leaving Geneva, he taught in Nîmes,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 31. That it is mortal sin to administer sacraments in mortal sin is thoroughly orthodox. See Alph. de Ligorio, Theol. Moral., Lib. VI, n. 32. 33.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[3] Archivo de Simancas, Inq., Lib. 716.

[4] Bibl. nacional, MSS., PV, 3, n. 20.

Orange and Castres, holding frequent disputes with Huguenot preachers. Accompanied by his wife and two little daughters, he was on his way to Bordeaux, in August, 1593, when the Leaguers at Marmande arrested him as a Huguenot, with his precious accumulation of MSS. and books in ten bales. He was delivered to the Capitan Pedro Saravía, who had been placed by Philip II at the service of the Marquis of Villars, Governor of Guyenne. He made no secret of his belief and Sarravía was impressed with the extreme importance of the information which the Inquisition could extract from him as to his co-religionists, but the Governor of Marmande refused to convey him across the border and, when Villars was applied to, he obligingly offered to hang or drown the heretic, but shrunk from the responsibility of extraditing him. The distracted wife was imploring the officials to liberate her husband and Sarravía was consumed with anxiety lest she should succeed while he was seeking the intervention of Philip. In this he succeeded; Galés was surrendered to the tribunal of Saragossa, where he freely admitted his faith and stubbornly refused conversion, but his endurance was mercifully spared by sickness and death after his third audience and, as an impenitent, his bones and effigy were burnt in the auto of April 17, 1597.[1]

In all, the cases of so-called Lutheranism, collected by Dr. Schäfer, up to 1600, amount to 1995, of which 1640 are of foreigners and 355 of Spaniards, and he estimates that he has succeeded in finding about two-fifths of the autos de fe of the thirteen tribunals of the mainland.[2] This probably conveys a reasonably accurate impression as to the comparative numbers of the two classes, but it would be a gross error to regard all the Spaniards as real Protestants, for the great majority may be assumed to have been Protestant only in the imagination of the calificadores.

In the seventeenth century scattering cases continue to occur from time to time among Spaniards, but their treatment indicates that there was no longer felt the necessity of making examples. Fray Juan González de Carvajal, a Benedictine who had been expelled from his Order for repeated escapes, embraced Calvinism, which he confessed in France and obtained absolution; again he confessed it judicially in the Roman Inquisition, and yet again in the Toledo tribunal and was reconciled. Then, in 1622, he was

[1] Ed. Böhmer and A. Morel Fatio (Journal des Savants, Juillet—Sept. 1902).—Schäfer, II, 40.

[2] Schäfer, I, 212–27.

tried in Valladolid, where he told all this freely, but with such signs of repentance that the consulta de fe voted only to reconcile him in a public auto, with ten years of galley-service and perpetual prison. While waiting an auto he sought an audience and confessed that he had again relapsed; there was no choice now but to sentence him to degradation and relaxation, but the Suprema mercifully modified this to reading his sentence in the audience-chamber, where his sanbenito was to be removed, perpetual deprivation of his functions as deacon and life-long imprisonment.[1] There was less disposition to mercy, in 1630, in the case of María González, widow of Pedro Merino of Canaca, one of the exceedingly rare instances of a Spanish female Protestant. To the Valladolid tribunal she freely confessed her belief and persisted in it, despite earnest and prolonged efforts to undeceive her. There was no escape from condemning her to relaxation and the Suprema confirmed the sentence, but whether it would have been executed cannot be told for persistent labors were crowned with success; she was finally converted and the sentence was changed to reconciliation.[2] There may have been subsequent cases of Spaniards relaxed for Protestantism, but I have not met with them. In 1678, Thomas Castillanos was kindly sent to an insane hospital by the tribunal of Toledo. In 1718, Pedro Ortiz of Valencia was reconciled with perpetual prison in the Córdova auto of April 24th, and, in that of November 30, 1722, at Seville, Joseph Sánchez of Cádiz appeared as a "Calvinist and Lutheran" and was reconciled with irremissible prison.[3]

The Augustinian Fray Manuel Santos de San Juan, better known as Berrocosa, would, in the sixteenth century, have been burnt as an undoubted Lutheran, although when arrested, in 1756, it was merely as a *regalista* or upholder of the supremacy of the State. His *Ensayo de el Theatro de Roma*, circulated in MS., was an essay to prove this, in a manner highly offensive to the hierarchy, and for this he was relegated for ten years to the strict convent of Risco. During his confinement he wrote tracts to prove that Rome was Babylon, that the existing Church in no way resembled that of the Apostles, that there should be no Order higher than the priesthood, that capital punishment for heresy

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1, 3.

[2] Ibidem, fol. 13, 15.

[3] Proceso contra Angela Pérez, post fol. 22 (MS. *penes me*).—Matute y Luquin, Autos de fe de Córdova, p. 223.—Royal Library of Berlin, Qt. 9548.

was in itself a heresy, and other doctrines which no calificador could help qualifying as the rankest Lutheranism, but Berrocosa was not relaxed, although he found associates to copy these heretical documents and circulate them. When his ten years' confinement ended, in 1767, he was again strictly secluded in a cell, from which, in 1768, he managed to escape, eluding pursuit until, in January, 1770, he was recaptured and delivered to the Toledo tribunal. Here he underwent a second trial, resulting in a sentence of confinement for life in the convent of Sarria (Galicia), where he was to be kept *incomunicado*.[1]

This case illustrates why, during the decadence of the Inquisition, we hear little or nothing of Protestantism among Spaniards, although the spirit of persecution was unabated. Revolt against Ultramontanism was no longer styled Lutheranism but Regalism or Jansenism. With those whose dissidence went beyond discipline to dogma, it took the shape of the fashionable philosophy of the period and became Naturalism or Philosophism, Deism or Atheism, as the case might be. The Inquisition still did its work with more or less rigor, but the arena had shifted.

While thus there had been little tendency to Protestantism among natives, since the inconsiderable outbreaks of 1558, foreigners furnished an ample field of labor. Spain had a reputation for wealth which rendered it attractive to the stranger; its people held in contempt the arts and crafts in which Frenchmen and Flemings and Italians were adepts, and its internal peace seemed to offer a refuge to those whose industries were precarious in the incessant clash of arms through which the old order of things gave way to the new. Consequently every city in Spain had a considerable population of foreigners, intent on earning a livelihood without much thought of spiritual matters. Some trials in the Toledo tribunal, about 1570, allude to French and Flemish printers then under arrest in Toledo, Barcelona, Alcalá, Salamanca, Valladolid and Granada.[2] In 1600, the Count of Benavente, Viceroy of Valencia, estimated the number of Frenchmen there at fourteen or fifteen thousand and added that there were vast numbers in Aragon.[3] While many of these were undoubtedly Calvinists, sedulously concealing their faith, the majority were

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. XI.
[2] Ibidem, T. III.
[3] Janer, Condicion de los Moriscos, p. 277.

Catholics, more or less sincere, but even their orthodoxy was not of a quality to suit the Spanish standard. They had been accustomed to live in contact with heretics; they had no such fanatical horror of heresy as was universal in Spain, and they were apt to be careless in the observances which the Spaniard regarded as indispensable. All foreigners were thus objects of suspicion, and the Catholic was as liable to arrest as the Calvinist. Jacques Zacharie, a dealer in rosaries and images in Burgos, in 1637, chanced to be relating his adventures with the heretics in France who, in examining his baggage, had said "Let him take these wares to Spain and bring us back good money," when one of his hearers expressed surprise that the Most Christian king would let heretics dwell in his land. This led Jacques patriotically to defend them as good baptized Christians, who lived righteously according to their law. He was asked how they could be Christians when they did not go to mass and confess to priests, when, in the heat of discussion, he replied that there was not scriptural command of sacramental confession. For this he was denounced to the Valladolid tribunal; he was arrested and tried and all his property was sequestrated.[1]

It is no wonder therefore that the tribunals were kept busy with these cases and that the records are full of them, especially under the crown of Aragon, owing to the propinquity of south-western France, where Huguenotism was in the ascendant. In Saragossa the relaxations for Lutheranism, from 1546 to 1574, though amounting to only seven, were all of Frenchmen.[2] Barcelona was more active. In an auto of May 16, 1561, there appeared for Lutheranism, eleven Frenchmen, one Piedmontese and one Maltese. In that of July 11, 1563, there were thirty-four Frenchmen, two Italians and two Catalans, of whom eight Frenchmen were relaxed in person and three in effigy. In that of March 5, 1564, there were twenty-eight Frenchmen, two Catalans and one Swiss, of whom eight Frenchmen were relaxed in person and two in effigy.[3] From a report by Dr. Zurita of his visitation in the summer of 1564, we obtain a glimpse of how these autos were fed. At Perpignan, for Lutheranism, five persons were arrested with sequestration, of whom four, and possibly all five, were French. At Castellon de Ampurias, Maestre Macian, a Frenchman, was sent

[1] Archivo de Simancas, Inq., Leg. 552, fol. 22.

[2] Libro Verde de Aragon (Revista de España, CVI, 570–83).

[3] Schäfer, II, 2.

to Barcelona for trial. Jean de Adin, a Frenchman of Aldas, escaped arrest by flight, and the arrest was ordered of Pere Bayrach, a Frenchman of Flasa.[1] When, simultaneously with this, the ambassador Saint-Sulpice complained to Philip II of the cruelty exercised on his fellow-countrymen, who were peaceably plying their industries, without creating scandal, the king coolly replied that the Inquisition acted without regard to persons, but nevertheless he would speak with the inquisitor-general.[2]

The complaint of cruelty was justified. In the rebuke which the Suprema administered to the tribunal of Barcelona, in 1568, as the result of de Soto Salazar's visitation, allusion is made to a case, in 1565, of a Frenchman named Antoine Aymeric, arrested without evidence; his first audience was held at his own request February 23d, the second on July 27th, when, without more ado, he was tortured and sentenced to reconciliation and confiscation. In another case of a Frenchman, Armand Jacobat, he was tortured without confession, but subsequently admitted some Lutheran errors, begged for mercy and desired to be converted, in spite of which he was relaxed and burnt, for which the Suprema held the tribunal to be gravely in fault.[3] What became of those not burnt is seen in a report of December, 1566, to Charles IX, by his ambassador M. de Fourquevaux, that seventy poor Frenchmen, prisoners of the Barcelona tribunal, had been condemned to the galleys and had been delivered, in November, to Don Alvar de Bazan, who had taken the fleet to winter near Cádiz. In February, 1567, he writes that, on complaint to the Duke of Alva, the latter had assured him on his honor that they were all dogmatizing Huguenots; that Frenchmen were never arrested for Protestantism if they had not said or done something scandalous. This was as mendacious as the repeated promises to release the galley-slaves, which were always evaded until Fourquevaux recommended the seizure as a hostage, at Narbonne, of Andrea Doria, the naval commander-in-chief. At last, on December 20th, he reported the sending of royal letters to Doria to release them, but it is fairly questionable whether the order was obeyed. Again, in a list of complaints made by Charles IX to Philip, there was one concerning five of his subjects arrested in Havana and sent to

[1] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 9.
[2] Gachard, Don Carlos et Philippe II, I, 107.
[3] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 20.

Seville for trial, to which Philip replied that he was not accustomed and did not desire to interfere in such affairs, but nevertheless he would have the inquisitor-general requested to order the tribunal to despatch these cases with all speed.[1]

A more pleasing international episode is connected with the case of Robert Fitzwilliam, an Englishman, condemned by the Seville tribunal to ten years of galleys and perpetual prison. He was received on board, February 25, 1578 and, in November 1582, his wife Ellen presented herself in the court of Madrid, with a letter from Queen Elizabeth to Philip II, representing that the poor woman had beseeched her interposition, and that the liberation of the husband would be a favor which she would be glad to reciprocate. Under any other jurisdiction, the granting of such a royal request would have been a matter of course, but the assent of the Holy Office had to be secured. The existing papers fail to inform us of the result, but that it was favorable can scarce be doubted, for the devotion of the faithful wife made a strong impression even on the hardened officials, whose correspondence alludes to her in terms of respect and admiration.[2] More summary was the process when, in 1572, the Barcelona tribunal sent a commissioner into French territory on some duty, and he was seized and held as a hostage for a Frenchman arrested by the tribunal, leading to an exchange of prisoners.[3]

The Val d'Andorra furnished another source of international questions, for the Barcelona tribunal claimed jurisdiction over it, while Jeanne d'Albret, as Queen of Navarre, held that it was her fief. In 1572, she put a French veguer there to administer justice, whereupon the inquisitors commenced to gather information about him, as a presumable Huguenot, and the Suprema ordered them to arrest him if sufficient evidence could be found, but, as the attempt was likely to prove dangerous, it need not be made unless the viceroy would furnish a sufficient guard, which apparently he declined to do.[4]

All foreigners thus were objects of suspicion, and the jurisdiction of the Inquisition was stretched to the utmost to prevent their infecting the faithful. In 1572, the Suprema ordered the

[1] Dépêches de M. de Fourquevaux, I, 154, 163, 179, 197, 216, 218, 224, 234, 252, 291, 299, 310 (Paris, 1896).

[2] Archivo de Simancas, Inq., Leg. 1157, fol. 38.

[3] Ibidem, Lib. 82, fol. 69.

[4] Ibidem, fol. 71.

tribunals of Aragon, Catalonia and Valencia to see that no Frenchmen were employed as teachers of reading and writing anywhere within their districts, experience having shown the dangers thence arising.[1] Intercourse with foreigners was dangerous and was discouraged. In 1568, Inquisitor Moral, in reporting a visit to San Sebastian, expressed a desire to punish those who received and entertained and had particular friendship and dealings with French and English strangers, sometimes even giving them information enabling them to escape arrest, on all of which the Suprema commented by characterizing these as grave cases, which should have been sent to Logroño for trial.[2] The Spaniard, too, who went abroad was an object of suspicion, and was held to strict accountability for his acts during absence. In the Barcelona auto of June 21, 1627, there appeared a merchant of Manresa who, while in France, had listened to Huguenot preaching and had eaten flesh on Friday, for which he was penanced in a thousand ducats and was recluded in a convent for three years.[3]

That, under these influences, coupled with the growing poverty of Spain and the curse of its debased currency, the number of resident foreigners diminished greatly after the opening of the seventeenth century, may be assumed from the reduction in the cases of Protestantism in the records. Those of Toledo, from 1575 to 1610, show a total of forty-seven, of which the last one occurred in 1601, while those from 1648 to 1794 contain only eleven.[4] In Valladolid, the reports of twenty-nine years, between 1622 and 1662, show only eighteen cases.[5] In the Madrid tribunal, from 1703 to 1751, there is only a single case of a "Huguenot."[6] In the sixty-four autos celebrated by all the tribunals between 1721 and 1727, there are only three cases.[7] In Valencia, between 1705 and 1726, there was but a single case—a Calvinist who spontaneously denounced himself.[8] Scattering and imperfect as are these statistics, they suffice to indicate how rapidly the number

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[1] Archivo de Simancas, *loc. cit.*

[2] Ibidem, Lib. 81, fol. 27.

[3] Parets, Sucesos de Cataluña (Mem. hist. español, XX, 20).

[4] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist, nacional, Inq. de Toledo, Leg. 1.

[5] Archivo de Simancas, Inq., Leg. 552.

[6] Ibidem. Lib. 876.

[7] Royal Library of Berlin, Qt. 9548.

[8] Archivo hist. nacional, Inq. de Valencia, Leg. 3, n. 7, p. 476.

of foreign delinquents fell off, after the year 1600, and that this was not the result of progress in enlightenment and toleration we shall see hereafter. It was simply that the Inquisition had succeeded in its efforts to limit intercourse between Spain and its neighbors, and to isolate it from European civilization.

If this was the case in regard to nations presumably Catholic, we can readily conceive how much greater vigilance was exercised towards those which had lapsed into heresy. Commercial intercourse with them was unavoidable, but it was a necessary evil, to be restricted within the narrowest limits by deterrent regulations. For awhile, indeed, the heretic trader took his life and fortune in his hands when he ventured to make a Spanish harbor, as we have seen in the case of the good ship Angel. Even castaways were the legitimate prey of the Inquisition, as was experienced by seventeen English sailors of a fishing-boat, who were captured by a French vessel and were thrown on shore on Fuerte Ventura, one of the Canaries. They were tried and escaped burning by conversion, after which four of them, Richard Newman, Edward Stephens, John Ware, and Edward Stride managed to escape. As this showed them to be impenitent, they were prosecuted *in absentia* for relapse, and their effigies were solemnly burnt in an auto of July 22, 1587.[1] The number of merchant vessels touching at the Canaries, in fact, furnished to the tribunal at one time the major portion of its work. A record of prisoners entered in its secret prison, during six months of 1593, shows thirteen belonging to the German ship San Pedro, seventeen to the Flemish ship La Rosa, and fifteen to the Flemish ship El Leon Colorado, besides a dozen English sailors whose vessel is not specified. These comprise all hands, officers and crews, merchants and passengers, and presumably, if the cargoes were not confiscated, they were effectually looted in the absence of their guardians.[2] That such was the motive, rather than the protection of Spain from the infection of heresy, is inferable from a sentence of the Granada tribunal, in 1574, condemning to reconciliation and life-long galley-service Jean Moreno, a Frenchman, resident in Málaga, because he had warned some Protestant sailors not to enter the port of Almería.[3] When there was prospect

[1] Birch, Catalogue of MSS. of the Inq. of the Canaries, I, 308–26.

[2] Birch, *op. cit.*, I, 225–30, 303.

[3] Schäfer, I, 112; II, 45.

of a fat confiscation, indeed, the Inquisition paid little respect to the justice of the case or to the parties who might suffer. There was a long dispute between Rome and Madrid over two cargoes of alum, which the papal camera was sending to England, when the ships were seized and the cargoes sequestrated by the tribunal of Seville, on the ground that the English crews were heretics.[1]

This barbarous policy necessarily made itself felt in the cost of foreign commodities, especially after the troubles in the Netherlands had cut off or reduced that portion of the carrying trade. Under this pressure, in 1597, an exception was made in favor of the Hansa. Instructions were issued by the Suprema that, when its ships arrived with merchandise, the persons in them were not to be interrogated about their religion, nor on that account were the ships or cargoes to be sequestrated or confiscated, unless while in port they had offended against the Catholic faith and, in such case, only the property of delinquents was to be seized; search, however, for prohibited books was to be made, as was customary with Catholic vessels.[2] There was also an approach to admitting the Dutch, in a royal order of February 27, 1603, providing that Holland vessels and crews, bearing passports from the Archdukes of the Netherlands, were to be allowed entrance to Spanish ports, and their persons and property were to be secure, but this was revoked, December 11, 1604, subject to the twelve months' notice provided in the order.[3]

A treaty of peace with England, covering this matter, was ratified by James I, August $\frac{29}{19}$, 1604 and by Philip III, June 16, 1605. During this interval, in November, 1604, an English ship, with a crew of twenty men, coming for a load of corn, touched at Messina and then at Palermo. In the latter port it was visited by the officials of the Inquisition, when the men admitted that they were Protestants and wished to live in that faith. They were all arrested and appealed to the viceroy, the Duke of Feria. He was powerless save to write a private letter in which he declared that the arrest was a disservice to the king and tended to destroy the treaty agreed upon, wherefore the Inquisition ought to dis-

[1] Hinojosa, Despachos de la Diplomacia pontificia, I, 353, 377 (Madrid, 1896). The alum mines of Tolfa, near Civita Vecchia, were the source of considerable revenue to the Holy See.

[2] Archivo hist. nacional, Inq. de Valencia, Cartas del Consejo, Leg. 5, n. 2, fol. 104.

[3] Coleccion de Tratados de Paz; Phelipe III, P. I, pp. 161–2, 298.

semble and treat the heretics well, for the public good. The inquisitors thereupon assembled ten consultors, reaching the conclusion that the Englishmen could be liberated only on condition of giving ample security that they would go to Spain and present themselves before the inquisitor-general. For strangers this was a virtual impossibility, and it doubtless proved to be so for, in 1605, we hear of certain Englishmen, who had been admitted to penance with the sanbenito and required to live for two years in certain monasteries for instruction in the faith; they had contrived to escape, but were tracked and found on board a French ship, without their sanbenitos. As the tribunal did not care to support them, they were ordered to be distributed separately to monasteries in the mountains, far from the sea, where they were, for ten years, to perform labor without pay.[1]

When such irrational cruelty was habitual, international comity and commercial interests alike demanded that a curb should be placed on the irresponsibility of the Inquisition. Accordingly, in the English treaty of 1604, Article 21 provided that the vassals of King James, coming to or residing in the Netherlands or Spain, should not be molested or disturbed on account of matters of conscience, so long as they gave no occasion for scandal, and that corresponding instructions should be issued by the king. This Philip did, under the same date of June 15, 1605, ordering that English subjects should not be held accountable for acts prior to their coming to Spain. While in Spain they were not to be compelled to enter churches but, if entering voluntarily, due respect must be paid to the Venerable Sacrament and, if it was met on the street, they must kneel, or take another street or enter a house. If any one were prosecuted for contravention of these rules, only his own property was to be seized, and not a vessel or cargo, or the goods of others in his charge, and to the observance of all this the king pledged his royal faith and word. The Suprema had previously, December 11, 1604, issued instructions similar to those of 1597 for the Hansa; on July 14, 1605, it transmitted to the tribunals the articles of the treaty, but it seems to have objected to the royal declaration, for it delayed until October 8th embodying its provisions in a carta acordada.[2]

This was too reasonable to be acceptable to Spanish fanaticism.

[1] La Mantia, L'Inquisizione in Sicilia, pp. 72–3.

[2] Tratados de Paz, *ubi sup.*, pp. 264, 354.—Archivo de Simancas, Inq., Lib 942, fol. 56, 57, 59.

Archbishop Ribera, in 1608, varied his efforts for Morisco expulsion with an earnest appeal to the king, expressing the grief which he had never ceased to feel since he heard of the peace with England, fearing, as he did, the offence given to God which would bring many evils on Spain. His affliction had increased in view of the excesses committed by the English in Valencia, living publicly in their religion and causing great scandal and evil example to the faithful and, at much length and with many instances, he proved that peace with infidels was forbidden by Holy Writ. This memorial was duly considered in the Council of State, when the Comendador Mayor of Leon reported that the king had ordered the inquisitor-general to be notified, so that he might instruct the tribunals to exercise great vigilance and to punish all who gave occasion for scandal.[1]

When, in 1609, the twelve years' truce was concluded with the United Provinces, the Dutch naturally claimed the same privileges as the English, and these were embodied in Article 7 of the treaty.[2] The Inquisition did not submit quietly to this restriction on its powers and, in 1612, it issued a carta acordada, repeated in 1616, asserting that these privileges applied only to transient strangers, and that those who were resident and kept houses were subject to the tribunals in all matters of faith like any Spanish subjects; it invoked, moreover, an old regulation of 1581, ordering special watch to be kept on them, so that what they did in private as well as in public might be known, full reports being sent to the Suprema. In 1620 it revived another instruction of 1581 forbidding foreigners in the seaports to keep inns or lodging houses.[3] Whether any trouble arose from these arbitrary con-

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[1] Boronat, II, 120–22.

The Roman Inquisition prohibited conversation with heretics, save by special licence, even for the purpose of converting them. When, in 1604, the Constable of Castile was about to depart for England as ambassador, and he consulted the Holy See, he was told that he did not require a dispensation to enable him to converse with them, but no concessions could be made as to communicating with them in baptisms and marriages. In 1617 the nuncio at Madrid asked instructions as to his conduct towards the English ambassador, and was told to hold as little intercourse with him as possible.—Decret. Sac. Cong. Sti Officii, pp. 156, 227, 231 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[2] Tratados de Paz, *ubi sup.*, p. 465.

[3] Birch, *op. cit.*, II, 1064.—MSS. of Royal Library of Copenhagen, 218b, pp. 198–99.

structions of international compacts does not appear, but at least they manifested a desire to render the position of foreign heretics as precarious and uncomfortable as possible.

When the truce with Holland expired, in 1621, of course the privileges of the Dutch were withdrawn and, when war with England came in 1624, the Inquisition eagerly assumed the office of purifying Spain from heretical infection. Inquisitor-general Pacheco informed the king that papal permission had been necessary to enable Philip III to enter into the treaty of 1605; now that the peace had been broken and the causes of the papal permission had ceased, he was, as inquisitor-general, obliged in conscience to obviate the evils of Catholic intercourse with such pertinacious and pernicious heretics as the English and Scotch, by not permitting them to remain in his Majesty's dominions, for otherwise he would be lacking in his duty to the king and to his office. He had therefore ordered an edict to be published that all Englishmen and Scotchmen, who were not Catholics, should leave the king's dominions within twenty days, notifying them that after that date they would be punished by the Holy Office. As it was a weighty matter, of which the king should be notified, Pacheco added that he had not wished to execute it without informing him and he could issue such orders as he saw fit.[1] It may be assumed that Philip did not approve of this insolent invasion of the royal power, for it was not till April 22, 1626, that he issued a proclamation forbidding all commercial intercourse with England and ordering the confiscation of all English goods imported in contravention of its commands, when the Inquisition followed by a carta acordada of May 29th, prescribing the prosecution, in the regular way, of all English heretics who had sinned against the faith.[2]

When peace was restored, in 1630, article 19 of the treaty revived the article of 1604 and Philip, as before, promised to provide that English subjects should not be molested so long as they caused no scandal.[3] As before, the Suprema followed this, January 28, 1631, with detailed instructions that those who kept house should be treated as Spanish subjects and be subjected to special surveillance.[4] This unjustifiable distinction between transient and resi-

[1] Archivo de Simancas, Inq., Lib. 19, fol. 239.—See Appendix.
[2] MSS. of Elkan N. Adler Esq.—Birch, *op. cit.*, II, 1069.
[3] Tratados de Paz, Phelipe IV, P. II, p. 226.
[4] MSS. of Elkin N. Adler Esq.

dent foreigners gave ample opportunity for molestation and blackmail. It was construed as applying the Index of prohibited books to residents for, in 1645, we find the Canary tribunal ordering its commissioner at Orotava to search the houses of the English merchants and report whether they found any forbidden books or books that had not passed the censure. The duty was performed and lists were forwarded, not only of books but of pictures and prints and, as nothing objectionable was reported, we may not uncharitably surmise that the commissioner's labor was not unprofitable.[1] As the rule had no legal basis, it probably called forth protests for, in 1652, the Suprema submitted the question of its legality to a number of calificadores, who unanimously agreed that it was not in accordance with the treaties, when presumably it was withdrawn.[2] The espionage to which foreign merchants were exposed is portrayed, in 1648, by Pedro de Villareal, commissioner at Bilbao, who reports that there were sixteen houses in which the English and Dutch traders were lodged; he was confident that nothing heretical could escape his knowledge, for the keepers of the houses were faithful spies and very zealous in matters of religion.[3]

A treaty of commerce with Denmark, in 1641, placed the Danes on the same footing as the English and, in the treaty of Munster, January 30, 1648, the Dutch obtained the same terms, while a special article placed the Hanse towns on the same footing as Holland.[4]

Meanwhile, in 1645, the English merchants in Andalusia, by a payment of twenty-five hundred ducats in silver, had secured certain commercial privileges, one of which indicates how grudgingly their treaty rights had been interpreted. A foreign heretic

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[1] Birch, *op. cit.*, II, 563–66.

[2] MSS. of Elkan N. Adler Esq.

[3] Archivo de Simancas, Inq., Leg. 1526, fol. 7.

[4] Tratados de Paz, Phelipe IV, P. IV, p. 538; P. V, pp. 18, 322, 323, 324.

In 1646, a Dutch vessel, putting in to Majorca, was seized by the inquisitor, who imprisoned the captain and crew, but the royal officials took possession of the property in spite of inquisitorial protests, leading to an angry contest that lasted for years, the inquisitor refusing to obey repeated royal orders to remove the excommunications which he had lavished, until commanded to do so, March 18, 1649, by the Suprema. Finally, all that the tribunal obtained of the spoils was two hundred ducats to defray the maintenance of the prisoners.—Archivo de Simancas, Inq., Lib. 38, fol. 26, 71.

appearing in court, either as party or witness, was asked whether he was a Catholic; if he replied in the negative, his oath was not received. This humiliating and injurious distinction was abrogated, and the Englishman's oath was declared to be legal and binding, like the Spaniard's, but it was difficult to make the courts accept the innovation, and the royal order, issued March 19th had to be repeated June 26th and again November 9th. By the Munster treaties this privilege was extended to Holland and the Hanse towns, and it was confirmed by the treaty of Utrecht in 1713.[1]

We have seen how difficult it was to make the Inquisition respect municipal law, and it was not likely to regard international obligations. Excuses could readily be found to bring the hated foreign heretic under its jurisdiction and, in the chronic penury of the time, the opportunity of rich confiscations was not likely to be lost sight of. In 1621 we hear of a number of Englishmen arrested in Málaga, with sequestration of property, and the same occurred in Seville, in 1622.[2] Of one case we chance to have details—that of George Penn, brother of Admiral—then Captain—Penn, and uncle of William Penn, the Founder of Pennsylvania. He was in no sense a bigoted Protestant, or he would scarce have married a Catholic wife in Flanders. He took her to Seville, where he conducted a prosperous business until 1643, when he was arrested. His account of his sufferings is manifestly exaggerated though we may believe him when he says that he was tortured until he confessed all that was required of him—that he was a heretic who had married a Catholic in Antwerp, intending to take her to England and pervert her and their children from the faith. He was required to abjure in a public auto and ordered to leave Spain within three months, while his wife was taken from him and he says was married to a Spaniard. The property confiscated amounted, according to disinterested appraisers, to £6000 of his own and £6000 belonging to other parties. On his return to England, beggared and broken in health, he sought to obtain redress and, about 1664, Charles II appointed him envoy to Spain, to enable him to urge his claims to advantage, but being then 63 years old he did not venture to go. During the negotiations at

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[1] Tratados de Paz, Phelipe IV, P. IV, pp. 548, 561, 575.—De Lamberty, Mémoires pour servir, VIII, 461 (La Haye, 1730).

[2] MSS. of Elkan N. Adler Esq.

Utrecht, William Penn endeavored to obtain consideration of this case, but apparently without success.[1]

The superb imperturbability of the Inquisition as to international obligations is evinced in a case occurring soon after the treaty of Munster. Paul Jerome Estagema, a citizen of Hoorn, was arrested at Alicante and tried by the Valencia tribunal. Influential people in Holland urged his release, and the Dutch ambassador, Anthony Brun, made forcible representations to the king, who wrote, September 15, 1651, to the Suprema, urging a prompt decision of the case and pointing out that, under the treaty, Estagema, as a citizen of the United Provinces, was not subject to the Inquisition. The royal request was treated with absolute indifference; Ambassador Brun kept urging the matter and, on December 16th, Philip repeated his application to the Suprema, and asserted the necessity of satisfying the Hollanders. Then the Suprema condescended to forward the royal letters to the tribunal, telling it to despatch the case without delay, which could readily be done as the trial had been finished on September 7th, and ordering it to report the sentence when pronounced.[2]

At this period, political exigencies rendered both France and Spain desirous of an alliance with England. Don Alonso de Cardenas, the Spanish ambassador, endeavored to negotiate a treaty with Cromwell in 1653 and again in 1655, but the Protector insisted on larger toleration. In the draft of the projected treaty, Articles 22 and 35 not only repeated the previous provisions but added that Englishmen conducting business in Spain should be permitted, in their houses and ships, to perform divine service in their own manner, and to use their Bibles and other books, and that they should not be arrested for so doing or their property be sequestrated. When the treaty was submitted to Philip, he sent these articles to the Suprema for its advice, protesting that he was unalterably resolved to risk all his dominions and spill the last drop of his blood, rather than to yield anything that would be to the disservice of God, or prejudice in the least degree the purity of religion. In response to this the Suprema declared that the royal words ought to be recorded in imperishable bronze; it easily proved that by divine, canon and municipal law, a sovereign had no right

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[1] Howard M. Jenkins, The Family of William Penn, pp. 10–13 (Philadelphia 1899).

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 413, 414.

to permit such toleration; it quoted Gregory XV as ordering, in 1622, all rulers, under heavy penalties, to expel all heretics from their dominions, and it pointed out that heretics employed Catholic servants who would be corrupted, and that all cognizant of heresy incurred mortal sin and excommunication if they did not denounce it. These arguments were as applicable to the treaties of 1605, 1630, and 1648 as to the proposed one, but they sufficed; it was rejected, and Cromwell turned to France.[1] Doubtless Admiral Penn felt a special personal satisfaction, when he avenged his brother by wresting Jamaica from Spain in 1655.

A secret treaty, in 1656, between the wandering Charles II and Philip, pledged the former to bring about freedom of conscience in England, but was discreetly silent about toleration in Spain. With the Restoration, in 1660, peace ensued and the treaty of 1630 was revived. In 1663, when a new treaty was discussed, England again put forward the stipulations of Cromwell, and Philip again consulted the Suprema with the same result. On Philip's death, in 1665, the treaty of December 17th continued in force the provisions of 1630 and extended to all Englishmen the privileges grantey, in 1645, to those of Andalusia. Then, in 1667, the treaty of Mad 23d defined more clearly that the pretext of conscience should not be used to inflict injury on Englishmen or raise any dispute so long as no manifest public scandal was caused nor offence committed. In this shape the relations between the kingdoms continued; the treaty of Utrecht in 1713 and those of 1763 and 1783 merely confirmed that of 1667.[2]

With France, of course, relations were wholly different. When the Huguenot was grudgingly tolerated at home, he could expect

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[1] Archivo de Simancas, Inq., Lib. 43, fol. 201; Lib. 25, fol. 121.—MSS. of Elkan N. Adler Esq.—Soler y Guardiola, Apuntes de Historia política y de los Tratados de Paz, pp. 163–4 (Madrid, 1895).

It is only fair to Spain to state that it was more liberal than Rome. The decrees of the Congregation of the Inquisition are numerous insisting that no heretic should be allowed in any Italian city, whether for trade or for residence, but Italian commercial instinct was too strong to permit the enforcement of these decrees in some of the states, notably Venice, and special privileges were granted even to some of the papal sea-ports, as Civita Vecchia and Ancona.—Decr. Sac. Congr. Sti Officii, pp. 6–8, 225 sqq, 233–4 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[2] Tratados de Paz, Felipe IV, P. VI, p. 274; P. VII, p. 413; Carlos II, P. I, pp. 13, 16, 162, 180.—De Lamberty, Mémoires, VIII, 381.—Collection of all the Treaties of Great Britain, III, 180, 377 (London, 1785).

no protection for his religion abroad, especially when, as in Spain, he could reside only by pretending Catholicism. The peace of the Pyrenees, November 7, 1659, merely provides, in article 5, that the vassals of each power shall have free ingress, residence and egress in the territories of the other, observing the laws and customs of the country.[1] This did not, however, preclude reclamation in cases of special malfeasance, as when, in 1672, the French ambassador Villars complained of an outrage in Majorca. A French ship, arriving there from Barbary, September 6th, with a cargo of wheat, chanced to have as a passenger a Huguenot of position, M. de la Fent, governor of the Bastion de France, with a large sum of money. On learning this, the inquisitor arranged to seize him and embargo his property; he assembled a force and armed two vessels with which to take possession of the French ship, and he would have done so had not M. de la Fent prevailed upon the master to make sail. The queen-regent forwarded this to the Suprema, October 28th, for explanation, but it was not until November 19th that it replied, merely saying that the inquisitor of Majorca had reported, on September 21st, the arrival of a heretic and that, on October 3d, it had ordered him to take such action as comported with the service of the queen, the public peace, and the consideration due to the subjects of the French king, who were to be treated like the English and the Dutch.[2]

As the attempt had failed, the Suprema made the best excuse it could, but with manifest equivocation, for the French heretic had not such treaty protection as the English. This was manifested, after the revocation of the Edict of Nantes, in 1685, when it was thought that fugitive Huguenots might have settled in Spain. In 1687, the papal nuncio and the French ambassador called the attention of the inquisitor-general to the matter, suggesting that the Holy Office should not permit their residence. Carlos II seconded their representations, and issued a cédula, February 28th, ordering his officials to lend all necessary assistance to the Inquisition. The Suprema sent this to the tribunals and followed it, June 14th, with detailed instructions, ordering a general perquisition to be conducted through the parish priests throughout Spain. Each tribunal was to collect the results, investigate them and vote, reporting the vote to the Suprema.

[1] Tratados de Paz, Felipe IV, P. VII, p. 122.

[2] Archivo de Simancas, Inq., Lib. 25, fol. 238.

Extreme vigilance was enjoined and the Suprema was to be kept informed.[1] Judging from such statistics of the period as are accessible, this proved to be a false alarm, leading to no results, but none the less it indicates the dread inspired by the prospect of the intrusion of foreign heretics. There seems to have been a similar scare, in 1698, when the Suprema instructed the tribunals to order all their commissioners to report whether, in their districts, there were any heretics, transient or resident, giving in detail the nationality, sect, occupation etc. of each one, and this without loss of time.[2]

This policy continued. In 1784 similar lists were called for. The answer from Valencia showed how successful had been the exclusion of Protestants, and how precarious was the position of those who ventured to reside in Spain. The tribunal reported, August 29, 1785, that it had instructed its commissioners everywhere and, where there were no commissioners, satisfactory persons, to make this secret investigation, with the result that there were no Protestants in the kingdom of Valencia, except in the city, where there were two—Mons. Champane, a Frenchman and Dueclaux, whose nationality could not be ascertained. Both were Protestants, although it was difficult to verify the fact, on account of their extreme care in attending church and in accompanying the sacrament when it was carried to the sick.[3]

With the outbreak of the French Revolution, the desire to exclude heretics extended itself to foreigners generally, with the view of completely isolating Spain. In 1791 a decree of Carlos IV required all foreigners to be registered; those who desired to be naturalized must be Catholics and take the necessary oath of allegiance; transient residents were compelled to take out licences in which, among other details, their religion was specified; they were not allowed to exercise any profession or art or craft, or to follow any retail trade, or even to be servants, and all engaged in such pursuits were given two months in which to leave the country.[4] When, however, the peace of 1795 put an end to the disastrous war with the French Republic and aroused apprehension of an approaching rupture with England, there was a feverish desire to placate France, showing itself in a royal cédula of May 1, 1796,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 12, n. 1, fol. 89, 101.
[2] Ibidem, Leg. 10, n. 2, fol. 132.
[3] Ibidem, Leg. 4, n. 2, fol. 222; Leg. 16, n. 6, fol. 39.
[4] Novís. Recop. Lib VI, Tit. xi, Leyes 8, 9.

prohibiting all tribunals, including the Inquisition, from molesting Frenchmen on account of religion, but those only were to be recognized as Frenchmen who wore the tricolor cockade. When war broke out with England, a further advance was made; Carlos ordered his representatives abroad to assure all foreign powers that in Spain strangers enjoyed full liberty of conscience, and in August, 1797, he forbade the Inquisition to trouble foreigners about their faith.[1] We may be permitted, however, to doubt the sincerity of this. When, in the same year, the attention of the Valencia tribunal was drawn to a German merchant named Johann Foch, who called himself a Protestant, it applied at once to the captain-general to know whether he held the licence authorizing his residence in Spain, not being a Catholic. It proceeded with the case but suspended it because of his marriage with Bernarda María Pellicer, a parishioner of Santo Tomás.[2]

This liberality, whether genuine or not, was only a passing episode. A document of 1801 shows that the decree of 1791 was still in force, and that the Inquisition was relied upon to carry it into effect. It is a series of questions addressed by the Suprema to the tribunals, with the answers from Valencia, and explains itself.

Q. Whether, prior to the royal order of 1791, foreigners not Catholics were allowed to reside, in the cases provided by the treaties and, if they were not permitted, what measures were taken to ascertain whether they professed Calvinism?

A. In case of their not having the benefit of those treaties, as soon as the tribunal had knowledge of them, it made the requisite investigation and, on ascertaining it to be true, it notified them to quit the kingdom, if they had not special permission from the king.

Q. If investigation led to the belief that a stranger was Catholic and it was subsequently found that he was not, but that he did not speak ill of our religion, or cause scandal, or insult sacred objects, to what punishment was he condemned?

A. No recent case of this kind has occurred but, from some former ones, it is deduced that the Suprema was consulted.

Q. Have those who established themselves in Spain, in virtue of the royal order of 1791, complied with the formalities which it prescribes?

A. As no advice has been sent to this tribunal by the Junta del Comercio y Moneda, nor by the Intendente of the kingdom, it is inferred that no non-Catholic artists have established themselves, or else that the prescription to advise the tribunal has not been obeyed.

Q. Whether they (non-Catholic foreigners) contract marriage with Catholics and, in that case, what is the religion of the children?

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[1] Art de Vérifier les Dates depuis l'année 1770, III, 350, 357.

[2] Archivo hist. nacional, Inq. de Valencia, Legajos 100, 387.

A. But one case of such marriage is known—that of Juan Foch, a German of Lindau, who called himself a travelling merchant, with Bernarda María Pellicer of this city. This was in virtue of a papal brief, passed by the Council of Castile and with the royal exequatur, providing that he should allow his wife to remain a Catholic and his children to be brought up in the same faith, and she promising to persuade him to conversion. They were married privately, outside of the church and without banns or other public ceremonies. We learn from the Vicar of Los Santos Juanes, where they live, that they cause no scandal, comply with the obligations and that a boy has been baptized.

Q. Since the royal order, about how many non-Catholic strangers have established themselves, naming some of the principal ones and their nation or sect?

A. This could be answered only by examining the registers required to be kept by the captain-general and royal justicias. This tribunal can only have notice by denunciations, which has occurred only with Foch.

Q. How many *autillos públicos* have been held with strangers since 1759 when Carlos III ascended the throne? State the name, country, religion and principal offences.

A. Since 1759 there has been no autillo público for strangers.[1]

This document has interest not only as showing the continued vigilance as to foreign heretics, but as indicating how thoroughly successful had been the policy of exclusion. The district of the tribunal embraced a long stretch of sea-coast, including such commercial cities as Valencia and Alicante, yet the non-Catholic stranger was still almost unknown, as he had been when the report of 1785 was made. Spain was a land to be shunned by all who were liable to be dealt with by the Inquisition, and it was left to its isolation. For those who ventured it, concealment of heresy was worse than its avowal. David Bonoran, a French Protestant, domiciled in Bilbao, succeeded in passing as a good Catholic. Becoming converted, he applied to the tribunal of Logroño to abjure his errors and be incorporated in the Church, when, in 1791, he was promptly prosecuted for having feigned Catholicism.[2]

This sensitiveness survived the Peninsular War and was vigorous to the last. In 1816 there is considerable correspondence respecting the wife of Don Rufino de Acha, settled in Bilbao as a merchant, who had married in England a Protestant named Doña Juana de Ancell—presumably Jane Hansell. From this it appears that, after a discussion lasting nearly a year, she was given the alternative of leaving Spain or of conversion and that she accepted the latter.[3]

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 243.

[2] Ibidem, Leg. 100.

[3] Archivo de Simancas, Inq., Lib. 559.

This persistent dread of heretics is vividly reflected in one of the last acts of the Suprema prior to its suppression. In 1819 it issued an elaborate series of instructions for the guidance of commissioners at the sea-ports in the *visitas de navios*, or examination of all ships on their arrival. This was principally intended to prevent the introduction of prohibited books, which will be considered hereafter, but the sections devoted to heretics show that the regulations adopted at the treaty of 1605 were still in force. Foreign heretics were not to be prosecuted for acts committed abroad but, for anything done in Spain and causing scandal, they were to be arrested and transmitted to the tribunal for trial. They were not to be compelled to enter churches but, if they did so, they were to pay due respect to the Sacrament and, on meeting it in the street, they were to kneel or remove themselves out of the way. Strangers were forbidden to keep public houses for the entertainment of Protestant shipmasters and sailors or travellers. The commissioner was to be vigilant in ascertaining and reporting to the tribunal everything they said against the Catholic faith, how they behaved in public and in private and whether any scandal was caused to the faithful.[1] Spain was the same as it had been two centuries before.

There was one exception, however, to the prohibition of the hated presence of heretics on Spanish soil. Constantly recurring war necessitated the employment of whatever troops could be had, irrespective of their spiritual condition. It was the German bands of Lutherans under Georg Fronsberg who sacked Rome for Charles V in 1527. Foreign mercenaries were continually in Spanish service, and they grew more indispensable in the seventeenth century with the decline both in population and military ardor. The revolts of Portugal and Catalonia, in 1640, rendered Spain the battle-field, and recruits from any source were welcome, who of course could not be subjected to inquisitorial interference, no matter what their faith. The Inquisition in vain pointed out the dangers thence arising. In a consulta of November 13, 1647, the Suprema related with grief that four hundred German soldiers, landed at San Sebastian, on their way to Catalonia, were disseminating their errors, distributing heretic books and outraging images.[2] There was no help for it and, after war had ceased on

[1] Archivo de Simancas, Inq., Leg. 1473.
[2] Ibidem, Lib. 23, fol. 46.

Spanish territory, the employment of foreign regiments continued to excite its susceptibilities. In 1668, the Suprema arguing in a consulta for the maintenance of its prerogatives, urged that they were especially necessary, in view of the presence of such bodies of soldiers, many of whom were heretics.[1]

Still, there was an effort made to preserve the Spanish organizations from wolves in sheep's clothing. Fernando VI issued a decree, December 31, 1756, imposing the death-penalty on any heretic who pretended to be a Catholic in order to enlist and, in 1765, Carlos III modified this to expulsion from the kingdom under pain of ten years' labor in the *bagne*, adding that, if the heretic when enlisting had sworn that he was a Catholic, he should run the gauntlet twice before expulsion.[2]

There was some slight compensation, for the presence of these heretics, in the field which they furnished for missionary work. There were frequent conversions, especially when the chaplains were zealous for the salvation of souls. One of these was Francisco Columbano Burke, chaplain of the first Swiss battalion, who held a faculty for this purpose as commissioner of the Inquisition. He writes, May 23, 1764 from Tarragona to the Barcelona tribunal, forwarding the abjurations of six converts in the Swiss regiment of St. Gall and giving the names of twenty-four others, who were ready for conversion. They were duly gathered in when there proved to be ten Calvinists and fifteen Lutherans.[3] The exclusive jurisdiction of the Inquisition over heresy rendered its interposition necessary in this, for it alone could admit the heretic to incorporation in the Church, it alone could judge of the degree of his sin, determine whether he was rightfully a son of the Church through baptism, and whether he was worthy of admission through repentance. In theory he was a heretic spontaneously denouncing himself and, when these conversions became frequent, early in the seventeenth century, they took the form of a regular trial, in which the fiscal acted on one side and the convert had counsel assigned to him on the other while, in the form of abjuration administered, he pledged submission to the penalties of relapse in case of backsliding.[4] Indeed the Suprema felt it necessary, April 22,

[1] Archivo de Simancas Inq., Lib. 25, fol. 98.

[2] Ibidem, Leg. 1465, fol. 81.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[4] Archivo de Simancas, Inq. de Toledo, Leg. 109, n. 8; Leg. 108, n. 11, fol. 2.—MSS. of Am. Philosophical Society.

1605, to warn the tribunals that foreigners coming forward voluntarily and confessing their errors were not to be imprisoned but were to be welcomed; their reconciliation was to be in the audience chamber, without sanbenito or confiscation, and with spiritual penances only; then they were to confess their errors sacramentally and receive absolution for their sins.[1] Heresy, even congenital, was a mortal sin, to be duly atoned for.

Subsequently the rigor of these formalities was abandoned and the process was facilitated, although it was still formidable. Printed instructions for commissioners, apparently drafted in the eighteenth century, prescribe a minute examination into the life and history of the convert and his motives, so as to be satisfied that his object is really salvation. All details as to his baptism are to be specially inquired into, so as to be assured whether or not he is really baptized, and, if there is any doubt, proceedings are to be suspended until the tribunal can be consulted. He is also made to specify all the errors of his former religion, and to utter a profession of faith in which he promises to reduce, as far as he can, all heretics to Catholicism and to denounce them to the Inquisition. He is also to be asked whether he knows of any heretics save those permitted for the sake of trade, and whether any of the latter have transgressed the conditions of their residence. Also, whether he has ever professed Catholicism, and whether he has been instructed in it sufficiently to incur the obligation of its profession, in which case he is required to abjure and to be formally reconciled and is absolved from the excommunication which he has incurred, while, if he has never known Catholicism, he is absolved *ad cautelam*. If he is less than 25 years of age, a curador is to be appointed, with all the formalities, who is to be present and to consent to all the proceedings. There is suggestiveness in the contrast of this cautious detail with the multitudinous sprinkling by which Jews and Moors were incorporated in the Church.

Among converts the most curious case in the records is that of Joh. Heinrich Horstmann—with many aliases—of Borgenstreich, who supported himself during a long life by trading on the rivalry between Protestantism and Catholicism. Born about 1663, he was educated as a Catholic by the Jesuits of Prague. When about

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

25, he changed his religion at Dresden, studied at Wittenberg, and for many years wandered through Germany, living on charitable contributions given to him as a convert. He even went to England, where the Archbishops of Canterbury and York assisted him. Then, in the Protestant cantons of Switzerland, he supported himself as a Catholic ready for conversion, and in the Catholic ones as a Lutheran seeking salvation in the Church. Finally in the latter capacity he hit upon the lucrative device of saying that he had been baptized in the Lutheran fashion of one person administering the material and another the form; theologians would pronounce this invalid, and that rebaptism was necessary; some prominent person would be induced to act as godfather and would encourage him with a donation of twenty or thirty ducats, and possibly there was an additional collection from the faithful. On this he traded for the rest of his life, varied with an episode of having himself circumcised in Amsterdam and living for some years on the Jews there. This subsequently gave him trouble, for in Rome he was recognized as a Jew, he was tried by the Inquisition and sent to the galleys for ten years, after which he resumed the profession of a candidate for baptism. From Lisbon to Paris and Naples, he imposed on the credulity of the faithful, and it was reckoned that in all he had been baptized twenty-one times. A second visit to Spain, however, brought his career to an end in his eighty-ninth year. Repeated baptisms in Cádiz, Madrid and Valencia aroused suspicion. All the tribunals were ordered to be on the watch for him and, after a year of searching, he was arrested at Valencia in 1751. He told his story freely and fully; at first he said that his repeated baptisms were merely to gain a living, but subsequently he asserted that he was possessed by a demon, whom he hoped to eject by the repetition of the rite. The *consulta de fe* voted that, as an apostate and relapsed heretic and *diminuto* he had forfeited his life, but that efforts should be made to save his soul, after which another vote should be taken. At this conjuncture he fell mortally sick; he refused to speak to those who sought his salvation and, when one of them told him, if he desired to die in Calvinism, to squeeze his hand, he seized it with such a grip that assistance was necessary to unloosen it. Thus he passed away in his heresy on February 28, 1752; the body was buried in unconsecrated ground in a box of quick-lime

and, in an auto held August 26, 1753, the bones and effigy were reduced to ashes and scattered.[1]

Thus, when divested of legendary amplification, Spanish Protestantism is seen to have been of importance only as serving to tighten the bonds which restricted the development of the nation. One of the most efficient means to this end remains to be considered in the censorship of the press.

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[1] Archivo hist. nacional, Inq. de Valencia, Legajos 30, 31.

Horstmann merely imitated a Jew who, about 425, similarly had himself repeatedly baptized by rival sects, until a miracle arrested his career at the hands of Paul, Bishop of the Novatians.—Socratis H. E., VII, 17.

CHAPTER IV.

CENSORSHIP.

CENSORSHIP of the press was not the least effective function of the Inquisition in arresting the development of the Spanish intellect. That it should suppress the utterance of heresy in print as well as in speech would appear to be inevitable, and yet no such power was included in the commissions of the earlier inquisitors-general, nor at first was this regarded as one of its duties. It is true that, as early as 1490, it burnt a large number of Hebrew Bibles and other Jewish books and, soon afterwards in Salamanca, it consigned to the flames in an auto some six thousand volumes of works on Judaism and sorcery.[1] We have seen also that Ximenes in Granada burnt a mass of Moorish MSS., but these were extra-judicial acts, which there was none to call in question. In the Instructions issued by Torquemada and his immediate successors, there is no reference to censorship as an inquisitorial duty and, in the earliest manual, printed in Valencia in 1494, the only allusion to it is the prescription, derived from the canon law, that any one obtaining possession of an heretical book is bound, within eight days, to burn it or to deliver it to the bishop or inquisitor.[2]

In fact, the matter was not regarded as pertaining especially to the Inquisition. The earliest provision for censorship, called forth by the development of the art of printing, is a faculty granted, March 17, 1479, by Sixtus IV to the rector and dean of the University of Cologne, to proceed with censures against the printers, sellers and readers of heretical books.[3] Alexander VI, in 1501, assumed it to be an episcopal function, when he called on the German bishops to keep a vigilant watch on the press.[4] So Ferdinand and Isabella, in 1502, when they promulgated the earliest law regulating the issue of books, made no mention of the Inqui-

[1] Llorente, Añales, I, 177.
[2] Repertor. Inquisit. s. v. *Libri.*
[3] Reusch, Der Index der verbotenen Bücher, I, 56.
[4] Raynald. Annal., ann. 1501, n. 36.

sition. This law formed the basis of all subsequent legislation, and its uncompromising character foreshadowed the relations that were henceforth to exist between the government and the intelligence of Spain. No book was to be printed, imported or exposed for sale without preliminary examination and licence. In Valladolid this duty was imposed on the president judges of the royal courts; in Toledo, Seville and Granada on the archbishops, in Burgos on the bishop, and in Salamanca and Zamora on the Bishop of Salamanca, who were to act through examiners, paid by a moderate salary, not oppressive to booksellers and printers. When a MS. had been thus licensed, it was, after printing, to be carefully compared with the sheets to see that no changes had been made. Any book printed or imported and offered for sale, without such licence, was to be seized and publicly burnt; the printer or vendor was incapacitated from continuing in business and was fined in twice the amount received for any copies that he might have sold.[1] That the censorship thus created was enforced with more or less regularity may be inferred from a remark of Chancellor Gattinara, in 1527, reassuring Erasmus against expected attacks—that nothing was permitted to be published in Spain without careful previous examination, and he fervently wished that an equally wholesome rule could be established in Germany.[2]

The motive for this sharp and comprehensive legislation can only be conjectured. Before the Reformation there was little demand for the services of the censor. The Church was worldly; its supremacy in all matters of faith and discipline seemed to be so immutably established that it regarded with good-natured indifference abstract speculations such as those of Marsiglio Ficino, Pomponazzi and Agustino Nifo, and concrete ridicule like that of Sebastian Brandt, Thomas Murner and Erasmus. It was otherwise when the Lutheran revolt threatened the overthrow of Latin Christianity and spread with such rapidity that no man could foretell its limits. We have seen that, as early as 1521, Rome called upon Spain to prevent the introduction and dissemination of Lutheran writings, and that Cardinal Adrian promptly assumed that it was the function of the Inquisition to do so. There is no trace of any delegation of such faculty, from either the Holy See or the civil power, but his action was not likely to be called

[1] Nueva Recop., Lib. I, Tit. vii, ley 23.

[2] Erasmi Epistt., Lib. XXVII, Ep. 33 (Londini, 1642).

in question, and the civil authorities were under oath to obey the mandates of the inquisitors, where the faith was concerned. Accordingly, his decree of April, 1521, is couched in the most absolute terms; the books in question had been prohibited by the inquisitors and spiritual judges, wherefore the tribunals were instructed to order, under heavy censures and civil penalties, that no one should possess or sell them, whether in Latin or Romance, but should, within three days after notice, bring them to the Inquisition to be publicly burnt; the edict was to be published in a sermon of faith and, after publication, any one possessing or selling them, or knowing that others possessed them and not denouncing the offenders, was to suffer the penalties announced by the inquisitors, while all ecclesiastical and secular authorities were ordered to render whatever aid might be necessary.[1]

Thus, at a bound, the Inquisition claimed and exercised the power of enforcing the prohibition of condemned books. The next step—that of condemning books—would seem to have been taken, in 1525, in an order to the vicar of Alcalá de Henares to seize all copies of a certain book of expositions of the Psalter.[2] Then followed, in 1530 and 1531, various edicts showing the activity of the Inquisition in exploiting its new field of action. The heretics were printing their works under assumed names, or adding heretic commentaries to authorized books, for the detection of which the utmost vigilance of the tribunals was invoked; a clause was to be added to the Edict of Faith requiring the denunciation of all such works; the tribunals were to send executory letters to all towns demanding the surrender of Luther's writings, and discreet persons were to be appointed to investigate the book-shops in search of this evil literature. When, in 1535, the tribunal of Valencia admitted that it had neglected to do this it was commanded to make the appointments forthwith and to have all condemned books seized.[3]

The Inquisition had assumed and was exercising authority to condemn books, to seize those in circulation and to punish their possessors, although it had no formal authority for any of these acts. It seems to have felt that the punishment of offenders, at least, required papal faculties and, when Inquisitor-general Tavera, in 1539, succeeded Manrique, a clause was inserted in his com-

[1] Archivo de Simancas, Inq., Lib. 73, fol. 182.

[2] Ibidem, Lib. 940, fol. 1.

[3] Ibidem, Lib. 76, fol. 343, 401; Lib. 77, fol. 355; Lib. 940, fol. 2.

mission empowering him and his successors to proceed against those who owned or read heretical books.[1] The authority of the Holy Office was thus complete with regard to books after they were printed, but as to the equally important function of granting licences to print, its policy at first varied somewhat. The law of 1502 had confided this duty explicitly to judges and bishops, but, in 1527, the Inquisition invaded this by granting licences for Antonio de Obregon's translations of some of St. Bernard's and San Vicente de Ferrer's works. Even individual inquisitors seem to have arrogated to themselves power to grant licences for, in 1530, the Suprema forbade them to do so, but it assumed for itself entire control over the matter, in 1536, by issuing orders that no book should be printed without a preliminary examination by the Holy Office.[2] Reflection, and possibly experience, however, showed that this assumption of power carried with it a responsibility that occasionally might prove embarrassing, for books which it thus approved might subsequently, in the growing sensitiveness of orthodoxy, be condemned, and a carta acordada of 1550 definitely prohibited all such licences, adding that the Suprema did not grant them.[3] It was wiser that preliminary approval and subsequent judgement should be in different hands, and this was provided for in an edict of Charles V and Prince Philip, in 1554, confining to the Royal Council the duty of issuing licences, after careful examination of the MSS. submitted, which, in the case of all important works, were to be retained for comparison with the printed sheets.[4] Yet the Inquisition retained the right to stop the printing of any book denounced to it as heretical, and it seems for awhile to have occasionally issued licences, for a carta acordada of 1575 alludes to the approval of books and their licensing by inquisitors.[5] This was probably the end of it, and the Inquisition tacitly declined to risk its reputation for infallibility by approving books in advance, which it might subsequently have to condemn.

The Inquisition thus restricted itself to the duty of condemnation.

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[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[2] Archivo de Simancas, Inq., Lib. 940, fol. 2; Lib 78, fol. 16.—Llorente, Añales-II, 376.

[3] Archivo de Simancas, Inq., Lib. 939, fol. 62.

[4] Nueva Recop., Lib. II, Tit. iv, ley 48.

[5] MSS. of Royal Library of Copenhagen, 218[b], pp. 331, 332.—Archivo de Simancas, Inq., Lib. 940, fol 6, 16.

The prohibition might be total and the book be wholly suppressed, or partial, in which case its circulation was suspended *donec corrigatur*—until it should be expurgated of passages regarded as erroneous, misleading or offensive. For this duty it provided no machinery and did not profess to take the initiative. In the Edicts of Faith, it was made the duty of everyone to denounce whatever was contrary to the faith, and there were plenty of acute theologians and captious critics to whom it was an agreeable task to call attention to any word or sentence or proposition to which exception could be taken. The book was then submitted to calificadores, and their verdict, whether for suppression or expurgation, was submitted to the Suprema, or the book itself might be sent there for examination; in any case the decision rested with it and was communicated to the tribunals by an edict, which was read in all the churches and affixed to their portals, so that no one could plead ignorance. All who possessed the inculpated book were summoned, within a limited time, to surrender it for suppression, if it were prohibited, or for expurgation if objectionable passages were to be blotted out, and this under penalty of excommunication and fine, with threat of prosecution for persistent disobedience.[1]

Everything thus centred in the Suprema, whose action was required in even the most trivial matters, and its correspondence on these affairs was incessant. As condemnations and expurgations multiplied, it became impossible to trust the records of the tribunals or the memory of the faithful. Some authentic list or catalogue was required to aid inquisitors in their work, and to warn booksellers and readers, and thus gradually was developed the *Index Librorum Prohibitorum* or *Expurgandorum*, which has become one of the most efficient of instrumentalities for repressing the human intellect and aiding the forces of reaction. Henry VIII has the credit of setting the example, in a brief list of prohibited books, issued in 1526, although in the same year Charles V published in the Netherlands a *plakaat* naming half a dozen authors whose books were to be burnt. The earliest allusion that I have met to such a catalogue in Spain occurs in a letter of September,

[1] MSS. of Royal Library of Copenhagen, 218b, pp. 214, 319.—Archivo de Simancas, Inq., Lib. 940, fol. 4.—Archivo hist. nacional, Inq. de Toledo, Leg. 498.—Modo de Proceder, fol. 74 (Bibl. nacional, MSS., D, 122).—See Appendix.

This was the ordinary process, but of course the Suprema could take the initiative, as it occasionally did, and order inquisitors to examine books and act on the result.—Archivo de Simancas, Inq., Lib. 940, fol. 3.

1540, from the Suprema to Loazes, then Inquisitor of Barcelona, complaining of the inefficiency of the efforts to prevent the importation of prohibited books, which the Germans were using every means to disseminate, while merchants and booksellers felt no fear of the penalties imposed by the Inquisition. Greater activity and heavier punishment were necessary, for which instructions were enclosed, with a list of prohibited and suspected books, to which Loazes was to add his suggestions.[1]

This was merely for use within the Inquisition. The first formal printed Index was compiled, in 1546, by the University of Louvain. A copy of this was sent, in 1547, to Inquisitor-general Valdés, at Seville, who forwarded it to the Suprema. This had it printed, with an Appendix containing the books prohibited in Spain, and sent it out, September 1st, to the tribunals, with some MS. additions of later prohibitions.[2] This is the earliest Spanish Index, hitherto unknown, which has left no other trace, and it serves to mark the commencement of another duty undertaken by the Suprema, that of examining books for the purpose, without awaiting denunciations, for, in 1545 there is an order to pay Dr. Alvaro de Moscoso forty ducats for labor of this kind.[3] Then, in 1550, the University of Louvain issued an enlarged list and this, by order of Charles V, was reprinted and circulated by the Inquisition in 1551, with its own additions, constituting what has been reckoned as the first Spanish Index.[4]

The energies of the Suprema were now turned to the Scriptures. Vast numbers of Latin Bibles had been circulated, correct as to the text, but rendered insidiously dangerous by heretical notes and commentaries. Many of these were contained in the Index of 1551, and diligent search was made for others at Salamanca and Alcalá, and their errors were scrupulously noted. The results of these labors were communicated to the tribunals, with orders to examine all the Bibles seized under the Index of 1551; if among them were found editions not in the list enclosed, they were to be scrupulously examined by learned men and be sent to the Suprema, which would then determine what was to be done with the great accumulation of corrupt Bibles in the land. It concluded not to

[1] Archivo de Simancas, Inq., Lib. 78, fol. 291.

[2] Ibidem, Lib. 79, fol. 164; Lib. 942, fol. 15.

[3] Ibidem, Lib. 940, fol. 41.

[4] Reprinted by Reusch in his useful volume "Die Indices der Sechszehnten Jahrhunderts."—See Archivo de Simancas, Inq., Lib. 940, fol. 2.

order a wholesale destruction and, in 1554, it issued the first Expurgatory Index, devoted to the Scriptures, specifying the edition and the passages to be *borrado* or blotted out; this was sent to the tribunals with orders for its publication everywhere. All the Bibles seized and all that might be brought in were to be expurgated and returned to their owners, with a certificate. After the expiration of the term of grace allowed, the most strenuous efforts were to be made to ascertain whether any prohibited or unexpurgated Bibles remained in the hands of individuals or institutions, the owners of which were to be punished with the utmost rigor.[1]

It was evidently the books conveyed by Julian Hernández that furnished a fresh list sent to the tribunals, October 22, 1557, of works described as printed in Venice and brought from Flanders and Germany by a Spaniard to Seville. Edicts concerning them were to be published everywhere, the book-shops were to be sedulously searched and any one found in possession of them was to be punished with the greatest severity. This was followed, September 2, 1558, by an additional list of books ordered to be burnt.[2] The Suprema was thus obtaining material for an independent Index. Paul IV had caused one to be compiled in 1557, which was printed and suppressed, to appear, in 1559, in an authentic form.[3] The Spanish Inquisition, however, already asserted its independence of the Roman Holy Office in these matters; the excitement over the Lutherans of Valladolid and Seville suggested a comprehensive prohibition of heretic books; Valdés procured from the pope the necessary delegation of power and, in 1559, the first indigenous Index appeared. It was distributed to the tribunals with instructions that all books contained in it were to be called in; those of heretic authors were to be publicly burnt in the autos, and the rest carefully stored, making lists of them and of their owners, which were to be sent to the Suprema for its action. Books on the humanities and Catholic books with heretic notes, if the latter could be effaced, were to be returned to the owners; all anonymous books and books without imprint of place and printer and all books printed abroad since 1519 were to be seized and examined and, if found suspicious, were to be detained. The

[1] Archivo de Simancas, Inq., Lib. 942, fol. 16, 17, 19; Lib. 940, fol. 2; Lib. 79, fol. 213; Sala 40, Lib. 4, fol. 211.

[2] Ibidem, Lib. 942, fol. 21; Lib. 940, fol. 2.

[3] Reusch, Der Index, I, 258.

general clause in the Index, covering all books savoring of heresy, was explained to mean that everything not contained in it that was heretical or suspect was to be seized, and whenever there was doubt the Suprema was to be consulted.[1]

The preparation of the Index had been a work of no little labor and perplexity. Among others, the learned Doctor Francisco Sancho had for some years been employed by the Suprema in examining and seizing books and, early in 1559, he wrote that he had a large number in his possession and that, in the course of his duties many doubts had arisen, which he set forth in a series of questions. One of these suggests the difficulty of censorship applied to a theology undergoing reconstruction at the Council of Trent, but which was assumed to have been unalterable from the beginning. Sancho calls attention to the clause in the edicts forbidding all books containing any thing against the faith and the Church and its observances. There are many books, he continues, containing such errors, as those of Richard of Armagh, Durandus, Caietano, the Master of Sentences, Origen, Theophylact, Tertullian, Lactantius, Lucian, Aristotle, Plato, Seneca and others, much used both in and out of the schools, and it is doubted whether they can be permitted under condition of noting the errors. The Suprema shrank from the absurdity of suppressing the works of the most eminent medieval theologians and the leading classics, and it graciously allowed their circulation until further orders.[2]

The issue of the Index was followed by a vigorous search through all the book-shops and libraries of Spain. Examiners or revisors were appointed everywhere, with instructions to scrutinize all collections of books, whether in shops, monasteries, universities and private libraries, to detect not only those named in the Index but all others containing suspicious matter. All owners of books were commanded to submit them for examination, under penalty of excommunication and two hundred ducats. Not only the prohibited books but all regarded as suspicious were to be sent, together with information as to their owners, to the Suprema, which would do justice in the premises.[3]

The examination of all the books accumulated in Spain was a

[1] Archivo de Simancas, Inq., Lib. 79, fol. 139.

[2] Ibidem, Lib. 942, fol. 15; Lib. 79, fol. 140, 164.

[3] Ibidem, Sala 40, Lib. 4, fol. 233.—See Appendix for the commission of an examiner.

formidable undertaking, but it was attempted to the discomfiture of all men of culture and learning, and the raising of innumerable questions which gave ample occupation to the Suprema. A specimen of this is found in the report of Fray Pedro de Quintanilla of Valladolid, concerning books in his hands belonging to Bartolomé de Robles, a prominent bookseller. Most of these, he says, are of Erasmus, such as the Adagia, Paraphrases and Anotaciones which are not prohibited, and he thinks may be returned to the owner, to which the response is that books of Erasmus not in the Index may be returned. Then there is Conrad Gesner *de Piscibus et de Avibus*, containing only the painted bird and fish, which he thinks may be returned, which is assented to. Then there is a book called Petrus Galatinus, containing a tract "De Arte Cabalistica;" if this were removed, some who have examined it say that the rest is good, to which the reply was to take out the cabalistic tract and return the book. Then there are other books, which have prologues or annotations by heretics, and he thinks that. if the names of such authors were blotted out, the books might be returned, as to which he was told to specify the books.[1] We can readily conceive the exasperation caused by this laborious and meddlesome trifling, and its repressive influence on the studies of the learned.

All this was in furtherance of a savage pragmática evidently motived by the Lutheran scare. It was issued September 7, 1558, by the Infanta Juana in the name of Philip II, and shows that the civil power coöperated with the Inquisition, while providing an effective machinery for a state censorship. It recited that, in spite of the law of 1502 and the labors of inquisitors and bishops, there were many heretical works in circulation, and that foreign heretics were making great efforts thus to disseminate their doctrines, while there were also many useless and immoral books, so that the Córtes had petitioned for a remedy. It was therefore ordered, under penalty of death and confiscation, that no bookseller or other person should sell or keep any book condemned by the Inquisition, and all such books should be publicly burnt. The Index of prohibited books must be printed and every bookseller

[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 235.—*Conradi Gesneri de Differentiis Animalium* is prohibited in the Index of 1559 (Reusch, Die Indices, p. 219). The Index contains several clauses prohibiting all books of divination, necromancy, invocation of demons, etc. (Ibid., pp. 217, 226, 227, 236), but there is nothing specially against the Cabala.

must keep a copy exposed, where the public could consult it. No books in Romance printed abroad, even in the kingdoms of Aragon, were to be imported, under the same terrible penalty, unless they had a printed licence from the Royal Council, but books in Romance previously printed abroad, and not prohibited by the Inquisition, were to be presented to the local magistrates, who were to send lists of them to the Royal Council for decision, pending which they were not to be kept for sale under pain of confiscation and exile. Moreover, a general inspection was ordered of all books in the kingdom; those in book-shops and private libraries by the bishops, in conjunction with royal officials and universities, and those in religious houses by the superiors of the Orders. Everything regarded as suspicious or immoral was to be sequestrated, until judgement should be passed upon it by the Royal Council, and this was to be repeated annually.

Existing and foreign books being thus provided for, a stringent censorship of the press was organized. Death and confiscation were decreed for any one who should give out for printing a book without first submitting it to the Royal Council for examination when, if found unobjectionable, a licence would be issued. To prevent alterations, every page of the MS. must be signed by a secretary of the royal chamber, who must rubricate every correction and state at the end the number of pages and corrections. After printing, the MS. must be returned with one or two printed copies for comparison. Every book must have in front the licence, the *tassa* or price at which it was sold, the privilege, if there was one, and the names of author, printer and place of publication. New editions were subject to the same regulations, but legal documents and official papers of the Inquisition and the Cruzada Indulgence were excepted. Even writing was subjected to the same restrictions as printing, for death and confiscation were threatened for all who should own or exhibit to others a MS. on any religious subject without submitting it to the Council, which should either license it or destroy it. This ferocious law was confirmed, in 1627, by Philip IV and remained unrepealed until the Revolution, its enforcement being rigorously enjoined by Carlos IV, in 1804.[1] That any one suffered death for its violation is

[1] Nueva Recop., Lib. I, Tit. vii, leyes 24, 33.—(Novís. Recop. VIII, xvi, 3; xviii, 1).—Alcubilla, Códigos antiguos españoles, p. 1580.

In 1746, the preliminary examination of MSS. for licences to print was entrusted by the Royal Council to the Real Academia de la Historia, a duty limited

unlikely, and inquisitorial trials of theologians show that they accumulated masses of papers on religious subjects without thought of submitting them to the Royal Council, but the impediments which it threw in the way of authorship were rigidly enforced and coöperated with the Inquisition in exercising a most repressive influence on the intellectual progress of Spain.

It was not difficult to secure from the papacy its aid in rendering this censorship effective. The Suprema, in its letter of September 9, 1558, to Paul IV respecting the Lutheran development, called attention to the negligence of confessors in requiring their penitents to surrender prohibited books and to denounce offenders, and Paul, in a brief of January 5, 1559, commanded all confessors in the Spanish dominions to enquire of penitents whether they owned or read such works, or knew of any one owning or printing or selling them, when absolution was to be refused, unless the books were surrendered or the culprits denounced. For obedience to this, on the part of confessors, remission of sins was promised, while negligence was threatened with fines, deprivation of functions and benefice and disability for reinstatement, penalties which were discretional with the inquisitor-general.[1]

Thus papal, royal and inquisitorial powers were concentrated in the effort to purify the land of heretical literature. By the Edicts of Faith and by the confessional the whole population was enlisted as spies and informers on those who contravened the

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by Fernando VII to those concerning the history of Spain and the Indies. The records of this censorship have been printed by the Academy (Boletin, XXXV, 369–434). Each MS. was submitted to one or more members and there were three classes of censure—favorable, unfavorable and doubtful, the latter equivalent to the *donec corrigatur* of the Index, when the author had an opportunity of revising his work and submitting it again, a process which occasionally was repeated a third time. The censors appear to have been for the most part lenient. In the record, extending from 1747 to 1833, the favorable reports amount to 618, the unfavorable to 149 and the doubtful to 155.

Works of belles-lettres were submitted to the Spanish Academy. Don Manuel Serrano y Sanz has printed (Revista de Archivos , Julio-Agosto, 1906) a number of the judgements pronounced by the censors to whom they were confided, which throw an interesting light on the critical canons of the period. It would appear that the issue of useless books was discouraged: as Miguel Cervera López says of one entitled *Los desengaños de un casado*, "Finding no usefulness in this writing, I think it should not be printed." This was only enforcing a decree of Philip IV in 1627, ordering licences to be refused to unnecessary works (Novís. Recop., VIII, xvi, 9).

[1] Bulario de la Orden de Santiago, Lib. 1, de copias, fol. 100.

prohibitions, which rapidly succeeded each other in the inquisitorial edicts, and all readers of books were required to denounce any passages which might seem to them suspicious or offensive. It is probably to this latter source that are attributable most of the incredibly trivial expurgations with which the later Indexes are burdened. How it sometimes fared with authors, indubitably orthodox but careless in expression, is exemplified in the case of the Maestro Fray Hernando de Santiago who, in 1597, published at Salamanca, of course after the preliminary censorship, his *Consideraciones sobre todos los Domingos y Fiestas de la Quaresma.* It was denounced to the Inquisition as containing some heretical propositions and many that were erroneous and scandalous. The Toledo tribunal summoned him and after examination voted to suspend his case with a reprimand and order to be more reticent in his sermons and to write no more scandalous books, which was an admission that the work contained nothing especially objectionable. The Suprema, however, set the vote aside and ordered his trial to be vigorously pushed and all his papers to be seized. A struggle, prolonged until 1602, ensued over an infinite number of expressions to which the calificadores took exception, resulting in his being severely reprimanded in the presence of representatives of all the religious Orders, with banishment from Castile and suspension from preaching for three years, the first year of which was to be passed in reclusion in the monastery of Cuenca as a penitent. From his book were to be expurgated all the passages noted as objectionable by the calificadores, and the list of these as printed in the Indexes is formidable in length rather than in quality, for captious criticism had wreaked itself on the minutest points. It was justified in correcting "Assur King of Persia" to "Assur King of Assyria;" possibly also in altering "the day when Peter renounced Christ" to "denied Christ," but only slavish adulation could require that "the day when a tyrant king" should be changed to "tyrant captain." Still, the indomitable maestro was not silenced, for in the following year, 1603, he issued another book, *Consideraciones sobre los Evangelios de los Santos*, for which he escaped prosecution, though his book likewise found its way into the Index, with, however, a smaller array of expurgations.[1]

Inquisitorial censorship, it will thus be seen, by no means confined itself to suppressing the works of foreign heretics, for which

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Index of Sotomayor, pp. 524-8.—Indice Ultimo, p. 240.

it was primarily instituted. Had it done so, it would have exercised a sufficiently benumbing influence on Spanish intelligence, for it excluded many works because of their authors rather than of their contents and it never was able to settle definitely the troublesome questions arising from works of high scientific and intellectual merit, in which the authorship or an occasional passage might offend the hyper-sensitiveness so zealously cultivated. This was sufficiently restrictive on culture, not only in itself but in the obstruction which, as we shall see, it imposed on the introduction of all books from abroad, but even more unfortunate in its influence was the censorship extended over the whole field of native literature, interposing barriers on authorship seeking publicity, and exposing even the most orthodox writers to the danger of seeing their works suppressed, or to the humiliation of having them disfigured with blotted passages in which the perverse ingenuity of some theological expert might detect possible danger to the unwary.

Yet, to do the Spanish Inquisition justice, in this it was more considerate than the Roman censorship. In 1564 appeared the Index of Pius IV, known as the Tridentine Index. This is the basis of all succeeding Roman Indexes, which are strictly of prohibited books—that is, all books, to which exception of any kind could be taken, were prohibited, whether their errors were systematic or only occasional. No indication was given as to what were the objectionable points, although the author, by humble supplication to the Congregation of the Index, might obtain information and reprint his book with corrections, at the risk of its being again prohibited.[1] The Spanish Inquisition was more laborious, for it prepared Expurgatory Indexes, in which, when books were not absolutely prohibited, the objectionable passages were designated and, when these were *borrado*, or blotted out, the book could be circulated.

Working thus on different lines, there was little harmony between Spain and the Holy See. In fact, as we shall have occasion

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[1] Catalani de Secretario Congr. Indicis, p. 31 (Romæ, 1651).

The only attempt made to compile a Roman *Index Expurgatorius* was in 1607, by Gianmaria Guanzelli da Brisighella, Master of the Sacred Palace. It never advanced beyond the first volume and was suppressed in 1611. That volume consists of 599 double-columned 12mo pages and only contains fifty-two authors, so numerous are the expurgations, many of them as trivial as those of the Spanish censors

to observe, the Inquisition asserted entire independence of the Roman censorship, disregarding its prohibitions and issuing its own without reference to Rome. This commenced early, as is shown in some curiously contradictory utterances, in 1568, respecting the Tridentine Index. February 7th, a carta acordada orders the observance of the Spanish Index of 1559; then another, of June 14th, recites that the Tridentine Index is not observed and that persons are using books prohibited in it, wherefore inquisitors are to order it to be obeyed and to tell preachers to urge this from their pulpits; finally a third carta, a fortnight later, on June 29th, practically revokes this by commanding that the Index of 1559 is the only one to be followed.[1]

What between the activity of the press, the widening knowledge of heretical literature, and the increasing sensitiveness of criticism, the work promised to be endless and preparations were soon under way for the preparation of a new Index. The labor proved to be no light one. The tribunals, the prelates and the universities were called upon for information; as this was received it was sent to Maestro Francisco Sancho, who selected from the University of Salamanca a junta to frame from these materials the new Index. Then Sancho left Salamanca and recommended as his successor his assistant Doctor Diego de Vera. The Suprema grew impatient and, in a letter of December 6, 1572, it charged the theologians of the university with the prosecution of the work; in view of its importance and the urgency of speedy completion, it was to be preferred to all other business and was to be pushed forward unremittingly.[2] They doubtless labored conscientiously and disputed zealously, but the result was still far off. In 1574 we hear that the Index was expected to be completed shortly; in 1575, the Licenciado Velarde, in charge of the matter, was urged to complete it; in 1578 it was so far advanced that it was submitted to the Universities for their revision and in 1579 they were asked for their opinions on the general rules drawn up to accompany it.[3] Still there was delay, for the outcome of this careful and prolonged labor was a vast increase over previous indexes, appearing in two volumes, known as the Indexes of Quiroga, the inquisitor-general. The first was an Index of prohibited books, issued in 1583, consisting mostly of the names of authors all of whose works were for-

[1] Archivo de Simancas, Inq., Lib. 940, fol. 4; Lib. 942, fol. 25.
[2] Ibidem, Lib. 82, fol. 76; Lib. 940, fol. 5.
[3] Ibidem, Lib. 940, fol. 6, 7, 18.

bidden. This was followed, in 1584, by an Expurgatory Index—the first of its kind—giving the expurgations necessary to render current the works enumerated. A carta acordada of October 16th contained directions for the enforcement of its prescriptions. Although it had been published in the principal towns, it was to be published again, on a Sunday or feast-day, after convoking the people by proclamation, when it was to be read after the sermon in the same way as the Edict of Faith. The preacher was to announce that all persons having prohibited books were to deliver them at once to the tribunal, or to a person designated in each town; those having books to be expurgated could do so in their own houses, but within six months must submit them to the said persons for approval and signing, without which they would not be considered as expurgated. Obedience seems to have been slack; on June 13, 1585, the time limit was extended for four months; then successive prorogations followed and, in 1587, a further delay was accorded until the end of 1588.[1]

The business was as interminable as the labors of the Danaïdes. Already, in 1586, the theological faculties of Salamanca, Alcalá and Valladolid were informed that omissions had been reported, and they were asked to assemble and consider what should be done. In 1594 we hear of preparations on foot for another Index and Doctor Neroni, Abbot of Alcalá was instructed to form a junta of doctors and masters competent for the work.[2] Progress, however, was interrupted by the strife which arose between the Dominicans and the Jesuits over the propositions of Molina and the insoluble questions connected with sufficing and efficacious grace. The correspondence on the subject was continuous and voluminous; all the theologians of Spain, who were numerous and highly vocal, were involved in a prodigious uproar which monopolized the energies of the censorship. Even the Inquisition was powerless to restore peace between the raging factions and, in 1598, the strictest orders were sent to all the universities, forbidding debate or discussion on the subject and any allusion to it in lectures. Yet the tempest continued to growl and even in 1612 we find an edict concerning it.[3]

[1] Archivo de Simancas, Inq., Lib. 941, fol. 9; Lib. 939, fol. 127; Lib. 940, fol. 16, 17.

[2] Ibidem, Lib. 940, fol. 8, 16.—Even Abad Neroni required supervision. In 1598, he was ordered to report to the Suprema what was the Bible which Fray Gerónimo de Almonacid said he possessed.—Ibid., fol. 12.

[3] Ibidem, fol. 8–12, 17.

Still the work was making progress, with enormous labor. We happen to learn that, in 1596, the tribunal of Murcia was instructed to confide to Dr. Arce and his brother the expurgation of Theodore Zwinger's *Theatrum Vitæ Humanæ*, an enormous work, in eight folio volumes, published in Basle in 1565. How long they were engaged upon the task may be inferred from the fact that, in 1610, the tribunal was ordered to give to Padre Arce the copy of the book on which he had labored, and the result appears in thirty-eight pages of the Index, occupied by his expurgations.[1] In 1605 we find commissions granted to sundry calificadores to take from the book-shops whatever books they needed for examination. A junta was formed, probably in 1608, the members of which received the liberal salary of a ducat a day and, in 1610, lists of books were sent to all the tribunals, with instructions to submit them to learned men for consideration.[2] The expenditure was large for it was not until 1612 that the new Index, known by the name of Sandoval y Rojas, the inquisitor-general, saw the light. It was both a prohibitory and an expurgatory Index in one stout volume.

The next Index was issued under the authority of Inquisitor-general Zapata, in 1632, forming a large folio. Then, in 1640, another appeared in a still larger volume, known as the Index of Sotomayor. Sixty-seven years elapsed before the publication of another, in 1707, under Inquisitor-general Vidal Marin. Its preparation had been entrusted to Antonio Alvárez de la Puente and Fernando Gallego Calderon, the latter of whom died and the work was carried to completion by the former. It contained not only the list of Sotomayor and the works condemned or expurgated during the interval, but many others discovered by the industry of the compilers or by the revisors appointed by the various tribunals, under orders of May 31, 1706, to examine all book-shops and libraries.[3] It occupied two folios of rather smaller size than the single one of its predecessor. The next Index was issued in 1747, under Inquisitor-general Prado y Cuesta, in one

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[1] Archivo de Simancas, Inq., Lib. 940, fol. 11, 17.

[2] Ibidem, fol. 17, 22, 23. In 1609 there is an order to pay Fray Diego de Arce 500 reales for his services in the junta and another to give him a ducat a day during its existence. In 1610 Padre Juan de Pineda is paid at the same rate and special payments of 300 ducats apiece are made to Dr. Camargo and to Fray Ignacio de Ibero. In 1613, Alonso Marques de Prado, Bishop of Tortosa, receives 800 ducats for his work in the junta.—Ibid. fol. 23, 24.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 234.

large folio. Its preparation had been committed to two Jesuits, without supervision, who abused their position by gratifying the interests of the Society of Jesus through including a large number of authors who had never been condemned, giving rise to a long debate, of which more hereafter.[1]

Although this Index was thoroughly discredited, it was not until 1782 that the Suprema invited proposals for a new one. A memorial, apparently by a member of that body, in response to this, pointed out the inconvenience of the previous issues, with their constant growth, rendering them costly and difficult to consult. The writer suggested the Roman Index of Benedict XIV as a model—all the works to be gathered into one alphabet; the long lists of expurgations to be replaced with the Roman *donec corrigatur* and a reference to the edict denouncing them. Allusion was made to the many intricate and delicate questions involved, largely owing to the irreconcileable pretensions of the Roman and Spanish Inquisitions, and to the conflict between the royal prerogative and the papal claims. Thus he says that the Roman condemnations were not to be regarded unless they emanate from the Congregation of the Index (not the Roman Inquisition) or a papal brief, and even the Congregation prohibited many books meriting no theological censure, because they were adverse to the assumptions of the curia. Then there was the difficulty of preserving an impartial balance between the rights of the crown and the power of the Church, and of determining the numerous questions presented by many books—the circumspection necessary to distinguish between rights and claims, between exterior and interior discipline, and between discipline and dogma. In fact, the construction of an Index involved much beyond the mere definitions of theology, for it affected the large issues of national policy as well as the multitudinous interests of whole classes of society and religious organizations. As the writer said, the task was too great for any one man, however wise and learned; it could only be performed by a carefully selected junta.[2] Most of these suggestions were adopted in the *Indice Ultimo*, which appeared in 1790, in a moderate-sized volume, easy of reference, although the absence of expurgations deprived the possessors of books requiring correction of the facilities afforded by the ponderous tomes of the older Indexes.

[1] Archivo de Simancas, Inq., Leg. 1465, fol. 48.
[2] Ibidem.

During the long intervals between the successive issues, the tribunals were expected to compile for themselves lists of the books condemned in the frequent edicts sent to them. In 1781 we find the Valencia tribunal taken to task for not knowing that a French translation of Robinson Crusoe had been prohibited by decree of January 16, 1756, and it was told that, if it had not kept such a list, it must seek for one in some tribunal that had done so.[1] Booksellers likewise were expected to note all new prohibitions in the copies of the Indexes which they were required to keep, and a decree of 1627 instructed the tribunal to furnish to them copies of all edicts as they appeared, so that they could not plead ignorance and escape punishment.[2]

As regards the performance of expurgation, so long as the published Index was merely prohibitive, it was necessary for the owner to deliver the book to the tribunal or to a commissioner to have the objectionable passages blotted out and some documents of 1563 and 1568 show this to be the practice.[3] When the expurgatory Index of Quiroga appeared, in 1584, we have seen that owners were empowered to do this and that they were negligent, which perhaps explains why the privilege was subsequently withdrawn. It was difficult to enforce obedience and the duty was troublesome, leading to the expedient of licensing professional expurgators, who were authorized to do the work and give certificates of its due performance, with the condition that, when working in libraries, if they found prohibited books, they would seize and deliver them to the nearest commissioner.[4] When books were delivered to the tribunals for expurgation, the habitual delays must have been exasperating. In 1688 we find Don Juan de la Torre, whose patience was exhausted, obtaining from the Suprema a letter to the Valencia tribunal ordering it to expurgate a book of his and deliver it to him.[5]

We can scarce wonder that owners were negligent, as a remedy for which a carta acordada of October 5, 1712, ordered the tribunals to state in their edicts that the expurgations were on record there, and all owners were to send their books to have the offend-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 36.

[2] Ibidem, Leg. 14, n. 3, fol. 164.—MSS. of Royal Library of Copenhagen, 218b, p. 214.

[3] Archivo de Simancas, Inq., Lib. 940, fol. 3, 4.

[4] Modo de Proceder, fol. 86 (Bibl. nacional, MSS., D, 122).

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 12, n. 2, fol. 44.

ing passages blotted out by persons deputed for the purpose.[1] Then, in 1790, the owner was again permitted to do it on condition of presenting the book within two months to show that it had been done, but, as the Indice Ultimo gave no indication of the expurgations required, it was left for the owner to discover them.[2] No matter what plan was adopted, expurgation rendered the ownership of books a source of anxiety and trouble, and exercised a deterrent influence on the diffusion of culture, for there was no class of literature, whether fiction, poetry, history, devotion, statecraft, law or science, as well as theology, in which some lynx-eyed critic could not discover a phrase or sentiment which called for revision. Edicts were continually being issued prescribing the expurgation of individual books, sometimes thirty or forty years after their publication, and frequently on the most trivial grounds, and the lover of literature or science had to be constantly on the watch to escape the penalties of neglect.

The process of expurgation was the application with a brush of a coat of printing ink to the peccant word or passage, so as to render it perfectly illegible. When the Mexican tribunal took a notion to condemn all engraved portraits of the saintly Juan de Palafox, Bishop of Puebla, the face was thus daubed over with ink so as to render the features indistinguishable. When, in a book, the length of the offending passage made this too troublesome, the ruder process was adopted of tearing out the pages, regardless of the innocent matter thus removed and destroying the connection of the parts thus sundered.[3] Literature was of small account to the butchers of books.

Booksellers and book-buyers were subjected to constant investigation conducted in the rudest manner, the influence of which could not fail to be most depressing. The examination of bookshops and public and private libraries, which we have seen attempted as early as 1530 and resolutely prosecuted in 1559, was a settled policy and was pushed with especial vigor after the issue

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 250.

[2] Indice Ultimo, Regla XII (p. xxiii), Advertencia 1 (p. xxxvi).

[3] In my copy of the *Historia pontifical* of Abbot Illescas, two folio leaves are thus torn out to get rid of a chapter on Pope Joan, which had passed the repeated censorship that had suppressed two previous editions of the book. The pages thus removed contain two whole chapters and parts of two others.

I owe to the late General Don Riva Palacio a copy of the portrait of Palafox, *borrado* as described in the text.

of every new Index, but it was not limited to those times. The correspondence of the Suprema is full of letters and instructions showing the unremitting vigilance with which the work was carried on. In 1600 the tribunals of Valencia, Barcelona and Murcia were ordered to send to the Suprema the books of the Constable of Castile—a work of some duration for, in 1602, there is still a box of them on the way. Then the Seville tribunal was instructed to examine the books of Fray Diego Davila and forward those which Montoya had indicated. Then the Murcia tribunal was told to send to Doctor Montoya the books of Don Juan de Hoces. In 1602 the books of the confessor to the queen were ordered to be sent to the Suprema. All these were private collectors, whose tastes or zeal for learning subjected them to these vexations and humiliations, to the unlimited detention of their cherished books, to loss from carelessness or pilfering and to the irreparable damage of artistic bindings. The mere possession of books rendered the owner an object of suspicion and investigation. If this was the case with private collectors of all ranks, we can readily appreciate the endless troubles and ruinous prosecutions to which booksellers were exposed. In this same year 1600, the Suprema advised the Toledo tribunal that Doctor Juan Martínez had been examining the book-shops of Madrid, resulting in the statement enclosed, as to which it was to do justice—the customary formula in prosecutions.[1]

This is merely an indication of the continuous warfare waged against culture and learning, from which no one was safe. In 1627 a decree commanded booksellers, under penalty of forty ducats and excommunication, to report all prohibited books and those requiring expurgation, which they might meet in private libraries.[2] In 1618, the Seville tribunal was ordered to seize all the Hebrew books that had belonged to Arias Montano.[3] Even the royal library of the Escorial was subjected to the most humiliating regulations. When the Index of 1612 appeared, the Geronimite Prior of San Lorenzo petitioned the Suprema, stating the wish of the king that the prohibited books should not be removed or expurgated, as it was distinct from the convent library, and the only keys to it were held by him and the chief librarian. There-

[1] Archivo de Simancas, Inq., Lib. 940, fol. 4, 12, 14.
[2] MSS. of Royal Library of Copenhagen, 218b, p. 214.
[3] Archivo de Simancas, Inq., Lib. 940, fol. 18.

upon the inquisitor-general sent Fray Francisco de Jesus to examine and report the arrangements of the library, after which, on November 12, 1613, it decreed as follows. All books which are literary and not religious or offensive, by authors of the first class (those of whom all the works were condemned), are to be separated, marked and have a prefatory note that the author is condemned, but permission is given for them to remain where they can be read by the prior, the chief librarian and the professors of the college. All books by such authors, treating of religion and cognate matters, such as chronologies, sacred histories and histories of the popes, seeing that the king does not wish them removed, shall be stored in a separate room, always locked as in an archive, and no one shall read them save the prior and chief librarian, by special licence of the inquisitor-general and Suprema; there shall be two keys (locks) one kept by the chief librarian and the other by the Suprema, and two lists shall be made of them, one kept in the locked room and the other by the Suprema. With these shall also be placed two MSS. by heresiarchs from the MS. department. Rabbinical books and Bibles in Romance can remain, but shall be put in a separate case and be marked as prohibited, but they can be read as hitherto, by the prior, chief librarian and professors. The fraile in charge of the pharmacy of the convent, but he alone, can read books on medicine by authors of the first class, for distillation of quintessences and other matters of importance.[1] A quarantine against the deadliest infection could scarce have been more carefully devised.

There was a slight relaxation in this when, in 1616, Inquisitor-general Sandoval was at the Escorial and extended to all the professors of the college the privilege of reading books of the first class on religion. After the Zapata Index of 1632 appeared, the question again came up and Inquisitor-general Sotomayor confirmed the arrangement of 1613.[2] On the publication of his Index, in 1640, the frailes of San Lorenzo petitioned the Suprema that the library, as belonging to the king, should not be expurgated

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[1] Archivo de Simancas, Inq., Lib. 32, fol. 666.

In the Indexes, books were divided into three classes. The first consisted of condemned authors, all of whose works were prohibited; the second of books by known authors, requiring expurgation; the third, of unknown authors, either prohibited or requiring expurgation.

This was the theory, but negligently observed in practice.

[2] Ibidem, fol. 668.

under the new Index. To this the Suprema replied in a consulta to the king, November 16, 1641, arguing that, as the library was the greatest in the world and belonged to the king, it was especially important that it should set the example of containing nothing contrary to Catholic doctrine. Still, there might be a secluded place, in which all books by heretic writers and of evil doctrine could be set aside, and the key of it be kept by the inquisitor-general, on condition that the library should furnish to the Suprema whatever books it might need.[1] There can be little doubt that some such arrangement was reached.

The vigilant supervision over book-shops and libraries was unrelaxing, and the depressing influence which it exercised on the book-trade and on culture in general can be estimated from the regulations accompanying the Index of Vidal Marin, in 1707. The tribunals were authorized to appoint an unlimited number of *Revisores de Libros*, empowered, at such times as suited them, to examine the public libraries and auctions and book-shops. The revisor was to require from booksellers inventories of stock and to see that these were complete; he was to order sent to his house or to that of another revisor, all prohibited books and those requiring examination, and report the result to the tribunal; he was to expurgate and certify with his signature all books requiring expurgation. He was to report all omissions or contraventions by booksellers of the rules of the Index, and for this his inspections must be frequent. He was to familiarize himself with these inventories and also with those which the booksellers were obliged to render to the tribunal at the beginning of each year, with details of all sales made during the year, so that he should become thoroughly informed and the booksellers be deterred from committing their customary frauds. All this was to be done at the expense of the owners of the books or, in the case of public libraries, of the town. As this was expected to produce much dissatisfaction, any "licentious" talk against the Index was to be reported for due punishment.[2]

The expected dissatisfaction was not lacking. The powers granted to the revisors gave so large an opportunity for oppression and extortion that the position was eagerly sought. Commissions were recklessly multiplied, until the number of these literary spies

[1] Archivo de Simancas, Inq., Lib. 21, fol. 303.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 374; Leg. 1, n. 4, fol. 234.—See Appendix for a commission of *Revisor de Libros*.

and blackmailers aroused general complaint. Nor was this a mere temporary abuse, for a letter of the Suprema, October 5, 1712, calls attention to the excessive number of appointees and the evils thence arising, for the palliation of which it proposed to issue an edict.[1]

This inspection of public and private libraries and of book-shops continued till the suppression of the Inquisition. We find, June 25, 1817, the Seville tribual sending to that of Madrid a list of books belonging to Juan Gualberto González, royal fiscal in the Council of Indies and, on August 18th, the fiscal sends to an unnamed tribunal the translation for which it had asked of a list of books belonging to the Marquis of Narros, the linguistic attainments of the inspectors having apparently been insufficient. In the financial distress of the Inquisition, the work seems now to be performed by officials of the tribunals, doubtless eager to do anything that would bring in fees, for, in 1819, we have the report of the secretary of the Valencia tribunal that, in the inspection of the book-shop of Pedro Juan Mallen, he had found a sermon in Italian, which he seized as suspicious and which was duly submitted to calificadores.[2]

Death afforded an opportunity not neglected of expurgating private libraries. When the owner died, the Inquisition stepped in to investigate and control the disposition of his books. In 1651, it would seem that all books had to pass through its hands for, in the case of Don Alonso de la Torre, the Suprema orders the Valencia tribunal to forward to it the packages delivered by the heirs, the prohibited ones separate from those approved.[3] The instructions of 1707 apparently limit this interference to cases of sale, for they provide that when, on account of death or other cause, a library is sold, the booksellers must furnish the revisor with a list of all books and their prices, so that prohibited or suspected ones may be surrendered, for which the booksellers can take receipts.[4] In 1748 the case of Doctor Teodoro Tomás, canon of the cathedral of Valencia, indicates that the executors had to render to the tribunal a detailed statement under oath of the disposition made of all books and papers. The prohibited books were

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 251.

[2] Archivo de Simancas, Inq., Lib. 890; Lib. 559.—Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 405.

[4] Ibidem, Leg. 374.

given to the Dominican convent, which had a licence enabling it to hold them, and the rest were sold to Juan Bautista Malet and Manuel Cortés, booksellers. The papers were also accounted for—those pertaining to cathedral affairs were delivered to the chapter, those which seemed useless were burnt and the servants sold some to an apothecary.[1]

In this case the necessary preliminary of submitting an inventory to a revisor had evidently been complied with. When this was omitted the resultant trouble is exemplified in the library of Gregorio Mayans y Siscar, the most eminent man of letters of his day, who died in 1781. His library was large and valuable, and his widow sought to make the most of it for his children. She was a pious woman but through ignorance did not observe the requisite formalities. She sold a large portion to the Augustinian convent, which had a licence to hold prohibited books, and when she learned that this was unlawful she made great efforts to get it back; the Augustinians resisted but were finally obliged to submit. Then she applied to the Suprema for a licence to sell the prohibited books, which was referred to the Valencia tribunal. It replied, November 8, 1803, that the Augustinian provincial had exhibited the licence, and had been told that the convent had a right to hold them, but the widow had no right to sell them. The inquisitor sympathized with her, but pointed out that to grant her request would open the door to fictitious transactions, and he recommended that at most she should be allowed to sell those which the Augustinians had bought, for there were others. The library was large; it had taken long to make an inventory and still longer to find a revisor to go over it and note the prohibited books. This, however, had at last been accomplished, and the widow had been furnished with two lists—one of prohibited books to be surrendered to the Inquisition, and the other of those which must be expurgated before she could sell them. The Suprema, before deciding, required to see a list of the prohibited books sold to the Augustinians, which was duly furnished, and we may hope that, in the end, the widow was able to dispose of her husband's books, although the proceeds must have been wofully diminished by the fees and expenses and the confiscation of those prohibited.[2] There was scant encouragement in Spain for scholars to accumulate the means of study and research.

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[2] Ibidem, Leg. 4, n. 3, fol. 290, 293.

While this case was dragging along, irrepressible zeal in pursuit of prohibited books threatened a foreign complication. Leonhardt Schuck, the Dutch consul at Alicante, died, leaving the French vice-consul as his executor. The house and effects were duly sealed with the royal seal during the execution of certain legal formalities, but the commissioner of the Inquisition called on the governor to remove the seal and deliver the keys to him, so that he might inventory the books, papers and prints, for he was informed that there were prohibited articles of all three kinds. The governor refused until he could consult the king, when the commissioner at night broke the seal, made his way in, compiled an inventory and replaced the seal as best he could. The Dutch ambassador complained to Carlos IV, and the minister Urquijo, who was unfriendly to the Inquisition, took occasion to issue a *carta orden* of October 11, 1799, severely rebuking it for this and other similar occurrences, which had contributed greatly to increase its evil reputation abroad.[1]

This supervision over the libraries of the dead continued under the Restoration. In 1815 orders were sent to all commissioners to see that no books belonging to estates were sold at auction until exact lists were submitted to the tribunal and its permission was obtained and, in 1817, when Fray Raymundo García, prior of the convent of Montesa at Onda, died, the Valencia tribunal had his library examined with the result of finding quite a number of prohibited books, mostly of a Jansenist character.[2] Despite the ceaseless vigilance of the Inquisition, the seekers after forbidden literature took the risk of gratifying their longings.

This forbidden literature was necessarily foreign. Under the preliminary restrictions on printing, which weighed with such deadly pressure on authorship, and under such vigilance as that which prompted the Suprema, in 1602, to order the tribunals to instruct their commissioners to seize all new books, or those of new authors or new editions, and report about them without delivering them to any one,[3] it was impossible that native works of dangerous tendency could reach the public, and censorship was confined to theological subtilties or to trivialties. The only real

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[1] Llorente, Hist. crít., Cap. XLIII, Art. ii, n. 5; Art. v, n. 1.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[3] Archivo de Simancas, Inq., Lib. 940, fol. 13.

danger to be guarded against came from abroad, and the Inquisition's most effective service to obscurantism was rendered in the quarantine which it established to preserve the nation from the infection of new ideas. To this were directed the unremitting energies of the state, which found in the Holy Office its most useful instrument. We have seen above how early it took the alarm in 1521. In 1532 the Royal Council adopted the heroic measure of prohibiting the importation and sale of all recently printed books[1]—a measure which, if enforced, would have cut off Spain from all foreign literature, without preventing the introduction of heretical books concealed in packages of other merchandise. If not speedily repealed, it at least soon became obsolete, and the function of guarding the land from the importation of heretical matter naturally fell into the hands of the Inquisition, which alone possessed the authority and the ability to decide between what was innocent and what was obnoxious. This function consisted of two duties—that of separating the wheat from the tares in books regularly imported through the custom-houses, and in the suppression of smuggling.

Precisely at what time the Inquisition undertook these duties it would be impossible to say, but its activity and organization of the work would seem to date from the Lutheran scare of 1557 and 1558. In a letter of May 12, 1558, from the Suprema to Charles V, it declares that all the inquisitors had been instructed to use the greatest vigilance at the sea-ports and along the French frontier, but such was the audacity of the heretics that this did not suffice, as was proved by the number of books daily seized in spite of the most rigorous punishment.[2] So, in its report of September 9th to the pope, it stated that to prevent the importation of heretic books, inquisitors with their officials had been established along the coasts and in the places of greatest trade, which was a falsehood for the purpose of obtaining papal sanction for despoiling the Church, since no new tribunals were established, though the existing ones were urged to special vigilance. How this was exercised is detailed in a letter of October 25th from the Seville inquisitors, in response to an exhortation to diligence. They declare that all possible care was taken; instructions had been given for the visiting of all ships on arrival; no merchandise of any kind

[1] Archivo de Simancas, Inq., Lib. 940, fol. 2.

[2] Ibidem, Sala 40, Lib. 4, fol. 228.

could be discharged or opened without the presence of a commissioner, who saw that there were no books in the packages or, if there were, they were sent to the tribunal. All packages for Seville were sealed and not opened save in the presence of their inspector, to see whether there were books enclosed. All books arriving were delivered to the tribunal and examined, when those found to be prohibited or suspicious were detained; it had not come to their knowledge that any one had received and distributed books without this previous examination.[1]

This shows that already the system had been established, which continued with little modification to the end. All packages of books were carefully inspected, those prohibited or subject to expurgation, and the new and unknown ones regarded as suspicious were removed and sent to the tribunal to await its decision, which usually inferred consultation with the Suprema and indefinite delay. Every package of merchandise, moreover—box, bale or barrel—was opened in presence of the commissioner in search of concealed books. Thus the whole importing commerce of Spain passed through the hands of the Inquisition, whose officials employed in the business were unpaid, except by the fees which they could exact from merchants, leading to interminable squabbles, insufferable delays and grievous impediments to the commercial activity of the nation.

The trade in books suffered especially. It evidently was regarded as a thing to be restricted as far as possible, and was subject to any caprice of the authorities. In the sixteenth century orders were sometimes sent to special ports to forward all packages of books unopened and finally this was adopted as a universal rule, the whole foreign book-trade thus passing through the hands of the Suprema. A carta acordada of June 17, 1666, complains of the inobservance of these instructions, which must be obeyed by the commissioners at all the ports; the carriers must be bound under a penalty to return, within a fixed time, the receipt of the secretary of the Suprema, and a separate letter of advice must inform the Suprema who he is and at what tavern in Madrid he is accustomed to lodge.[2] No trade could be profitably carried on which was subject to such vexatious and costly interference,

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[1] Schäfer, Beiträge, II, 359.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 11, 19.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 71.

while the Suprema was constantly scolding the tribunals for their negligence.

How their ignorant scrupulousness affected trade may be guessed by an incident occurring at Barcelona in 1666. A bookseller of that city imported a number of copies of a book just printed in Lyons—a *Pharmacopœia Medico-Chemica*, by Johannes Schoderius, M.D., Physician in ordinary to the Republic of Frankfurt a/M. In the Index of 1640, the inquisitors found, among authors of the first class, the name of Joan. Schroderus, qualified as "Philosophus et Theologus German. Luther. August. Confess.," all of whose works were condemned. They seized the Pharmacopœias and reported to the Suprema, which ordered a copy forwarded. It was duly submitted to calificadores and five months afterwards the tribunal was notified that the books might be delivered to the owner.[1]

The internal traffic in books was trammelled by the closest supervision. In 1645 the Valencia tribunal was instructed to issue no licences to take books to Castile without a formal order from the Suprema.[2] While their departure was thus closely scrutinized, a second inspection was required on their arrival, as appears from a petition, in 1665, of Juan Antonio Bonet, bookseller of Madrid, representing that, in 1663, he had forwarded to Miguel Paysso, a bookseller of Barcelona, certain books, among which the Barcelona tribunal found and seized a copy of the works of Quevedo, in two volumes, which he prays to be released, as it was printed in Madrid, where it enjoyed free circulation.[3]

It was the same with exports. In 1573 the books of some frailes going to the Canaries require a special order from the Suprema to commissioners in Seville, Granada, Córdova and Badajoz to pass them if there were none prohibited among them.[4] The instructions of 1707 provide that, when books are to be exported, lists of them are to be submitted to the revisors that they may retain any that are prohibited or are unknown to them and thus require examination.[5] A transaction in 1788 shows that a special permit was required for each shipment of books to the colonies, and a royal order of August 8, 1807, prescribed that the exami-

[1] Libro XIII de Cartas, fol. 147, 162 (MS. of Am. Philos. Society).
[2] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 63.
[3] Lib. XIII de Cartas, fol. 29 (MSS. of Am. Phil. Society).
[4] Archivo de Simancas, Inq., Lib. 940, fol. 23.
[5] Archivo hist. nacional, Inq. de Valencia, Leg. 374.

nation should be made conjointly by the commissioners of the Inquisition, the royal revisor and a delegate of the *juez de imprentas*.[1] Even books in transit were subject to the watchful eye of the Inquisition, as we learn when, in 1560, some that had belonged to Cardinal Pole were shipped through Spain to Venice and were diligently investigated.[2] Books in fact were regarded with almost an insane fear, as the most dangerous of all articles of commerce, and the more thoroughly that Spain could be prevented from knowing what men were thinking and doing in foreign lands, the safer it was for society.

The regulations adopted for importations were well adapted to protect the Spanish intellect from such dangers. The requirement of sending all packages to the Suprema unopened seems to have been abandoned, but other obstacles were sufficiently onerous. All books, with which the commissioner of the Inquisition was not acquainted, had to be submitted to calificadores or sent to the Suprema for decision. As foreign books, especially the new ones, came under this category, the consequent delays and the risk of prohibition exposed the importing bookseller to hardships rendering trade almost impracticable. Thus, in 1772, Pierre Crozier, a bookseller of Valencia, imported a copy of the *Essais de Morale* of Pierre Nicole. It had to be referred to the Suprema, which, by letter of August 29th, ordered it to be examined and reported upon. After the lapse of four years we find Crozier still begging the tribunal to decide whether it will be permitted, as well as copies of the *Discours de Fleuri* and the *Histoire de la Bible* of Royaumont. If prohibited, he asks permission to sell them to some one who holds a licence or to return them to France.[3] How much longer he had to wait we can only conjecture. These impediments to importation were aggravated by a regulation of the Royal Council, in 1784, requiring a licence before a new foreign book could be exposed for sale and, out of the small number on which the dealer could venture to try the market, he had, when applying for a licence, to give two copies and to pay the examining censor a real per sheet for reading it, with the prospect that if the licence was obtained, the Inquisition might subsequently prohibit it.[4]

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[1] MSS. of Am. Philos. Society.—Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 3, fol. 23.

[2] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 240.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 47.

[4] Alcubilla, Códigos antiguos españoles, pp. 1582-86.

The books seized were detained by the tribunals, and their fate is revealed in a letter from that of Valencia, July 28, 1798, in answer to orders from the Suprema to return to Don Josef Joaquin de Soria a copy of the *Lettres Provinciales* in four languages, and to send to Madrid, under seal, the books brought from Holland (some ten years before) by Don Pedro Antonio Casas. The tribunal explained at much length its inability to comply. The practice of entering the name of the owner in books seized is recent. The accumulation of prohibited books is large, and the room in which most of them are stored is so hot and so infested with book-worms that in a fortnight a book is pierced through and through. If those of Casas were placed there or left in their boxes there would not be a leaf remaining. Besides, a bookseller was formerly employed to come monthly and dust them, and he carried away all that he wanted, as appeared in his prosecution on that charge in 1789. This explains why only a portion of Casas's books can be found; as to Soria's *Lettres Provinciales*, two copies of that edition have been found, but each has a different owner's name.[1] Verily, the Inquisition was the grave-yard of books.

The outbreak of the French Revolution brought fresh activity and redoubled watchfulness for the exclusion of dangerous literature. Politics and religion were inextricably intermingled, and the revolutionary propaganda was as much dreaded as the religious had been in the sixteenth century. In 1792, the Suprema ordered all the tribunals to be especially zealous in preventing the introduction of the books, which the French were industriously disseminating for the purpose of exciting rebellion and imperilling religion and the monarchy. With this it circulated a royal order commanding special examination of books and papers from foreign parts. Wherever there was a custom-house, there were two revisors appointed, one royal and the other inquisitorial, who were to examine together all books and papers arriving. These were to be divided into three parts; those allowed currency and unknown works on history and science, which could be delivered to the owners; those included in the Index, to be retained by the inquisitorial revisor, and those unknown and suspected, to be kept by the royal revisor, until the king's pleasure could be ascertained. Thus the forces of the State and the Inquisition were marshalled together in defence of the faith and of the crown; unfortunately

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 163.

they did not always work harmoniously for, in 1805 these instructions were reissued with urgent appeals for cordial coöperation.[1] It would be useless to follow in detail the numerous exhortations to vigilance in the succeeding years. In spite of precautions, foreign ideas drifted through the custom-houses and embodied themselves in the Constitution of 1812 and, when the reaction came under the Restoration, the supervision of importations was confided exclusively to the Inquisition. In 1816 a question arose as to the functions of the *subdelegado de Imprentas* and the *revisor Real*, when Fernando VII decided that it pertained alone to the tribunals to decide what books should pass through the custom-houses, and that their permission was necessary.[2]

If these efforts to control the legitimate importation of books exercised an unfortunate influence on the intellectual development of Spain, its commercial interests suffered likewise from the precautions adopted to prevent the smuggling of the dreaded literature. These were known as the *Visitas de Navios*, which rendered the ports of Spain an object of dislike to all merchantmen, whether of native or foreign origin. Their systematization is attributable to the Protestant scare of 1558, when no means were deemed too radical which should serve to defeat the propagandist energy ascribed to the Spanish refugees and their heretical allies.

When a vessel cast anchor, before it could break cargo, it was visited by the representatives of various jurisdictions—health, war and customs. Subsequently health and war were combined, under the name of *almirantazgo* and there was added a visit from the commissioner of the Inquisition, with his notary and alguazil. As these officials were unsalaried, they claimed to be paid for their time and for the expense of a carriage and boat, by fees exacted of the vessel. Then, after inspecting the crew and passengers and examining any books belonging to them, a guard was stationed to prevent the surreptitious landing of books. When the cargo was discharged, the commissioner opened and inspected every package and, if it was a bale of books, of course each one had to be compared with the Index. For all this addi-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 9, fol. 1; Leg. 4, n. 3, fol. 145.—Instruccion para los Revisores, Toledo, 1805.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 3, fol. 58.

tional fees were charged, constituting a tax, not alone on the book-trade but on commerce in general, deeply resented by all the commercial interests, nor was the opposition lessened by the arbitrary methods habitual with all the officials of the Inquisition. Complaints of abuses became loud and numerous from all the sea-ports while, on the other hand, the frequent reports of heretical machinations led to constant exhortations from the Suprema for increased vigilance.

Some feeble attempts were made to check abuses. In 1602 there was a prohibition that visiting officials should require to have meals served, should place guards, or insist on having salutes fired; in 1606 it was forbidden for commissioners to take with them notaries or familiars who were merchants, and who thus learned the nature of the cargo and had opportunities to buy or to sell; but no attention was paid to these reforms.[1] Then, in 1607, a royal cédula provided that commissioners should levy no fees for visiting ships, and this was repeated in 1610, but these commands were disobeyed on the plea that they passed through the Council of Castile and not through the Suprema, wherefore, as the latter said, the commissioners were bound to obey them but not to execute them.[2]

The royal attention was finally called to the injurious effect of the system on Spanish commerce and, in January, 1632, a cédula was sent to the corregidores of the sea-ports, in which the king stated that he had been informed that the continual vexations inflicted on those who came to trade at Spanish ports, arising from the abuses practised by the numerous officials visiting their ships at their arrival and departure, had not only been the cause of the decline of commerce but of its total destruction, for every vessel was visited by so many jurisdictions that the extortions and impositions were great and had much increased of late. He was therefore obliged to enquire what proper methods could be adopted to encourage trade on the part of both natives and foreigners, without abolishing the necessary visits and precautions. There followed a list of searching questions as to the number of visits, officials, fees, methods, etc., with a request for suggestions. Although directed nominally to the abuses of all the jurisdictions,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 193.—Bibl. nacional, MSS., S, 294, fol. 50.

[2] Archivo de Simancas, Inq., Lib. 26, fol. 37; Lib. 43, fol. 315; Legajo 1526, fol. 2.

the Inquisition evidently was especially aimed at, for copies of the cédula were sent by the Suprema to all the tribunals of the crown of Castile.[1]

A junta was assembled to frame a reform on the basis of the information thus obtained. It sat until the end of 1633 but, if it reached any conclusions, they left no trace on legislation or practice. The only paper laid before it that I have met is a complaint from Don Pedro de Barreda, customs inspector of Guipuzcoa, of the excesses committed by officials of the Inquisition, under pretext of visiting the vessels coming to the ports of his district.[2] The probability is that, as so frequently the case in Spanish administration, the junta did nothing but submit to the king long consultas representing the conflicting views of the individual members, and that the king by that time had lost his interest in the matter and cast them aside without reading.

As was inevitable, the aggressiveness of the officials led to frequent quarrels. In 1616 there was one in Sardinia, in which the inquisitor excommunicated the Governor of Sasser, when the viceroy retaliated with a decree banishing the inquisitor. It was published with trumpet and cymbals and so frightened the inquisitorial people that the consultors did not dare to assemble and the familiars took to the mountains. The affair was referred to the Council of Aragon and the Suprema, which effected a truce by annulling the acts on both sides.[3] That the junta of 1633 brought no harmony is seen in a similar outbreak arising from the same cause in 1634, between the viceroy of Majorca and the tribunal, which had to be carried up to the king.[4] In 1635, the royal secretary addressed the Suprema, stating that a squadron was being organized for service on the coast of Guipuzcoa and that, to avoid the extortions and vexations of the commissioner at San Sebastian, the king desired that the head chaplain of the squadron should be appointed as commissioner, so that he could perform the duty of visiting the ships and prizes when they entered port. To this the Suprema returned an emphatic protest; such visits were essential and not to be omitted; the cause of complaint was not the extortions of the commissioners but their

[1] Archivo de Simancas, Inq., Lib. 31, fol. 118.—Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2 fol. 193.

[2] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 79.

[3] Ibidem, Inq., Lib. 29, fol. 494.—Portocarrero, Sobre la Competencia, n. 81.

[4] Archivo de Simancas, Inq., Lib. 34, fol. 286–97.

zealous discharge of their duties. As there is no endorsement on this consulta, the king apparently did not press the matter.[1]

Perhaps the bitterest struggle was that carried on by Bilbao for more than a hundred years. As one of the busiest ports of Spain, it naturally recalcitrated against the burdens laid upon its trade. The system had scarce been fairly organized when, in 1560, complaints already came to the Suprema of extortionate and illegal fees. Bartolomé de Robles, a bookseller of Alcalá, represented that he had imported through Bilbao forty bales of books, which were forwarded in one lot by ten muleteers; they had all been duly examined and sealed, the commissioner charging one real for each seal and then, in place of giving one certificate for the lot, he made out forty certificates at four reales apiece. The Suprema forwarded this to the tribunal of Calahorra (Logroño), with a table of fees, commanding that all exorbitant charges should be returned to it for distribution to the parties aggrieved.[2] It was not alone the booksellers, but merchants in general, who suffered from the opening of their packages and the fees charged on each, and the shipmasters exposed to the extortions attendant upon the visits. The mercantile community of Bilbao was well organized, having a *Casa de Contratacion* to regulate commerce, with a *Fiel* or executive officer, a Prior and Consuls. They made their grievances heard and a compromise was reached with the tribunal, in 1561, which was not observed; it was the same with another agreement made in 1567 and yet another in 1576, under which all fees were abolished. To enforce this the Contratacion brought suit, resulting in an agreement in 1577, confirmed by the Suprema, by which the commissioner received fifty ducats a year in lieu of all fees, except two reales on each package of books, the examination of which was admitted to be laborious.[3] Trouble soon recommenced; in spite of repeated exhortation to moderation by the Suprema, fees were levied on every package and cask of merchandise. The royal cédula of 1607 abolishing fees was published February 18th, but received no attention and, in 1609, Bilbao sent a strong remonstrance to the king, to which the Logroño tribunal replied, asserting it to be false; the labor was great; it always had been and must be paid by fees, which

[1] Archivo de Simancas, Inq., Lib. 24, fol. 13.

[2] Ibidem, Lib. 80, fol. 1.

[3] Ibidem, Lib. 25, fol. 116–17; Lib. 43, fol. 131, 201, 297.

were always the subject of contention, especially at Bilbao where there were a prior and consuls to defend the merchants.[1] Then came the royal cédula of 1610, again abolishing fees, which received no more attention than the previous one.

In February, 1612, the Suprema wrote to Logroño that great complaints continued to come to the king, especially from Bilbao, and it suggested that an increase in the fifty ducats might be obtained in lieu of fees. Acting on this, a formal agreement was signed in July and confirmed by the Suprema, raising the annual payment to two thousand reales, the two reales on book packages being retained. It is not likely that this was observed by the commissioner for, in 1616, at the request of the merchants and shipmasters, a return was made to the fee system and a definite scale was agreed upon. This scale, however, did not long content the commissioner for, in 1631, the complaints reaching the Suprema led it to make an investigation, in which its fiscal admitted that the excessive fees and vexations were leading shipmasters to abandon those ports, especially Bilbao; the fees exacted were fifty per cent. greater than the agreed scale; vessels bringing fish were compelled in addition to give so many fish out of each barrel, and the delays were damaging. At the same time the existing commissioner, Pedro de Villareal, was highly commended. He had merely accepted conditions as he found them established by his predecessors; his term of service extended from 1625 to 1662 and was subsequently looked back upon as a halcyon time of peace.[2]

This came to an end, in 1663, with the appointment of a new commissioner, the Licentiate Domingo de Leguina, whose excessive exactions and arbitrary methods excited the bitterest dissatisfaction. One thing which was the subject of especial complaint was that, in place of examining merchandise in the warehouses of the consignees, he insisted on opening the packages on the quay, cutting the cords and scattering the contents, which were thus subjected to theft and to the vicissitudes of the weather; he even bored holes in casks of tar and explored the interior with a stick in the search for hidden books. Commerce on a large scale could scarce be conducted under such conditions, the prosperity of the port was seriously threatened, passions on both sides were enkindled

[1] Archivo de Simancas, Inq., Lib. 43, fol. 120; Leg. 1526, fol. 7.
[2] Ibidem, Leg. 1526, fol. 2, 7, 17; Lib. 45, fol. 151; Lib. 38, fol. 78.

and a controversy of the fiercest kind raged for years. The Señorio of Biscay took sides with the merchants and represented forcibly to the queen-regent the absurdity of ruining commerce and risking complications with foreign nations on the pretext of preventing the smuggling of prohibited books, considering the risks attendant on the attempt and the lack of purchasers for them if successful, in a community so ardent for the faith.[1]

Both sides resorted to extreme measures. The Contratacion in 1667 ordered the merchants not to pay fees; the tribunal, with the approval of the Suprema, ordered Leguina to collect them; he seized goods and sold them by auction; he prosecuted some of the merchants and compromised with them for money; the English and Dutch ambassadors intervened with protests against the disregard of treaty stipulations; the queen-regent annulled the decree of the Contratacion forbidding the payment of fees, and against this the Señorio of Biscay, in a solemn assembly, November 7, 1668, protested, as a violation of the fueros, and adopted a decree prohibiting their payment; if attempts should be made to collect them it would resist and, if other remedies failed, a Junta General would be assembled to determine on further measures. Meanwhile, any secular official assisting Leguina was declared to be disabled for insaculation in the choice by lot for public office. This decree was published in Bilbao to sound of drum and fife, with general popular rejoicing, and Leguina could find no official to assist him in his work, even his notary being disqualified for an office to which he aspired. Then the Council of Castile intervened May 15, 1669, with an order to Leguina to levy no fees for visiting ships, an action probably induced by a forcible protest from the Earl of Sandwich, the English ambassador, in which the exactions of the commissioner were represented as infractions of the treaties of 1665 and 1667.[2]

The serious character of the questions thus raised made an impression on the court and led to a royal decree of July 19, 1669, informing the Suprema that the vexations and excessive dues levied by Leguina on the commerce of Bilbao had aroused such hatred that means must be taken to avoid greater evils, by removing the officials and replacing them with others who would perform their duties without arousing complaints. An immediate answer

[1] Archivo de Simancas, Inq., Lib. 43, fol. 68, 120.

[2] Ibidem, Lib. 25, fol. 1, 52, 82; Lib. 43, fol. 142, 174, 187; Leg. 1526, fol. 6.

was required to this, but the Suprema waited until December 23d and then replied in a long consulta, insisting that Leguina had been right from the beginning; that all laws or regulations infringing the immunities of the Inquisition were invalid, and the mere attempt subjected its authors to punishment. As the Suprema was immovable, an attack was made directly on Leguina by a royal letter and provision of the Royal Council, January 22, 1670, ordering him to collect no fees for visiting ships and to make his visits as his predecessors had done. When this was served upon him he made an unseemly reply and stopped the commerce of the port until there were eighteen ships waiting to discharge their cargoes. To overcome this, a solemn mandate in the name of the king and queen-regent was addressed to him, February 14th, reciting his misdeeds and ordering him to quit the kingdom or to present himself at court under penalty of twenty thousand maravedís. When this was served upon him by a notary, on February 23d, he reverently placed it on his head and said he respected it as the act of his king, but the next day he served upon the notary his *declinatoria* (denial of jurisdiction), stating that he was simply the servant of the Suprema and of the Logroño tribunal, in which capacity he had complied with the obligations of his office, and the Suprema had never brought a charge against him, wherefore he supplicated the king to inform himself from the Suprema as to the matters contained in these royal provisions, which had been obtained surreptitiously, and to recognize the justice of his reply and of his proceedings.[1] The authority of the Suprema evidently was superior to that of the king.

Thus baffled, the queen-regent turned again to the Suprema, with a decree of April 1, 1670, in which she rehearsed the agreements of 1561, 1567 and 1576 as providing that no fees were to be levied; the visits must be made in the former fashion, so as to give no occasion of complaints of the violation of treaties, and Leguina must be removed. To this the Suprema replied, April 24th, insisting on the necessity of the visits; the resistance of Bilbao had proved contagious; the other ports were refusing to pay fees, and this would extend to the whole monarchy; the labor had to be paid for and the Inquisition had no funds for salaries. It further explained that, in view of the hostility felt for Leguina, the Logroño tribunal had replaced him, on January 3d, by Joan

[1] Archivo de Simancas, Inq., Lib. 43, fol. 174, 187; Leg. 1526, fol. 4.

de Zabala, who had found himself unable to act, everybody being terrorized and refusing to assist him, so Leguina had resumed his duties. Then, on February 14th the Council of State had intervened and allowed the eighteen waiting ships to discharge their cargoes without examination, which was an invasion of the jurisdiction of the Inquisition and consequently null. At the end of February Leguina had been replaced by Don Iñigo Zubiaur who had been well received by the merchants—a fallacious welcome for soon afterwards it was learned that Zubiaur, though he reduced the fees, could get no assistance; his life was threatened and he asked to be relieved on June 20th.[1]

It would be a weariness to follow in further detail these obscure quarrels which were carried on with equal tenacity by both sides. A new commissioner, Pedro de Irazagarria Butron, was succeeded by Miguel de Jarabeytía, who were as little successful as their predecessors. At length, on May 26, 1680, the king sent to the Suprema a protest from the Dutch ambassador as to the detention of vessels and damage to goods for the purpose of extorting illegal fees. This was followed, June 26th, by another from the ambassador of France, claiming that French vessels should be exempted, and that only packages of books should be examined. Then, on September 4th the king transmitted one from the English ambassador, and accompanied it by a sharp message to the effect that at the moment it was especially desirable to avoid giving just cause of offence to England, and that a prompt remedy must be applied. It was not until October 22d that the Suprema replied, insisting upon the enforcement of the visits; more books entered the port of Bilbao than all the other ports of the kingdom combined, and since these troubles began the visits had been so impeded that immense numbers of books of evil doctrine were filling all the public and private libraries.[2] The Suprema was willing to embroil Spain with half of Europe rather than to spend a few hundred ducats in salaries, and equally reckless was its assertion as to the commerce in books at Bilbao. When, in 1648, it had called for reports on the *visitas de navios* from all the northern ports, Commissioner Villareal stated that no books had come to Bilbao for eight years. At none of the other ports was there any allusion made to books, except at San Sebastian, where it was added that

[1] Archivo de Simancas, Inq., Lib. 43, fol. 201; Lib. 25, fol. 129.
[2] Ibidem, Lib. 43, fol. 201, 235, 270; Leg. 1526, fol. 36.

they rarely came.[1] When we recall the forty bales imported in one lot through Bilbao for Robles of Alcalá, in 1561, we can estimate the success of the Inquisition, during the interval, in securing the intellectual isolation of Spain and the flimsiness of the pretext on which was based this prolonged struggle.

Still the struggle went on, stimulated by fresh protests from the English and French ambassadors and met by the Suprema with vociferous assertions of the masses of heretical literature introduced into Spain. At length, on June 12, 1681, the corregidor of Bilbao, Don Juan González de Leon, a member of the Royal Council and judge in the Chancellery of Valladolid, in conjunction with the General Deputies of the Señorio, issued a proclamation imposing a fine of fifty ducats on all shipmasters, merchants and others who should pay the fees, thus uniting the royal and provincial authorities in resistance to the Inquisition. The Suprema met this, July 17th, by ordering Jarabeytía to collect the fees, in which if necessary he was to employ excommunication and collect evidence to prosecute those who impeded the Inquisition. This was a declaration of war, but it was accompanied with secret instructions that he was not to seize goods but to keep a record for future use, and that he was to lose no opportunity of reaching a compromise with the Contratacion, which could take the shape, as formerly suggested, of a lump sum in payment on every ship according to its tonnage.[2] Here the documents at my disposal come to an end, but there can be little doubt that, on some such basis, a compromise was reached, as the Contratacion had shown a willingness to pay a handsome sum in gross, in the confidence apparently, that when the stimulus of fees for each package was removed, the examinations would be nominal and the commissioners would render their office a sinecure.

Barcelona was more fortunate than Bilbao. The opposition of the viceroy and the intervention of the Banco Regio prevailed against the efforts of the tribunal. In 1819 it reported that there was no trace of commissioners ever having visited ships, except when there were Jews on board, and that a letter of 1677 showed that visits were not made because shipmasters would not pay the fees.[3] Elsewhere, abuses were rife. At Cádiz, among sea-

[1] Archivo de Simancas, Inq., Leg. 1526, fol. 17.
[2] Ibidem, Lib. 43, fol. 283, 297, 315, 319, 325; Lib. 26, fol. 33.
[3] Ibidem, Leg. 1473.

faring men, the Santo Oficio was generally known as the Santo Ladronicio, although there and in Málaga a judicious system of bribery was established, which removed most of the impediments of commerce, together with the obstacles to the importation of prohibited books.[1] I have met with complaints about Valencia, Alicante and other ports and, in view of the prevalence of official venality, it may be assumed that at least many commissioners used their virtually irresponsible power for profit either by omitting supervision or rendering it unduly onerous.

In 1705 an elaborate digest of all previous instructions was sent to the tribunals with orders to impress upon their commissioners the necessity of constant vigilance to prevent the introduction of prohibited books; not only were bales, hogsheads, casks, packages and especially packs of playing cards to be examined, but the chests and beds of the sailors, yet the utmost tact and dexterity were to be employed, so as to avoid exciting the repugnance felt for these visits. If any controversy arose, the commissioners were not to proceed judicially but the matter was to be referred directly to the Suprema.[2] In 1742 and 1764, there were royal orders issued prescribing rules and fees, which have interest only as showing the control acquired by the crown over the Inquisition.

In 1801, the Suprema called upon the tribunals for information as to details and fees, the answer to which from Valencia indicates the purely financial view of the matter entertained by the officials. Since the royal orders of 1742 and 1764, it said, and for many years previous, no visits had been made, because the fee for large vessels was eight reales and four for small ones, while it was necessary to hire a carriage from the city to the Grao and a boat to the ship, so the cost was greater than the gain. In Denia the visits had been performed anciently, but for many years they had been abandoned.[3]

In fact, it had for the most part become simply an impost levied for the benefit of the Inquisition on ships from foreign parts. The suppression of the Inquisition by the Córtes of Cádiz, in 1813, was followed by a decree stating that at almost all the sea-ports of Spain there was collected for the Inquisition a fee known as

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[1] Bibl. nacional, MSS., S, 294, fol. 50, 132.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 193.

[3] Ibidem, Leg. 4, n. 3, fol. 243.

derecho de Inquisicion on all foreign vessels or those from foreign parts, and that in some places there was further levied on all packages of books and merchandise another fee for registration—all of which the Córtes now suppressed.[1]

With the revival of the Inquisition under the Restoration, the *visitas de navios* were naturally resumed, whenever the opposition of shipmasters and foreign consuls permitted. Desiring to reorganize the system, the Suprema, June 17, 1816, called for information, the responses to which show that, at the ports of the northern coasts, for the most part, it was maintained as far as practicable, while on the Mediterranean shore, except in Majorca and Velez Málaga, it was in a thoroughly demoralized condition. No visits were made to the ships. Where they could, commissioners collected fees from vessels arriving from foreign ports, but consuls raised objections and, when subsequently the Suprema ordered the commissioner of Cádiz to enforce payment, he could not persuade the consuls to assent, as they simply referred him to their ambassadors. The matter slumbered until, in January, 1819, the Minister of Marine addressed to the inquisitor-general a complaint from the Hydrographic Office that it had been obliged to pay to a commissioner eight reales for examining two cases containing articles for it. This opened the way, and the Suprema laid before the king a long consulta, urging a reorganization of the system and presenting an elaborate series of regulations for his consideration, as the matter was of immense importance to religion and the state. The scheme resuscitated all the old details in the most rigorous form; indeed, as regards books, it provided that the packages should be sealed with sealing-wax, the duties were to be paid and the packages forwarded to the Suprema by some confidential person.[2] No more effective plan could have been devised for preserving Spain from the contagion of foreign ideas and, even without this, the other provisions gave to the Inquisition the power of embarrassing largely the whole foreign commerce of the land. The scheme is of interest as revealing the aims of the Inquisition on the brink of its extinction. How it was regarded by the court we have no means of knowing for, before it could be acted upon, the Revolution of 1820 put an end to the active existence of the Holy Office.

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[1] Coleccion de Decretos de las Córtes, IV, 17 (Madrid, 1820).

[2] Archivo de Simancas, Lib. 559; Leg. 1473.

The restrictions which censorship imposed on learning and culture were slightly relieved by the licences which were granted to possess or to read prohibited books. In the struggle with heresy, its confutation required that some persons should be allowed to read the works in which it was taught, and it became customary to grant the privilege to those whose firmness in the faith could be trusted. The bull in *Cœna Domini* of Paul III, in 1536, excommunicates all who read Lutheran books without papal licence, showing that already licences were issued and that the power was reserved to the pope. This power was valuable, and the officials of the curia, to whom it was confided, were subject to temptations which, in that age of venality, were not likely to be resisted. Inquisitors, moreover, assumed that this was included in their delegated apostolical faculties and undertook to issue licences, leading to a multiplication of privileged persons which nullified to some extent the prohibitory edicts. To remedy this, in 1547, the Suprema revoked all such licences and forbade their future issue by the tribunals, a provision which had to be repeated in 1549 and 1551.[1] This still left the papal licences in the hands of those possessing them, but these were similarly annulled, in 1550, by Julius III, in a brief, from which we learn that papal legates also issued them.[2]

They speedily multiplied again, and the Suprema took advantage of the Lutheran excitement of 1558 to procure their withdrawal. In its report of September 9th of that year to Paul IV, it represented that many prelates and frailes kept prohibited books, in spite of edicts and censures, refusing to surrender them on the plea that they held papal licences; in view of the danger thence arising to the faith, the pope was asked for a brief revoking all such licences, ordering their surrender under heavy penalties and authorizing rigorous prosecution of transgressors.[3] Paul did more than merely respond to this petition. By a brief of December 21st, he revoked all papal licences and then, by another of January 4, 1559, he committed the execution of this to Inquisitor-general Valdés, who printed it in his Index of that year.[4]

These briefs granted to the Spanish Inquisition no power to

[1] Archivo de Simancas, Inq., Lib. 942, fol. 15; Lib. 79, fol. 17, 164.—Cf. Pegnæ Comment. iii in Eymerici Director. P. II.

[2] Septimi Decretal, Lib. v, Tit. iv, cap. 2.

[3] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 231.—See Appendix.

[4] Reusch, Die Indices, p. 212.

issue licences. So jealously was this reserved to the Holy See that, in 1574, Gregory XIII gave a special licence to Inquisitor-general Quiroga, with a faculty to extend it to members of the Suprema, in order to enable them to decide cases of heresy.[1] This caution contrasts strangely with the favors shown to the Society of Jesus. Pius V, while yet inquisitor-general, granted to the Jesuit General faculty to issue licences; this was confirmed, *vivæ vócis oraculo*, by Gregory XIII and, to establish it more firmly, he was asked to embody it in a brief which he did, January 9, 1575, moreover releasing them from any censures or other penalty, by whomsoever inflicted, in so far as necessary to render the concession effective. Under this the Jesuits claimed to be independent of the edicts of the Spanish Inquisition, but it asserted its jurisdiction. In 1584 we find Padre Mariana applying for and obtaining a licence, through the Toledo tribunal, to read certain specified books—a licence which was withdrawn the same year. Still more aggressive was its action when, in 1587, it learned that some books had been received by the Jesuit Provincial, and the Suprema sent lists of them to the tribunals of Saragossa, Seville and Valladolid, with orders to examine them and detain such as they deemed proper. This assertion of control was repeated in 1602, when the Murcia tribunal was instructed to examine certain books belonging to the Jesuits and to return them if found unobjectionable.[2]

The earliest formal grant of power to the Spanish Inquisition to issue licences would appear to have been made by Paul V early in the seventeenth century,[3] but it had been exercised long before. The Index of Quiroga, issued in 1583, in its preliminary rules 3, 4, 5 and 8, assumes that inquisitors can grant written licences, but this power was held subject to the inquisitor-general and Suprema for, in the orders accompanying the distribution of the Index, consultation with them was prescribed as a necessary preliminary.[4] From some examples of the period it would seem that only special and not general licences were granted, and that much circumspection was used with regard to them. Even Philip

[1] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).

[2] Literæ Apostolicæ Soc. Jesu, pp. 137–41 (Antverpiæ, 1635).—Bibl. Vaticana, MSS. Ottobon. Lat. 494, p. 8.—Archivo de Simancas, Inq., Lib. 940, fol. 15, 16, 17, 13.

[3] Alberghini, Manuale Qualificatorum, p. 132.

[4] Reusch, Die Indices, pp. 382–3.—Archivo de Simancas, Inq., Lib. 939, fol. 127.

IV had no general licence until, about 1640, he wrote to Inquisitor-general Sotomayor that he had been amusing his leisure with Guicciardini's History, until he was told that it was prohibited. He therefore asked for a licence to read it and other prohibited books not treating of matters of faith, for he would not accept a licence to read them.[1] A curious partial licence was one granted in 1614, to Padre Gullo Sabell (William Saville?) to read Catholic books in the English tongue—apparently the language sufficed to render them prohibited.[2]

The tendency of the Spanish Inquisition to assert its independence of Rome in matters of censorship was especially manifested with regard to licences. When in 1622, Gregory XV and, in 1631, Urban VIII, revoked all licences, the Suprema declared that it was not the papal intention to interfere with the licences granted by the inquisitor-general, and that they remained in force.[3] The next step was to invalidate all papal licences and accordingly, January 18, 1627, the Suprema presented a consulta to Philip IV, representing that many persons in Spain obtained them, and supplicating him to order his ambassador to urge the pope not to grant them, adding that meanwhile it was deemed necessary to issue an edict annulling them. Philip was not prepared to sanction so flagrant an assault on papal authority, and replied that he would ask the pope to transmit them through the inquisitor-general, but that, until the answer was received, no innovation must be attempted. Urban took advantage of the request to assert his supreme authority in a manner for which the Suprema had not bargained, for he annulled all licences, both papal and those issued by the inquisitor-general, the only exception being the one held by the inquisitor-general himself. As all the bishops in Spain were ordered to publish this brief, the Inquisition could not suppress it, however humiliating it was. Cardinal Zapata accordingly published it, February 21, 1628, requiring the surrender of all licences within twenty days, under heavy penalties, and when he issued his Index of 1632 he included in it the brief and his edict.[4]

Urban pursued his victory by instructing Cardinal Mellini to

[1] Archivo de Simancas, Inq., Lib. 940, fol. 10, 11; Lib. 21, fol. 303.

[2] Ibidem, Lib. 940, fol. 18.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 332.

[4] Archivo de Alcalá, Hacienda, Leg. 544[2] (Lib. 10).—Index of Zapata, *ad calcem*.—Bulario de la Orden de Santiago, Lib. v, fol. 12.—Bullar. Roman. V, 220.

write, December 6, 1628, to Zapata defining his authority to be that of granting licences to learned persons who furnished security that they wished to combat heresy, but the licences were to be limited in time, and to require the recipients to show to the Inquisition what they wrote.[1] This however was a failure, for no attention seems to have been paid to the prescribed limitations. The Inquisition continued its independent course and finally carried its point, to a certain degree, by instructing the tribunals that, if papal licences were presented to them, they were not to be admitted, but were to be forwarded to the inquisitor-general for his action.[2]

Towards the close of the eighteenth century, Llorente tells us that licences were difficult to obtain. When an application was made, the inquisitor-general instituted secret inquiries as to the character of the applicant and, if the result was favorable, he was required to state his object and the nature of the works that he desired to consult; if the licence was granted, it was limited to a specified number of books in a definite branch of literature; permission to keep them was rarely granted, and all licences excepted works directed against Catholicism, such as the writings of modern philosophers.[3] Doubtless this strictness may be true of certain times, but the practice varied according to the temper of the inquisitor-general or Suprema. There sometimes was great laxity, if we may believe the reasons alleged, in 1747, by Prado y Cuesta, for revoking all licences, for he says that on investigation he had found that they were not sought by men of learning, but by the frivolous of both sexes to gratify idle curiosity; many persons merely made a verbal request to read a single book and extended the permission to cover all that they wanted, while others, seeing that ignorant people were licensed, thought that the privilege was general and availed themselves of it without asking.[4] Licences, moreover, were by no means so restricted in character as Llorente asserts. Some issued by Inquisitors-general Bonifaz and Beltran cover all prohibited books, except Machiavelli, Sarpi's Council of Trent, works assailing the Catholic religion and obscenities,[5] and we have seen that religious houses generally and even

[1] Archivo de Alcalá, *ubi sup.*

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 36.

[3] Llorente, Hist. crít., Cap. xii, Art. ii, n. 12, 13.

[4] Edicto de 13 de Henero de 1747 (MSS. of David Fergusson Esq.).

[5] Birch, Catalogue of MSS. of Inq. of Canaries, II, 940–1.

occasionally individuals held licences enabling them to purchase from estates considerable miscellaneous lots of prohibited books, the possession of which, by deceased scholars, shows that they too must have enjoyed similar privileges.

From the very numerous applications for licences made about this time it appears that they were customarily addressed to the Suprema, which referred them to the appropriate tribunal for report as to the age, the learning and the judgement of the applicant. Under the Restoration this inquiry was extended to his moral and political conduct, showing that discrimination was made in favor of those whose conservative tendencies were approved.[1]

We have seen the ferocious penalties of death and confiscation provided in the law of 1558 for unauthorized printing. With these the Inquisition had nothing to do, as its censorship was concerned only with books after publication, and its treatment of those who violated its rules was much more moderate. With its jurisdiction over them it allowed no interference, even from Rome, for, about 1565, it suppressed a papal jubilee indulgence, because it contained faculties of absolution for keeping prohibited books.[2] In the Index of 1559, the penalties threatened for reading, possessing, buying or selling prohibited books were excommunication *latæ sententæ ipso facto*, two hundred ducats and a menace of prosecution for suspicion of heresy and disobedience.[3] In the special edicts prohibiting individual books, there appears to be no established formula. Sometimes the penalty threatened is excommunication and two hundred ducats, sometimes excommunication and punishment at discretion, sometimes excommunication, fine and punishment at discretion.[4]

This discretion manifested itself in a great variety of penalties, moderate and severe, both as regards readers and booksellers, though the latter appear commonly to be the more harshly visited. A rehabilitation granted, September 28, 1647, to Luis Sanaren, bookseller of Saragossa, infers that he had been reconciled and

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 5, 7, 8; Leg. 17, n. 4, *passim*.—Archivo de Simancas, Inq., Lib. 559.

[2] MSS. of Royal Library of Copenhagen, 218b, p. 214.—Archivo de Simancas, Inq., Lib. 942, fol. 23.

[3] Reusch, Die Indices, p. 211.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 226.

deprived of his civil rights.[1] Miguel Rodríguez, a bookseller of Madrid, for importing and selling prohibited books, was sentenced, August 1, 1763, to reprimand, absolution *ad cautelam*, certain spiritual penances, all costs of trial and banishment from Madrid for six years, of which the first three were to be spent in an African presidio. This of course meant his utter ruin.[2] At Logroño, in 1645, Fray Tomas de Nieva, for teaching in his professorial chair from a prohibited book, was condemned to grave reprimand before his colleagues, to retract certain propositions, to four years' reclusion, and to perpetual deprivation of teaching and of voting and being voted for.[3] On the other hand, in 1803, Don Jacobo María de Parga y Puga, for the inveterate habit of reading prohibited books, knowing them to be prohibited, in contempt for many years of the authority of the Inquisition, was sentenced by the Madrid tribunal to fifteen days' spiritual exercises and to a private reprimand in the apartments of the inquisitor.[4] So, in 1816, the Suprema, acting on a *sumaria*, and without subjecting the delinquents to a trial, sent to the Santiago tribunal a sentence on Juan Romero for reading prohibited books and on Josef Manuel García for selling and recommending them; they were to present themselves before the nearest commissioner, who was to reprimand and warn them that for a repetition of the offence they would not be treated with the same benignity.[5]

Cases of infraction, until a comparatively recent period, are not frequent. After the excitement of the Reformation was suppressed, intellectual activity in Spain seems to have been reduced to such torpor that the forbidden fruit was little sought. In the Toledo record from 1575 to 1610 there is not a single case, nor is there one in the same record from 1648 to 1794.[6] In the disturbance of thought, preceding and during the revolutionary epoch, prosecutions become more frequent, although still not as numerous as might be expected from the importance claimed by the Inquisition for its services. From 1780 until 1820, in the whole of Spain,

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[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 177.

[2] Ibidem, Lib. 877, fol. 96.

[3] Ibidem, Lib. 565, fol. 394.

[4] Ibidem, Lib. 877, fol. 239.

[5] Ibidem, Lib. 890.

[6] These are records of autos. In the Catalogue of Toledo cases prepared by Don Miguel Gómez del Campillo (see Appendix) there are thirty-four attributed to prohibited books. Of these, five are anterior to 1575; then there are none until 1771, followed by six between that year and 1794, but none of them seem to have been pushed to a conclusion except one which was suspended.

the total aggregate amounts only to three hundred and five. During this period, from 1808 to 1815, inclusive, the Inquisition was virtually dormant, having only five cases in all, which would leave, for the remaining years, an average slightly under nine. The crowding of a hundred and one cases into the six years, 1801 to 1806, reflects the urgency with which the government of Carlos IV was endeavoring to restrict the press, and that there were twenty in 1819 is significant of the agitation leading to the revolution of January, 1820.[1] The slenderness of the whole record is the measure of the success which attended the combined action of the state and of the Inquisition in benumbing for nearly three centuries the Spanish intellect.

Although censorship was instituted for the suppression of heresy and for keeping heretical books and propositions from the people, it developed its utility in many directions, more or less connected with its primary object. It was inevitable that it should wage incessant warfare with the countless editions of the Bible with Protestant notes and commentaries, and we have seen how industriously Valdés prepared for his expurgatory Index of the Scriptures in 1554. It was, however, the vernacular versions that caused the greatest anxiety. Prior to the Reformation there was practically no restriction on the circulation of the Bible in the vulgar tongue. It is true that, in the early thirteenth century, the struggle with the Waldenses and the Cathari, who possessed versions of their own, led to prohibitions by Innocent III, in 1199, and by Jaime I of Aragon in 1234, while the Council of Toulouse, in 1229, prohibited the possession by laymen of any portion of the Bible, even in Latin, as well as of the Breviary and Hours of the Virgin in the vernacular, because they contained extracts. The decree of Pope Innocent became embodied in the Corpus Juris and thus remained familiar to canon lawyers; it was adduced in the Repertorium Inquisitorum of 1494, but only in a kind of *obiter dictum*, showing that at that time it was regarded as of no practical moment.[2] Yet from the thirteenth to the sixteenth cen-

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[2] Innocent. PP. III, Regest. II, 141, 142, 235.—Lib. IV, Extra, vii, 12.—Constitutions de Cathalunya, Lib. I, Tit. i, cap. 12.—Martene et Durand Amplis. Collect., VII, 123.—Concil. Tolosan., ann. 1229, Cap. 14 (Harduin., VII, 178).—Repertor. Inquisitor, s. v. *Scriptura.*

tury there was no proscription of vernacular Bibles. The temporary causes which had led to their prohibition had passed away, and many translations were made, especially in Germany. One in Catalan, by Bonifacio Ferrer, brother of San Vicente Ferrer, was printed in Valencia, in 1478, under the editorship of the Inquisitor Jaime Borell.[1]

It was natural that the use made of the Bible by the Reformers should cause the revival of these obsolete prohibitions. Even before the compilation of the Indexes, we find Inquisitor-general Tavera granting to the Duchess of Soma, wife of the Admiral of Naples, a licence to keep and read a Bible in Italian, but the permission is limited to one year, showing how carefully it was guarded.[2] It was therefore a matter of course that the Index of 1551 should contain a prohibition of the Bible in Spanish or any other vulgar tongue.[3] This zeal was intensified by the versions which the Spanish refugees—Francisco de Enzinas, Juan Pérez, Cipriano de Valera and Cassiodoro de Reina—perfected and strove to introduce into Spain, but the prohibition was not confined to these. It extended to all fragments and extracts, however orthodox the rendering, as though to keep the unlearned ignorant of the existence of the Bible, or at least to make them understand that it was a wholly forbidden book. The Index of 1559 condemns twenty-two editions of the Hours of the Virgin in Romance, together with all others containing similar superstitions, but the real objection was the passages of Scripture contained in them, and, in 1573, all Hours in Romance were forbidden, as the Council of Toulouse had done in 1229.[4] The extreme care with which the public was guarded from the Bible is seen in the 1583 Index of Quiroga, which, in forbidding all portions of Scripture in Romance, only excepts the fragments embodied in the canon of the mass, and the texts which Catholic writers may cite and explain,

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[1] Villanueva, De la Leccion de la Sagrada Escritura, p. 8; Append. II, pp. cxxxii sqq. (Valencia, 1791).

[2] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 126.—See Appendix.

[3] Reusch, Die Indices, pp. 74, 76.—The Tridentine Index (Regula 4) while asserting that experience had shown that the indiscriminate popular use of the Bible wrought more harm than good, yet permits bishops and inquisitors to allow vernacular versions to those whom parish priests and confessors recommend as trustworthy.

[4] Reusch, *op. cit.*, pp. 234–5.—Archivo de Simancas, Inq., Lib. 82, fol. 149; Lib. 940, fol. 5.

provided they are not printed alone but are in sermons and other works of edification.[1] So unreasoning was this jealousy that, according to Azpilcueta, there were earnest men who desired to suppress vernacular versions of the Creed, the Paternoster, the Ave Maria and the Salve Regina, a zeal which found practical expression, in 1674, when the Inquisition prohibited a work entitled *Exercicios de Devocion* because it contained translations of the Miserere, the Magnificat, the Te Deum and the Athanasian Symbol.[2] The people were to be kept in such profound ignorance that the Sotomayor Index of 1640 prohibits, not only the vernacular Bible and all its parts, but even summaries and compendiums of it and, as though to render it hateful, in the Edicts of Faith, it was classed with the Koran and other Mahometan books, the possession of which was to be denounced to the Inquisition.[3] It had to watch not only over its Spanish flock, but over its converts in the Indies, when it found that the English Society for the Propagation of the Gospel had caused versions to be made in the Indian tongues and was circulating them in America. This unexpected missionary work called for fresh exertion and, in 1710, we find Clement XI congratulating Inquisitor-general Ibañez on his efforts and urging him to persistent watchfulness.[4]

This treatment of the Bible seems to have piqued the curiosity of the intelligent for, in 1747, Inquisitor-general Prado y Cuesta complains of the inordinate desire of many persons to have it in the vernacular, but, among the mass of the people it produced the impression desired. In 1791, Villanueva tells us that they, who once sought it, now regard it with horror and detestation; many care nothing for it and more are ignorant of its very existence.[5] Yet, within a decade of Prado's utterance, the policy of the Church changed. Although, in 1713, Clement XI, in the bull *Unigenitus*, had condemned the use of the Bible by the laity as a Jansenist error, yet, only forty-four years later, the Congregation of the Index, in 1757, conceded the use of vernacular versions, if approved by the Holy See and accompanied with orthodox com-

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[1] Reusch, p. 383.

[2] Azpilcuetæ de Oratione, Cap. xxii, n. 104.—Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 226.

[3] Indice de 1640, Regla 5.—See Appendix to Vol. II, p. 588. Also the later Edict, printed by Llorente in the Appendix to his Hist. crít.

[4] Bulario de la Orden de Santiago, Lib. v, fol. 141.

[5] Edicto de 13 de Henero, 1747 (*ubi sup.*).—Villanueva, *op. cit.*, pp. 56, 200.

ments.[1] This was followed, in 1771, by a version of the Acts of the Apostles by Catenacci, dedicated to Clement XIV and, in 1778, by the brief *In tanta librorum*, in which Pius VI approved of a translation of the whole Bible by Archbishop Martini.[2] The Spanish Inquisition promptly followed the papal example. In 1782, Inquisitor-general Beltran issued a decree reciting that ample cause had existed for exceeding the Tridentine rule, but these causes had ceased and, in view of the usefulness of the sacred text, the Spanish rule was modified to conform to that of Trent, to the decree of the Congregation of 1757 and to the brief of 1778.[3] In 1783 the Suprema ordered that the French version of Le Maître de Saci should be freely allowed[4] and, in 1790, there apppeared in Valencia a complete Spanish translation by Scio de San Miguel, which was speedily and repeatedly reprinted. No such evils have followed as were dreaded for two centuries, showing how much wiser would have been the policy of meeting the heretic Scriptures with an orthodox version, fortified with appropriate comments.

The same jealousy of admitting the vulgar to too great a familiarity with spiritual things showed itself with regard to works of devotion and edification. In 1570 a consulta of the Suprema to the inquisitor-general recommended that the catechism should not be printed in Romance.[5] In the Preface to the Index of 1583, the prohibition of works by men of the highest Christian repute, such as Fisher of Rochester, Thomas More, Gerónimo Osorio, Francisco de Borja, Luis de Granada, Juan de Avila and others is explained, partly by books having been falsely attributed to them, partly by occasional incautious passages, and partly by their not being fitted for circulation in the vulgar tongue. The case of the *Obras del Cristiano* of St. Francisco de Borja is illustrative. In the Index of 1559 it is simply prohibited. After his death, in 1572, as General of the Society of Jesus, Quiroga, in the Index of 1583, added "only in Romance or other vulgar tongue." He was beatified in 1624, but the canonization proceedings were delayed in consequence of his book being in the Spanish Index and, in 1662,

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[1] Bullar. Roman., VIII, 420.—Index Benedieti XIV, p. vi.

[2] Villanueva, *op. cit.*, Prologo.

[3] Villanueva, p. 95.—Indice Ultimo, p. xvii.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 61.

For a relaxation of severity as early as 1763 see Archivo de Simancas, Lib. 877, fol. 96.

[5] Archivo de Simancas, Inq., Lib. 940, fol. 18.

the Jesuit Procurator-general applied to the Inquisition to rubricate the leaves of a copy and send it to the Congregation of Rites, so as to remove the impediment, but it was not until 1671 that he was finally enrolled in the catalogue of saints.[1] The effort to suppress mysticism manifested itself, about 1620, in numerous edicts to suppress books of mystic devotion and lives of men and women who evidently were mystics.

Books of ritual were scrutinized with the same captiousness. June 15, 1568, the Pontificals printed in Dueñas and Valladolid were ordered to be seized. In 1583 some pernicious errors were discovered in the Breviary printed in Salamanca, in 1575. Even books so elementary as *cartillas*, or primers, could not escape. A carta acordada of November 6, 1577, alludes to a previous one of June 14th, ordering the suppression of cartillas containing an article entitled "Castigo y doctrina de Caton." Since then, it goes on to say, there have been found in other cartillas various matters pernicious and contrary to the teaching of the Church, especially in those printed by Juan de la Plaza in Toledo, wherefore all cartillas of every kind are to be seized, in the shops and in the hands of children going to school, and orders are consequently given that no one, under pains and censures, shall hold, read, or sell them.[2]

There was little, indeed, to which the Inquisition could not extend the jurisdiction of its censorship. The fifth Council of Lateran had alluded to the danger to the public peace arising from libellous attacks on individuals, as one of the reasons for the examination and licensing of books before printing, but this was a purely secular matter, and the faculties conferred on the inquisitor-general looked solely to the suppression of heresy. Clement VIII, however, in his Index of 1596, included, as subjects of condemnation, defamatory memorials against religion or princes, and this opened the way to much else. It is true that an experienced writer assures us that, although such writing can be suppressed by edict, it cannot be under pain of excommunication, but only as a command under pain of mortal sin, and that the Inquisition cannot proceed against the author unless the faith is involved.[3]

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[1] Reusch, Die Indices, pp. 237, 380, 438.—Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 1, fol. 170–1.

[2] Archivo de Simancas, Inq., Lib. 940, fol. 4, 15; Lib. 941, fol. 4.—Archivo hist. nacional, Inq de Valencia, Leg. 6, n. 2.

[3] MSS. of Royal Library of Copenhagen, 218b, p. 323.

These limitations, however, were easily overpassed. We have seen (Vol. I, p. 488) how Inquisitor-general Pacheco, in 1623, condemned some legal arguments in defence of the Chancellery of Granada and commenced prosecutions of the counsel who had drawn them up. His successor Zapata, in 1627, was a trifle more cautious in a conflict wherein the Inquisition was not concerned. The Universities of Salamanca, Valladolid and Alcalá united in an attack on the Jesuits and their new college, when the Inquisition ordered the paper suppressed on the ground that it was anonymous and harsh in style. Then Salamanca came forward and acknowledged the authorship; the Jesuit procurator still asked for its suppression, but the Inquisition decided that it had not the *calidad de oficio* and withdrew the prohibition, but still assumed authority to require the removal of asperities. Philip IV was dissatisfied, as he favored the Jesuits, and asked in what this case differed from others in which Pacheco had suppressed similar papers.[1]

In 1687, the tribunal of Toledo, in a quarrel with the Carthusian house of el Paular, suppressed four memorials of its adversaries to the king, and punished the printer, Lucas Antonio Bedmar, with four years' exile from Toledo and Madrid; the grounds alleged were that they were scandalous, insulting, untrue and defamatory of those mentioned in them; there was no assumption that the faith was in any way involved and it was simply an expeditious way of putting an opponent out of court.[2] Other similar cases will come before us presently and meanwhile we may observe that there was even no scruple in prosecuting individuals, in matters with which the Inquisition seemingly had no concern or jurisdiction, as in the case of Fray Bonifaz de San Pablo, tried in 1791, by the Barcelona tribunal, for attempting to print a satirical paper on his own Carmelite Order, and in that of Josefa and Jacinta López, prosecuted by Toledo, in 1797, on suspicion of having posted some pasquinades, characterized as "infamatorios y heréticales."[3] The powers of the Inquisition were so elastic that they included the privilege of self-definition; none dared to call them in question, and it seems have been invoked to supply any deficiency in the ordinary machinery of justice—or of injustice.

[1] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 64.

[2] MSS. of Bodleian Library, Arch Seld. A, Subt. 13.—Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

Still less concerned with heresy was an important field in which the censorial functions of the Inquisition were employed by the crown, in its frequent struggles with the Holy See. In the middle ages papal domination encroached in many ways on the prerogatives of the temporal ruler, encroachments submitted to, with more or less resistance, by the loosely organized feudal monarchies. As these, in the sixteenth century, transformed themselves into absolutism, it was natural that they should grow restive, and the Reformation, which divided Europe into two hostile religious camps, gave to those sovereigns who remained faithful to Rome the opportunity of advancing their claims as the price of their support. The Spanish kings had always been distinguished by their resistance to papal pretensions and though, throughout the sixteenth century, they sternly kept their people in the Roman obedience, they were none the less resolute in asserting the *regalías*, or royal prerogatives, which in many ways conflicted with what Rome asserted as its rights. In the struggles thence arising, valuable assistance was derived from the works of legists, learned in the imperial jurisprudence and in the fueros, and these *regalistas* became especially obnoxious to the Holy See. Rome has never hesitated to use the powerful aid of the Index in support of Ultramontanism, and it took special care to condemn and prohibit the books of the regalistas. It was impossible for a temporal sovereign to allow the suppression of works written in defence of his sovereignty, and the Inquisition, at least for a time, willingly supported the crown in this, not from loyalty, but because it afforded the opportunity of declaring and maintaining its independence of the hated Congregations of the Inquisition and of the Index.

When Melchor Cano, in 1555, at the request of Charles V, drew up a memoir in which he assailed, with the bitterest invective, the pretensions of the curia, and Paul IV summoned him, as a son of perdition, to Rome for trial, the Spanish Inquisition sided with the sovereign and did not put the obnoxious paper in the Index.[1] Melchor Cano was forgiven, but the causes of dissension remained. One of the chief of these was the jurisdiction exercised by the papal nuncio, bringing in its train a long series of abuses, relief from which was sought by the *recurso de fuerza*, like the French *appel comme d'abus*, admitting appeals to the Council of Castile from all ecclesiastical tribunals. The curia claimed this to be an

[1] Llorente, Coleccion Diplomática, p. 10 (Madrid, 1809).—Reusch, Der Index, I, 303.

invasion of clerical liberty, and the struggle over it was long and envenomed. In 1591 Juan de Roa printed, with a dedication to the king and the approbation of an inquisitor, a treatise entitled "Apologia de Juribus principalibus defendendis," arguing in favor of the royal jurisdiction in such cases, which excited no little indignation in Rome, where it was promptly condemned and burnt. Gregory XIV and the Roman Inquisition instructed the Nuncio Millino to induce Philip II to follow this example, and the succeeding Nuncio Caietano was ordered to labor with the utmost zeal to have the very memory of the book obliterated. So far was he from success that the Inquisition did not censure the work, and Philip rewarded the author with presentation to a priory worth fifteen hundred ducats per annum, of which he was promptly deprived by the nuncio, on account of his unspeakable crimes. So bitter was the quarrel that Cardinal Baronius, in his Annals, so far forgot the impartiality of an historian as to introduce an indecent personal attack on Roa in his account of the Priscillianists of the fifth century. This led to a rumor that his volume would be condemned by the Spanish Inquisition, whereat he complained loudly, in a letter to Padre Antonio Talpa, inveighing against the incredible audacity of the Spanish Inquisition, which placed on its Index whatever it chose.[1]

It was probably this case that led Clement VIII, in the Rules prefixed to his Index, which have been retained in all succeeding Indexes, to order the expurgation of whatever was contrary to ecclesiastical immunity, liberty and jurisdiction. This did not prevent Spanish legists and theologians from defending the regalías. About 1600, Henrique Henríquez, one of the most learned doctors of his day, produced his "De Clavibus Romani Pontificis" in which, like Roa, he maintained the *recurso de fuerza*. By order

[1] Nic. Antonii Bibl. Nova, I. 589.—Hinojosa, Despachos de la Diplomacia Pontificia, I, 352–3, 373.—Baronii Annal., ann. 447, n. 8.—Bibl. nacional, MSS., D, 118, fol. 30, n. 14.

Baronius, in his eleventh volume, which appeared in 1605, included a Tractate on the Investiture of Naples, peculiarly offensive to Spanish pretensions. After the death of Clement VIII (March 3, 1605) he had aspirations for the succession, but Spain exercised her right of exclusion to his discomfiture. Philip III, by edict of October 3, 1610, prohibited the Annals with the Tractate under severe penalties for those who should not, within twenty days, present their copies for expurgation.—Reusch, Der Index, II, 277–80.

This was a royal, not an inquisitorial act. The Annals escaped the Spanish Index.

of the papal nuncio, this was suppressed and burnt so successfully that only three or four copies have survived.[1] That an organized government should permit within its territory an antagonistic foreign power to suppress books defending what it claimed to be its rights was an anomaly which could not be patiently endured. Rome was immovable, and a clash was inevitable. In 1613 appeared the "Tractatus de cognitione per viam violentiæ" by Gerónimo de Cevallos and, in 1617, Philip III, on learning that its condemnation was under consideration in Rome, wrote earnestly to his ambassador to prevent it, and declared that such condemnation would not be received or executed in Spain. This may have delayed but did not prevent the adverse decision, which came December 12, 1624, when Philip IV carried out his father's threat. The Spanish Inquisition did not condemn the work, but merely ordered some clauses altered, and its independence in the matter of censorship was tacitly asserted.[2]

Rome persisted, and independence was definitely asserted. In February, 1627, the Count of Oñate, ambassador to the Holy See, reported the issue of a decree condemning books, some of which were in defence of the regalías. In June, Philip sent this to the Suprema, asking its advice. It replied that, when the decree should come, it would be examined and reported to the king without allowing its publication, for no ecclesiastic or layman in Spain could do so without orders from the Inquisitor-general and Suprema. If such attempts were made, an appropriate remedy would be applied.[3] The issue promptly came. The decree appeared, April 12, 1628, and one of the books condemned was the "Tractatus de Regia Protectione," by Salgado de Somoza, President of the Royal Council and a vigorous upholder of the regalías. When the decree arrived, the king ordered the inquisitor-general to deliver it to him and wrote to all the bishops forbidding them to publish it.[4]

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[1] Vicente de la Fuente, Hist. eccles. de España, III, 269 (Ed. 1855).

[2] Alcubilla, Códigos antiguos, p. 1591.—Llorente, Coleccion Diplomática, p. 22.—Librorum post Indicem Clementis VIII prohib. Decreta, pp. 165–66 (Romæ, 1632).—Llorente, Hist. crít., Cap. xxv, n. 119.

[3] Archivo de Simancas, Gracia y Justicia, Leg. 621, fol. 73.

[4] Ibidem, Inq., Lib. 20, fol. 255.

My copy of the *Tractatus* illustrates a method of satisfying the conscience in possessing prohibited books, at least in Italy. It is of the fourth edition, Lyons, 1669, and a former owner, the Dottore Benedetto Gargdoni, has written on the fly-leaf, over his name, "Animo obtinendi licentiam."

Having thus established its independence, the Inquisition refused to recognize Roman condemnations of books of all kinds. When one was received, it caused the book to be examined by its own calificadores and voted on their report, either to approve or to condemn; whatever was done was its own act and not that of Rome. Another of the works condemned in the decree of April 1, 1628, was a book of extravagant Mariolatry, entitled *Elucidarium Deiparæ*, by the Jesuit Juan Bautista Poza, which had been current in Spain for a couple of years. Poza wrote two abusive letters to Urban VIII, asserting that the Roman Congregations had no jurisdiction in Spain, where its own Inquisition was supreme, and, in 1632, the Congregation retorted by condemning all his works. The Nuncio Monte made great efforts to have this published, but the Suprema had the books examined and only prohibited them until they should be expurgated. It was not always easy, however, to array the bishops in opposition to the Holy See, and in Valencia the self-willed Archbishop Acevedo claimed the right to publish the papal decree, and the tribunal there was involved in some trouble with the episcopal officials.[1]

This was speedily followed by a similar struggle over a vastly more important book—the *Dialogo* of Galileo, on the Copernecan system.[2] In a consulta of December 13, 1633, the Suprema represented to Philip that, under the papal delegations, the Inquisition had exclusive control over censorship in Spain. In Rome, prohibitions were issued by the Congregations of Inquisition and Index, which were similar bodies to the Suprema, and it did not recognize them, but only the pope, as its superior. The nuncios were always endeavoring to extend their jurisdiction and required to be watched to avert greater evils. The inquisitors of Cuenca had just written that, by the nuncio's order, the provisor had affixed to the church-doors an edict regarding a book entitled "Galileo Galilei Fiorentino," without having first given notice to the inquisitor-general. The results of allowing the nuncio to do this were foreseen when the Count of Oñate reported from Rome the prohibition of certain books defending the regalías and, as

[1] Catalani de Secretario Congr. Indicis, pp. 41, 52, 63.—Archivo de Simancas, Inq., Lib. 20, fol. 255.—Archivo hist. nacional, Inq. de Valencia, Leg. 8, n. 20, fol. 260.

[2] Dialogo di Galileo Galilei Linceo....Dove ne i congressi di quattro giornate si discorre sopra i due massimi Sistemi del Mundo, Tolemaico e Copernicano. Fiorenza, 1632.

the nuncios were continually endeavoring thus to invade the exclusive jurisdiction of the Inquisition in matters of censorship, the king was asked to sign the accompanying letters to the archbishops and bishops, similar to those despatched in 1627.[1] Of course the king signed the letters; whether the Suprema had Galileo's book examined or not, we have no means of knowing, but the Inquisition escaped the discredit of condemning him, and the name of the illustrious Florentine appears nowhere in the Spanish Indexes.

In the matter of the regalistas, Philip, in a letter of April 10, 1634, to Cardinal Borja, pointed out the unfairness of suppressing legal works defending his side of the controversy with the Holy See, in which the faith was not concerned, and he ordered urgent representations to be made to Urban VIII, with the intimation that, if Rome continued its course, he would suppress all books supporting the papal claims.[2] Remonstrance was in vain. In 1640, Salgado de Somoza's "Tractatus de Supplicatione ad Sanctissimum" was condemned; in 1642, Solorzano's "Disputationes de Indiarum Jure" and, in 1646, six or eight similar works, for which the nuncio was instructed to demand similar prohibition in Spain.[3] Imperious as was this, the act was rendered doubly offensive by causing the condemnation to be published without transmitting it through the Inquisition, thus disregarding the independence claimed by the latter and the courtesy due to a friendly government. Provocation so extreme could scarce have been ventured but for the desperate position of Spain, battling at once with France, with Portugal and with Catalonia. Yet Spain was not sunk so low as to submit. After deliberation in the various councils, Philip, on October 16th, sent to the Suprema three consultas which they had presented and ordered it to advise him. With unusual promptitude it replied, October 20th, expressing its unreserved adhesion to the regalías claimed by the crown, which were founded in rights inseparable from sovereignty, in papal bulls, and in immemorial prescription. The unlawful act of the nuncio was of the highest prejudice; the books condemned had in no way transcended proper limits; their authors were pious Catholics and the works had been circulated in sight of the Inquisition, whose duty it was to watch over such matters. The consulta

[1] Archivo de Simancas, Inq., Lib. 20, fol. 255.

[2] Llorente, Coleccion Diplomática, p. 23.

[3] Index Innocentii XI, 1681, pp. 105, 155.—Index Alexandri VII, Decretorum Index, n. 51.—Reusch, Der Index, II, 373–5.

ended with a promise to suppress the papal decree and to make the fact known everywhere, so as to avert the injury which its publication might have caused.[1] Thus supported by the indignation of all his advisers, Philip issued a decree in November ordering the papal decree to be suppressed; the nuncio was rebuked and told that the royal indignation would seek other means of expression; the ambassador at Rome was instructed to represent the deep resentment which was felt, and to tell the Holy See that this was not a mere matter of opinion, in which it could interfere and dictate to Spain about rights coeval with the crown and always uninterruptedly enjoyed. Opportunity was also taken to reassert emphatically the independence of the Spanish Inquisition and the nullity, without its approval, of the acts of the Roman Congregations.[2] Notwithstanding this, the progressive decadence of Spain encouraged the curia to make another attempt, in 1687, when the nuncio sent a decree of the Congregation of the Inquisition to the bishops, with orders to publish it. The Suprema lost no time in presenting two earnest consultas to the king, urging him to take prompt action in repelling this attempt to subject Spain to the Roman Inquisition.[3]

The persistence of the curia was fruitless. The established custom, resulting from these disputes, as described by an experienced inquisitor, was that, when the nuncio received a brief from the Congregations, he sent it to the Suprema, which ordered the book to be examined by its calificadores and, if they pronounced it objectionable, the Suprema issued a corresponding edict. Twice, he says, the nuncio, in order to evade these rules, caused edicts to be posted in the court-yard of his palace, but the Suprema abrogated them, punished those who did it, and reported to the king in order that he might warn the nuncio to observe the regulations. Sometimes, however, a brief came directly from the pope. Then the matter was in the hands of the king, who retained it and supplicated the pope that it should be published by the Inquisition. In Sicily, no brief was published without receiving the exequatur of the viceroy.[4]

The Inquisition had thus, by supporting the royal jurisdiction

[1] Bibl. nacional, MSS., D, 118, fol. 66, n. 25.

[2] Autos Acordados, Lib. I, Tit. vii, Auto 14.—Novís. Recop. VIII, xviii, 2.—Bibl. nacional, MSS., S, 294, fol. 66.

[3] Archivo de Simancas, Inq., Lib. 26, fol. 121.

[4] MSS. of Royal Library of Copenhagen, 218b, p. 331.

against the papal claims, achieved its independence of Rome, but it was fighting for its own hand and, when its object was attained, its allegiance to the Church outweighed its allegiance to the sovereign. When the question was between its own jurisdiction and that of the crown, its attitude was most decisive. The condemnation by Pacheco of the arguments of Don Luis de Gubiel, in the competencia with the Chancellery of Granada, was not an isolated instance of this. In 1637, there was a bitter controversy between the Seville tribunal and the royal Audiencia, over the banishment of a familiar by the latter, in the course of which the Suprema ordered the suppression of various arguments prepared in support of the royal jurisdiction, and among them one by Juan Pérez de Lara, the fiscal of the Audiencia, written in the strict line of his duty. To this the Council of Castile took exception, in a consulta complaining that it was of great prejudice to the regalías; the paper contained nothing contrary to the faith, rendering it liable to the censure of the Inquisition, wherefore the Council asked that all the documents suppressed should be examined by disinterested persons, and that the Suprema be ordered in future not to suppress any paper in favor of the royal jurisdiction without preliminary notice to the king. To this temperate expostulation the Suprema replied with lofty disdain. The king was told that he should answer all remonstrances as Charles V did, May 17, 1519, to the Diputados of Aragon—"as an affair of the Inquisition, it is not for us to interfere, nor can the fueros of the kingdom impede what the inquisitor-general does, as it is an ecclesiastical case." It was astonished that there should be any question as to the power of the Inquisition, established by papal bulls, decrees of councils and inviolable custom, while the rule of the Index extends this power without limitation, at the discretion of the inquisitors. That the regalías had been threatened was easy of disproof, for the peace and prosperity of the king's dominions were due to the unity of faith procured by the watchful care of the Inquisition. The object of the Council of Castile was to limit the jurisdiction of the Inquisition and to reduce its censorship to a matter of competencias, but the Inquisition alone could decide what belonged to it and what did not belong.[1]

Such being the temper and spirit of the Holy Office, it is not surprising that, when it had secured its own emancipation from

[1] Archivo de Simancas, Inq., Lib. 21, fol. 108.

Rome, it should no longer prove an ally of the crown in defence of the regalías. Llorente mentions two authors—Ramos del Manzano and Pedro González de Salcedo, whose works it condemned for defending the royal prerogative.[1] It could not be depended on for suppressing those which impeached the regalías, and the State, in defending itself, was obliged to resort to its own censorship, as in case of the work entitled "Casos reservados à su Santidad," attributed to Doctor Francisco Barambio, in 1694. It never appeared in the Index, but a royal auto condemned it as subversive of the regalías and prerogatives of the crown, and ordered its suppression under pain of half confiscation and arbitrary penalties.[2]

We have already (Vol. I, pp. 315, 321) seen how, in the eighteenth century, the Inquisition, in the cases of Macanaz and the works of Barclay and Le Vayer, and in that of the Catechism of Mesengui, took sides against the royal prerogative. Although in the former Philip V weakly yielded, Carlos III in the latter, not only temporarily suspended Inquisitor-general Bonifaz, but took steps to protect more thoroughly the crown against papal encroachment, and to limit the censorial powers of the Inquisition. November 27, 1761, he laid down the basis of subsequent legislation in instructions to the Council of State to frame a law adequate to the necessities of the case. In consequence, the *Pragmática del Exequatur* of January 18, 1762, ordered that no bull, brief or papal letter, addressed to any tribunal, junta, judge or prelate, should be published without having first been presented to the king for his approval by the nuncio, while those for individuals should be submitted to the Royal Council to see whether they affected the Concordat, or prejudiced the regalías or the good customs and usages of the kingdom. This was followed by a cédula of August 18th imposing restrictions on inquisitorial censorship, but both of these were withdrawn by decree of July 15, 1763—a decree obtained by the royal confessor, Padre Eleta, working on the king's superstition by representing the loss of Havana as an evidence of divine wrath.[3] This respite, however, was not of long duration. At a junta called, in 1768, to consider matters growing out of the expulsion of the Jesuits, the Counts

[1] Llorente, Hist. crít., Cap. xxvi, Art. iii, n. 37, 40.

[2] Autos Acordados, Lib. i, Tit. vii, Auto 21.

[3] Archivo de Simancas, Inq., Leg. 1465, fol. 45.—Ferrer del Rio, Historia de Carlos III, I, 394–5, 398.—Archivo de Alcalá, Estado, Leg. 2843.

of Floridablanca and Campomanes presented a memorial calling attention to the surreptitious introduction of several papal briefs, and to the disastrous influence of the censorship in flooding the land with ignorance. The result of the discussion was the re-enactment of the *Pragmática del Exequatur*, with more enlarged provisions, and a cédula of June 6th providing that the Inquisition should not prohibit any work by a Catholic of good repute, without giving him a hearing or, if he were a foreigner or dead, without appointing for him an advocate of competent character. The circulation of books was not to be suspended under pretext that they were undergoing examination; in those to be expurgated the objectionable passages were to be speedily designated, so that the current reading of them should not be interrupted, and any special propositions condemned were to be clearly indicated, so that they could be expurgated by the owners. Prohibition was to be confined to errors and superstitions and lax opinions prejudicial to religion and morality, and no edict was to be published until it had been approved by the king.[1]

These reforms were in the spirit of those by which Benedict XIV, in the bull *Sollicita ac provida*, had endeavored to soften the rigor of the Roman censorship, but they were largely impracticable. They excited lively opposition, especially the provision allowing the circulation of books during the process of examination, and Llorente tells us that, for the most part, the Inquisition eluded their restrictions. It was of course impossible for the king to pass judgement on all the condemnatory edicts which followed each other in rapid succession and were submitted to him without explanation or record of the author having been heard in his defence.[2] This latter provision however seems to have been observed. In 1775 we find the Suprema sending to Valencia certain conclusions commencing "Sistema phisicum de hominis generatione," together with the papers concerning their condemnation and the cédula of June 16, 1768, so that the party could be heard in defence.[3] The author, however, was not allowed to print and circulate his defence, though he might have licence for enough copies to supply the members of the Suprema; in a case

[1] Llorente, Hist. crít., Cap. XXV, Art. 1, n. 14–15.—Novís. Recop., II, iv, 11; VIII, xviii, 3.

[2] Archivo de Alcalá, Estado, Leg. 2843.—Llorente, Hist. crít., Cap. VIII, Art. V, n. 7, 8.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 23.

in which he distributed them through the universities they were called in and suppressed, and if he attacked the witnesses and calificadores, he was liable to the savage penalties of the bull *Si de protegendis*.[1] Yet to the end the author was entitled to a hearing. In a case occurring at Llerena, in 1816, the Suprema instructs the tribunal to suppress a certain pamphlet in the next edict, but it is to ask the author, Dr. Martin Batincas, whether he desires to defend it; if so to furnish him with the censures, but not the names of the calificadores, when the matter will take its regular course. The provision for a defender in the cases of deceased and foreign authors was similarly maintained. In 1816 the Suprema instructed the Madrid tribunal to take up the case of a book entitled "El Niño instruido," which had been suspended on account of the troubles; now a new edition had appeared, which must be seized and a copy of the censures be furnished to the General of the Barefooted Carmelites; if he should not desire to put forward a defender, the tribunal was to appoint a *defensor de oficio*. So scrupulously was this observed that, in 1817, a single copy of a French book, printed in 1801, entitled "Du Mariage dans ses rapports avec la Religion et avec les lois nouvelles," found in possession of Canon Miguel Cortés, was duly condemned by calificadores when Padre Cento was appointed to defend it and, on his refusal, proceedings appear to have been dropped.[2]

During this later period, the Inquisition and the State were in firm alliance, against their common enemy the Revolution, and the State made full use of the Inquisition as a political instrument, although it had its own elaborate and effective censorship. This employment of the Inquisition was a new development, for in the earlier time, the instances in which inquisitorial censorship was called upon for political service are surprisingly few. In the case of Antonio Pérez, it was inevitable that the Inquisition should prohibit his writings and unauthorized accounts of his persecutions. There was less excuse for suppressing, in 1609, Padre Mariana's volume of essays on account of his criticism of the ruinous debasement of the coinage.[3] There was unworthy complaisance to the Holy See when, in 1606, the Suprema forbade the possession by any one of the papers and memorials issued by

[1] MSS. of Royal Library of Copenhagen, 218b, p. 323.
[2] Archivo de Simancas, Inq., Lib. 890.
[3] Ibidem, Lib. 940, fol. 10, 17, 20.

Venice, in its quarrel with Paul V, on the pretext of their being scandalous to Christendom, and an even greater misuse of its power when it arrested and prosecuted Francisco de la Cueva, a lawyer whom the Venetian ambassador had employed to write in defence of the Republic.[1] On the eve of the Catalan revolt, in 1640, the protest of Barcelona to the king was suppressed as coming under the rules of the Expurgatorio, being seditious, insulting and scandalous, and this precedent was followed with all writings on the subject during the revolt.[2] On the whole, however, throughout the first three centuries of its existence, the political use made of the Inquisition, in this and other ways, was wonderfully small.

It was otherwise when the upheaval came which threatened the stability of all monarchical institutions, and nothing was more dreaded than public opinion, which might develop into action. All the agencies at command of the State were felt to be needed, and Carlos IV hastened to open the way for the Inquisition by declaring, in an edict of 1789, that all which contributed to spread revolutionary principles was heresy, being a doctrinal error, contrary to the teachings of the Apostles Peter and Paul, and this was speedily reduced to practice by an edict of the Inquisition ordering the surrender of all papers coming from France and conveying revolutionary ideas.[3] Watchfulness on importations, especially from France, by both royal and inquisitorial officials, was redoubled, and for years new methods were constantly devised to keep the population in ignorance of events beyond the Pyrenees.[4]

It was in vain. French newspapers and books were smuggled across the frontier, and forbidden speculations on the laws of nature and the rights of man were widely disseminated. When the crisis came, with the deportation of the royal family and the Napoleonic invasion, there was a leaven of liberalism sufficient to find expression in the demand for a new order of things. The Extraordinary Córtes, elected by universal suffrage and assembled at Cádiz in 1810, lost no time in framing a law for the freedom of

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[1] Cabrera, Relaciones, pp. 285, 291. The nuncio in Madrid claimed that the Venetian ambassador was under excommunication, causing some troublesome complications in the ceremonial of the court.—Ibidem, pp. 282, 295.

[2] Archivo de Simancas, Inq., Lib. 21, fol. 254.—Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 77, 78, 81.

[3] Llorente, Hist. crít., Cap. xxv, Art. 1, n. 3.—MSS. of David Fergusson Esqr.

[4] Novís. Recop., VIII, xviii, 11–14.—Alcubilla, pp. 1593–4.

the press. Yet the tradition of the necessity of censorship was so strong that the decree of February 22, 1813, suppressing the Inquisition, transferred to the bishops the jurisdiction over censorship as well as over heresy. The law on the press had provided a control by the State over all printing, and works on religion were subjected to a second episcopal examination, with full power of condemnation and suppression, while elaborate provisions were made for an authoritative Index.[1]

This cumbrous scheme never had vitality, and the Restoration of 1814 restored to the Inquisition its jurisdiction over the press. As soon as it could spare time, during the labor of reconstruction, it addressed itself to the suppression of the revolutionary literature of the previous six years. A carta acordada of October 25, 1814, ordered the tribunals, as speedily as possible, to notify the Suprema of all objectionable books, pamphlets and papers that had been written or printed in their districts, with all details as to authorship and place of publication. From this was compiled a list of a hundred and eighty-three prohibited publications, including thirty-five journals, but an edict of July 22, 1815, described this as incomplete; the faithful were referred to the rules of the Index as defining whatever had been omitted, and all such were to be surrendered within six days, under the traditional penalty of excommunication and two hundred ducats; all the old regulations and Indexes were declared to be in force and, on August 3d, each tribunal was ordered to suppress all objectionable matter printed within its district.[2]

The correspondence of the Suprema, at this period, shows minute and constant watchfulness over the press, and a large part of the labors of the Inquisition, during its brief resuscitation, was devoted to censorship, mostly of a political character. The Constitutionalist refugees, who had fled from the vengeance of the reaction, were busy, with such slender means as they could command, in propagating their ideas, as the Protestant refugees had been in the sixteenth century, and there was the same anxious vigilance to counteract their efforts, while the danger was greater, for a large part of the population was known to secretly share their views. Thus, in 1818, circulars were received in Madrid, announcing the appearance in London of a weekly entitled *El Español Consti-*

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[1] Coleccion de los Decretos etc., III, 217 (Madrid, 1820).

[2] Archivo de Simancas, Inq., Lib. 559.—Walton's Translation of Puigblanch's "Inquisition Unmasked," Vol. I, pp. xxxvi–lxvi (London, 1816).

tucional. Immediately the Royal Council sent out orders to the judicial and military authorities to seize all copies, and the Juez de Imprentas did the same to his subordinates, all of which resulted in finding enough of the circulars to show that they had been widely distributed. Then the aid of the Inquisition was invoked and, on August 3d, the Suprema ordered the tribunals not only to seize all copies but to arrest everybody concerned. Then, on September 13th, the king reported that the wicked refugees in London, who had been, through lack of funds, obliged to abandon the project, had recently obtained contributions and had resumed it, wherefore fresh diligence was enjoined. Two days later the Suprema forwarded this to the tribunals, with orders to exert themselves in seizing the circulars and periodical and also the accomplices in the so-called conspiracy. Again, on November 4th, the Suprema called renewed attention to its former letters and enclosed a royal order stating that the London ambassador reported the appearance of the second number of the journal, and insisting on every precaution to prevent its circulation in Spain. There is no trace, however, of any copy of the mysterious periodical being captured by the Inquisition, or of the arrest of any one concerned. Simultaneously with this, on November 5th, the Suprema transmitted another royal order stating that letters intercepted in the mails contained prospectuses of a periodical entitled "Gabinete de Curiosidades politicas y literarias de España y Indias," to be issued in London by Gallardo, former librarian of the Córtes. The Suprema consequently issued instructions enjoining the utmost vigilance in seizing the prospectus and copies of the periodical.[1] The happy faculty of confusing the spiritual and the temporal, so valuable to the medieval Church, had evidently not been lost to the Spanish monarchy.

Although in general the Inquisition carefully abstained from intrusion in the field of morals, yet in censorship it undertook to guard the public from that which might contaminate virtue as well as from what affected faith. This was justified by the rules of the Tridentine Index as well as of that of Clement VIII, in 1596, where lascivious books and illustrations were to be prohibited or expurgated.[2] Literature however largely escaped, at least until

[1] Archivo de Simancas, Inq., Lib. 559.

[2] Reusch, Die Indices, pp. 249, 533.

the later period. The *Celestina* of Francisco de Rojas, of which more than thirty editions were printed in the sixteenth century, its popularity leading to its use as a schoolbook notwithstanding its somewhat crude indecency, escaped attention, until the Index of 1640 ordered the expurgation of about fifty lines, and it was not prohibited until that of 1790.[1]

Art attracted earlier attention, especially when its employment in sacred subjects lacked dignity, however stimulating it might be to the piety of the unlettered public. The first allusion I have met to this function of the Inquisition occurs in 1568, when Inquisitor Moral, in reporting his visitation of San Sebastian, mentions penancing Gracia de Caldiere for possessing a *pintura deshonesta*, whereupon the Suprema told him that he should have sent the picture to it—apparently, as a matter of censorship, it reserved the decision to itself.[2] The next is a carta accordada of 1571, ordering the suppression of some figures on linen of the Crucifixion and the Trinity, in which the calificadores had discovered symbols of Lutheran doctrines, and a series of twelve wood cuts of the Passion, with an epitome on the backs in Latin and French.[3] This is emphasized in the Expurgatory Index of Quiroga, in 1583, of which the twelfth rule is directed against all representations of sacred persons or objects which savor of irrision or irreverence.[4] Spanish piety, in fact, occasionally manifested itself in somewhat grotesque form, as in certain images on linen of the Christ-child, in military uniforms, the suppression of which was ordered in 1619.[5] In 1649, the Suprema was scandalized at the great irreverence and diabolical indecency, with a savor of sacrilege, of ribbons which were called "bowels of angels" or "hearts or entrails of apostles," and, under the customary penalties, it forbade asking for, buying or selling ribbons with such names. A few weeks later it prohibited all razors or knives on the handles of which were engraved images of Christ, the Virgin, the saints or the instruments of the Passion; all found in the shops were to be seized, and the commissioners at the ports were to see that none were imported.[6]

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[1] Ticknor's Spanish Literature, I, 235–44.—Index of 1640, p. 948.—Indice Ultimo, p. 40.

[2] Archivo de Simancas, Inq., Lib. 81, fol. 27.

[3] Ibidem, Lib. 82, fol. 1; Lib. 940, fol. 5.

[4] Reusch, Die Indices, p. 385.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 313.

[6] Ibidem, Leg. 1, n. 4, fol. 46, 50.

After the more serious work of the Inquisition was accomplished, in the elimination of Judaism, Protestantism and Islam, its energies were more actively employed in this direction. In 1787 we find the Valencia tribunal prosecuting Francisca Lazaro for indecent songs. In 1803 the *Caprichos* of Goya, the leading artist of the period, wounded inquisitorial sensibilities; he was summoned and his prosecution was commenced, but he was saved by the intervention of Carlos IV. Two of the last acts of the Valencia tribunal in 1820 were proceedings against the "Rime e Prose del Doctor Tomaso Crudeli," which it pronounced to be obscene and impious, and the condemnation of a book called *Il Zibaldone*, for lascivious propositions. The theatre also became subject to inquisitorial censorship. In 1817 a tragedy entitled "La Obstinacion de un Padre" was presented on the Valencian stage, October 9th and 10th; it seems to have excited disapproval and, on the 13th, the MS. was presented to the tribunal for its censure. In Madrid, the Suprema acted as a preliminary censor; in 1815 we find it ordering the local tribunal to examine the opera "El hombre de mal genio y buen corazon," and the comedy "El no de las niñas" and, on the report that the fiscal had no objection to their representation, it gave its assent. So, in 1819, the Suprema returns to the Seville tribunal its *calificacion* of four *saynetes*, or farces, with orders to put it into more intelligible shape, to vote on it and return it for final decision.[1]

Works of art, however, were the principal objects of inquisitorial Puritanism. In 1793, the Valencia tribunal formed a process concerning a certain snuff-box with a scandalous picture, supposed to be in possession of Don Jacinto de Castro, governor of the *sala del crimen*. Solicitude for the public morals was so acute that, October 2, 1815, the Suprema approved a decree of the Madrid tribunal, ordering all the hairdressers of the city to remove from their windows, or alter to decency, the wax busts which they exhibited as specimens of their art—apparently because they made too exuberant a display of their charms. Artists and dealers in pictures were held to a strict accountability. But a week before the last case, the Suprema had considered a prosecution by the Seville tribunal of Juan Rodríguez and Domingo Alvarez of Cádiz, the former for painting and the latter for exhibiting in his shop a

[1] Archivo hist. nacional, Inq. de Valencia, Varios, Leg. 392, n. 26; Leg. 390; Leg. 47.—Yriarte, Goya, sa Biographie etc., p. 105 (Paris, 1867).—Archivo de Simancas, Inq., Lib. 890, Lib. 435[2].

picture called Diana, provocative by its posture and nudity. They were ordered to appear before the commissioner of Cádiz, who should reprimand and absolve them from the excommunication incurred, and warn them that a repetition of the offence would be visited with the penalties provided by Regla XI of the Expurgatorio—banishment and five hundred ducats fine. Six months later, Pasqual Franchini for two *pinturas obscenas* was fined a hundred ducats and, as he was ordered to be set at liberty, it is evident that he had been imprisoned; he pleaded poverty and his fine was kindly reduced. Three months later, Santiago Schmidt and his son Josef were sentenced, by the Madrid tribunal, for selling to the Prussian ambassador an indecent picture for eight thousand reales; for this they were fined two thousand reales, which the Suprema benignantly reduced to fifty ducats.[1]

Doubtless in this case ambassadorial privilege saved the purchaser from prosecution, for the possession of objects regarded as immoral was *calidad de oficio*, and the records are full of cases against those who owned snuff-boxes, watches, packs of cards etc., with indecent figures or inscriptions, as well as of pictures, engravings and books with plates that offended the modesty of the censors. No doubt much of what was condemned was thoroughly vicious and disreputable, but the resultant purification scarce compensated for the invasion of private life and the stimulus to the detestable habit of espionage and denunciation, through which alone such matters could come to the knowledge of the tribunals. Much good art, moreover, was undoubtedly sacrificed by ignorant censors, for the objects thus condemned were destroyed. In 1805 at Valencia a painting on copper of the Adultery of Venus was thus ordered to be effaced, and when this was done the sheet of copper was delivered to the alcalde del crimen, to be restored to the owner. Akin to this was the tearing out of objectionable plates from books, which happens to be mentioned, in 1819, in the case of Don Luis Monfort, a captain of artillery.[2]

Thus the censorship of the Inquisition was all-embracing, from the most dangerous heresies of Luther and Calvin, the popularization of Scripture, the relations between Church and State and the liberalism of the modern era, down to the veriest trifles. It

[1] Archivo hist. nacional, Inq. de Valencia, Varios, Leg. 392, n. 15.—Archivo de Simancas, Inq., Lib. 890; Lib. 435[2].

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 3, fol. 324; Leg. 100.

was an engine of immense power, constantly applied for the furtherance of Obscurantism, the repression of thought, the exclusion of foreign ideas, and the obstruction of progress. It was accompanied by a state censorship, based upon the law of 1558, perfected in innumerable successive regulations, of a character most vexatious and embarrassing to authorship, and this duplication of censors exercised a most deplorably depressing influence on literature and culture. Authorship was discouraged by the uncertainty whether works, on which perhaps years of labor had been spent, would secure a licence to print; the business of publication was rendered extra-hazardous by the fact that a book, printed with due licence from the state, might at any moment be prohibited by the Inquisition and the whole edition be seized and destroyed, while purchasers who had bought such a licensed book were liable to be deprived of it without compensation. Thus, between the state and the Inquisition, whether working in unison or at cross-purposes, the intellectual development which, in the sixteenth century, promised to render Spanish literature and learning the most illustrious in Europe, was stunted and starved into atrophy, the arts and sciences were neglected, commercial and industrial progress was rendered impossible, and the character which Spain acquired among the nations was tersely expressed in the current saying that Africa began at the Pyrenees.

APPENDIX.

STATISTICS OF OFFENCES AND PENALTIES.

(See p. 93).

It is manifestly impossible to compile the statistics of inquisitorial activity during the centuries of its existence and amid its numerous tribunals, but some fragmentary figures may serve to illustrate the comparative frequency of the offences with which it had to deal and the character of the punishments which it inflicted. As regards the latter it will be remembered that the sentences usually comprised several penalties.

Offences.

The following summary of cases acted upon by the tribunal of Toledo is condensed from the "Catálogo de los causas contra la fe seguidas ante el Tribunal del Santo Oficio de Toledo" (Madrid, 1903) prepared by Padre Fresca, S. J., and Don Miguel Gómez del Campillo, from the original records. As the earliest case is of 1483 (p. 192) and the latest of 1819 (p. 81) it would appear to cover the whole activity of the tribunal, but it is manifestly imperfect, in view of the masses of Judaizers reconciled and the effigies burnt of the dead and fugitives, in the early years of the organization (Vol. I, pp. 165–72, 183). In a minor degree this is also shown by comparison with tables below of portions of the period from other sources. These latter also have interest as indicating changes in the character of offences at successive periods.

The classification of Señor Gómez del Campillo is as follows:

Bigamy	188	Insults to officials	186
Blasphemy	755	Personating priesthood	33
Fornication not a sin	259	Judaizers	977
Personating officials and forged licences	48	Prohibited books	34
Fautorship of heretics	60	Moriscos	219
Sorcery	296	Irreverence and scandalous speeches	551
Heresy—Illuminism	39	False witness	34
Anglicanism	14	Propositions, erroneous	60
Calvinism	18	scandalous	63
Freemasonry	3	heretical	46
Lutheranism	79	Marriage in Orders	16
General	72	Sacrilege	74
Deluded and deluders	25	Solicitation in confession	105
Impeding the Inquisition	62	Various	43
Violation of disabilities	91		

A MS. volume in the Library of the University of Halle (Yc, 20, Tom. I) contains the reports to the Suprema by the tribunal of Toledo of its operations, from the auto de fe of September 4, 1575, to that of February 7, 1610. The auto of 1595 is however missing and the report of the last one is incomplete, breaking off at the tenth case. So far as it goes, the record for these 35 years embraces 1172 cases, an analysis of which yields the following results:

Bigamy	53
Blasphemy	46
Fornication not a sin	264
Personating officials	13
Sorcery	18
Heresy, Illuminism	12
Protestant sects	47
Greek Christians	3
Offences against the Inquisition	22
Personating Priesthood	25
Judaizers	174
Moriscos	190
Irreverence	5
False witness	8
Do in cases of Limpieza	57
Solicitation in Confession	52
Propositions, Marriage better than priesthood	30
Scholastic discussion at Alcalá	7
Ridicule of pious observances	3
Story about St. Peter	4
Excuse for blasphemy	1
On God	9
On Christ	5
On the Virgin	4
On Magdalen	4
On Belief in Virgin and Saints	1
On the Grace of God	1
On Salvation	12
On the Resurrection	6
On the Future Life	4
On Indulgences	9
On Images	6
On the Necessity of Mass	6
On Confession	5
On Intercessory Prayer	1
Propositions—	
On Offerings for the Dead	3
On the Eucharist	3
On the Sacraments	1
On Canonization and Saints	3
On the Authority of Scripture	1
On the Miracle of the Loaves and Fishes	1
On the Stigmata of St. Francis	1
On Excommunication	1
On Marriage and Adultery	9
On Oaths	1
On Holy Orders	1
On Moors	1
On Self-Damnation	1
On Infidelity	1
On Impeccability	1
On Sin inevitable	1
On the Papal Power	2
On Women	1
On Homicide	1
On the Inquisition	3
On the Royal Power	3
On Incest	1
On the Defeat of the Armada	1
Various	8
Offences of Officials	22
Slander	1
Hermaphrodite	1
Quarrel over an Irish Benefice	1
Imposture	1
Smuggling of Horses	1
Apostate Frailes	2
Favoring Vandoma (Henry IV)	1
Irregularities	1

In Legajo I of the Archivo histórico Nacional, Inquisicion de Toledo, there is a volume of which the introductory lines state that on February 8, 1648, Gonzalo Bravo Graxera, then inspecting the tribunal, reminded the inquisitors that a *carta acordada* of May 22, 1570, required a register to be kept of all penitents appearing in the autos, with their punishments. Thereupon a book was procured for the purpose and the record commenced. It extends from 1648 to 1794 and is doubtless complete. An analysis of this yields the following results:

Bigamy	62	Marriage in Orders	10
Blasphemy	37	Solicitation in Confessional	68
Fornication not a sin	3	*Mala doctrina* in Do	9
Personating officials	4	Rebaptism (Greek)	1
Fautorship	16	Errors	1
Sorcery	100	*Hipocrita*	1
Illuminism (Molinism etc.)	17	Fray Berrocosa	2
Protestantism	11	Gypsy	1
Heresy	3	Greek	1
Suspicion of Heresy	2	Atheism	1
Deluded and Deluders	16	Burlesque Sermon	1
Impeding the Inquisition	13	Threatening a witness	1
Insulting officials	3	Hiding confiscated property	1
Disrespect to Inquisition	5	Offence of a Notary	1
Speaking ill of Do	1	Blackmailing	1
Personating Priesthood	12	Breaking prison	2
Judaism	659	Do exile and presidio	4
Mahometanism	5	Non-performance of sentence	1
Apostasy	2	*Cofradia execrable*	1
Irreverence and Sacrilege	3	Improper rules for a Congregation	1
Propositions	74	Printing without licence	1

In the Royal Library of Berlin Qt. 9548 is a volume containing relations of sixty-four autos held in various tribunals, between 1721 and 1727. During this period inquisitorial energy was mainly directed against Judaism, as will be seen from the following summary of the cases:

Bigamy	35	Personating officials	1
Blasphemy	4	Judaism	824
Fautorship	2	Apostasy	6
Sorcery etc.	57	Mahometanism	1
Protestantism	3	Marriage in Orders	1
Heresy	4	False witness	17
Deluders	2	Rebaptism	2
Personating Priesthood	1	Breaking prison	3

Punishments.

In the Toledo record of 1575–1610 the sentences include

Relaxation in Person	15	To be last in Choir and Refectory	26
in Effigy	18	The Discipline	11
Confiscation	185	Spiritual Penances	17
Fines (aggregating 2,586,625 mrs.)	141	Hearing Mass as Penitent in Church	66
Reconciliation	207	Do in Audience-Chamber	150
in Effigy	1	Abjuration *de vehementi*	21
Sanbenito	186	*de levi*	49
Imprisonment	175	Reprimand or warning	56
Reclusion in convent or hospital	87	To write no more books	1
Galleys	91	Temporary suspension from priestly functions	1
Scourging	133	Public recantation	1
Vergüenza	26	Cases dismissed	30
Exile	167	suspended	98
Prohibition to leave Spain	6	Acquittals	51
Gagging	20		
Deprivation of Confessing	42		
Disability for Orders	10		

The Toledo Record from 1648 to 1794 yields the following summary:

Relaxation in Person	8	Vergüenza	10
Do in Effigy	63	Exile	566
Confiscation	417	Deprivation of confessing	68
Fines (aggregating 30,600 ducats)	50	Disability for Orders	3
Do of half property of culprits	14	Suspension from Orders	4
Reconciliation	445	Do from confessing	1
Prison and sanbenito, short terms	183	Do from preaching	11
Do Do perpetual	161	Deprivation of priestly functions	5
Do Do irremissible	82	Degradation from priesthood	1
Reclusion in convents etc.	91	Abjuration *de vehementi*	51
Galleys, Presidios and Arsenals	98	Do *de levi*	314
Scourging	92	Cases suspended	104
		Acquittals	6

The sentences in the sixty-four autos de fe between 1721 and 1727 include:

Relaxation in Person	77	Prison etc. irremissible	275
Do in Effigy	74	Galleys and Presidio	99
Confiscation	776	Scourging	297
Fine of one-half of property	12	Vergüenza	13
Reconciliation	630	Exile	189
Prison and sanbenito, short terms	252	Abjuration *de vehementi*	31
Do perpetual	113	Do *de levi*	125

DOCUMENTS.

I.

CONCLUSION OF SENTENCE OF RELAXATION OF DON GASPAR DE CENTELLAS, FOR PROTESTANTISM, VALENCIA, SEPTEMBER 17, 1564.

(MSS. of Library of University of Halle, Yc, 20, Tom. XI).
(See p. 94).

CHRISTI NOMINE INVOCATO.

Ffallamos, attento los auttos y meritos del dicho processo que el dicho promotor fiscal provó bien y cumplidamente su acusacion y querella, Damos y pronunciamos su intencion por bien provada, en consequencia de lo qual que devemos declarar y declaramos el susodicho Don Gaspar Centellas ser herege y estar suficientemente convencido por suficiente numero de testigos y demas desto haver confessado, affirmado y defendido pertinazmente ante nos las dichas proposiciones hereticas y por tales condenadas y declaradas y que le devemos condenar y condenamos que el dia del aucto de la fe salga al cadahalso con insignias de relaxado y que alli le sea leyda publicamente esta nuestra sentencia por la qual le declaramos por herege abominable, pertinaz, obstinado y endurecido y por ello haver cahido y yncurrido en todas las penas en que cahen y yncurren los semejantes hereges ympenitentes y pertinaces, y porque por todas vias se ha procurado con el susodicho con toda solicitud y cuydado de attraerlo y reduzirlo a nuestra santa fe catolica, ofreciendole toda benignidad y misericordia de que el no se ha querido ni quiere aprovechar y pues la santa madre yglesia no tiene otra cosa ni remedio de que usar con el susodicho, pues el la menosprecia, sino relaxarlo à la justicia y brazo seglar como à miembro podrido, ynfecto, pestifero y nocivo, porque otros no se dañen ni padezcan con el, por esta nuestra sentencia, como à herege pertinaz y obstinado, lo relaxamos al muy ilustre señor Don Joan Lorencio de Villamasa, Visorrey y capitan general por su Magestad en esta ciudad y Reyno ò al muy magnifico Mossen Quille Ramon Catalan, justicia criminal en esta dicha ciudad, ò à quien la punicion y castigo del dicho crimen pueda pertenecer y pertenezca y à su señoria pedimos por merced y al dicho justicia muy affectadamente rogamos y encargamos que con el susodicho se manden haver y ayan misericordiamente.

Otrosi por quanto el dicho delicto y crimen de la heregia excede y es muy mayor sin comparacion que otro alguno por ser cometido contra la divina Magestad y por su graveza por que en las personas de los perpetradores del no puede ser suficientemente punido ni castigado y la pena del sestiende à los bienes, progenie y posteridad de los que lo cometen, por esta nuestra sentencia declaramos sus bienes ser confiscados à la camara y fisco Real de su Magestad desde el tiempo que cometiò los dichos delictos con los quales mandamos acudir al magnifico Mossen Bernardino Gutierrez recetor deste S^to^ Officio en su nombre, y los hijos, hijas, nietos y nietas del dicho don Gaspar Centellas, herege ympenitente pertinaz y obstinado, descendientes por linea masculina en segundo grado y por feminina en primero, ser privados de todas y qualesquier dignidades, beneficios y officios ecclesiasticos y seglares que sean publicos y de honrra que los susodichos tienen y possehen, y ser inabiles e yncapaces para ympetrar, tener y posseher otros de nuevo, ni poder ser justicias, jurados, clerigos ni notarios ni otro ninguno officio publico de onrra, e no poder traer sobre si ni en su persona oro, plata, perlas, piedras preciosas, seda, grana, chamelote ni paño fino, armas, ni cavalgar en cavallo, hazer ni traer otra cosa alguna de las que por derecho e ynstructiones deste S^to^ Officio le son prohibidas, y por esta nuestra sentencia definitiva juzgando ansi lo pronunciamos, sentenciamos y mandamos en estos escritos y processo pro tribunali sedendo.

El Licenciado Aguilera. Don Miguel Vich.

Sentencia dada y promulgada por el Señor Inquisidor el licenciado Bernardino de Aguilera los dia mes y año susodichos en presencia de las partes susodichas las quales passaron por ella.

Presentes fueron por testigos à la publicacion de la dicha sentencia los discretos Miguel Perez de Huermeda, Pere Lopez y Francisco Pastor notarios y muchos otros vezinos de Valencia. Passo ante me, Miguel Bellot, notario.

II.

Release from Perpetual Prison and Sanbenito.

(Proceso de Mari Gomez, fol. xxxx.—MS. in possession of the Author). (See p. 161).

Nos los del consejo de sus Mag^des^ que iintendemos en las cosas tocantes al officio de la S^ta^ Inq^on^ hazemos saber a vos los R^dos^ inq^res^ contra la heretica pravedad y apostasia en la cibdad y arçobpãdo de

toledo y su partido que vimos la Relacion que por ñro mandado embiastes de los meritos del processo de mari gomez muger de diego carrillo herrero vezino de daimiel por la qual paresce que fue rrecibida a rreconciliacion y condenada a carcel perpetua y habito en diez y seiss dias del mes de Julio del año pasado de quinientos y quarenta e un años y que despues aca cumple bien su penytencia, por lo qual y por otras cabsas que nos mueven, queriendo usar de piedad y clemencia con la dha mari gomez nuestra voluntad es de le mandar comutar la penytencia de la dha carcel perpettua y habicto en otras penytencias espirituales, por ende nos vos encargamos y mandamos que luego que esta nuestra provision vos fuere presentada comuteys a la dha mari gomez la penytencia de la dha carcel perpettua y habicto en otras penytencias espirituales de ayunos, rromerias y oraciones como à vos otros bien visto fuere, y ansi comutada mandadle quitar el dho habito y soltar de la carcel en que estoviere para que se haya y este libremente do quisiere e por bien toviere, con tanto que no sea fuera de los reynos y señorios de castilla y de leon y con que haga y cumpla todas las otras cosas contenidas en la sentencia que contra ella se dio e pronuncio que fasta aqui no obiere fecho y cumplido e fuere obligada a fazer y cumplir. Fecha en la villa de madrid a xvi dias del mes de noviembre de myll e quinientos e quarenta y cinco años.

III.

Disabilities of Descendants of Prisoners.

(Archivo General de Simancas, Registro de Genealogias, No. 916, fol. 61). (See p. 178).

D. Cristóbal de Cos y Vivero, Secretario del Rey Nuestro Señor del Consejo de S. M. de la Santa General Inquisicion por lo tocante á la Corona de Castilla y de Leon etc.—Certifico: Que en el dia diez y siete del corriente mes de Enero se acudió al Exmo. Señor Obispo Inquisidor General por parte del Licenciado Don Mariano de Santander y Albarez y hizo presente ser publico y notorio que en año pasado de mil setecientos noventa y ocho fué procesado por el tribunal del Santo Oficio de dicha ciudad D. Mariano Santander su Padre y que lo es tambien que no lo fué por delitos de heregia ó apostasia y sí solo por asuntos relativos á su comercio de Libros y haberse excedido tal vez en el exercicio de su profesion. Que el expresado tribunal con un pleno conocimiento de el proceso manifestó en su definititiba que la formacion de causa y prision que sufrió con lo demas que en ella expresó no le perjudicaba ni obstaba á sus hijos y descendientes para disfrutar

de todos los efectos civiles de los que á consecuencia de esta decision ha gozado sin interrupcion y goza actualmente: Que sin embargo por lo reserbado de los asuntos que se tratan en el Santo Oficio y mucho mas por haberse tambien traspapelado con el transcurso del tiempo el certificado que de la decision de la causa se dió por dicho Tribunal al Padre del exponente para su resguardo y el de sus descendientes no era facil tratandose de unas pruebas formales como necesitaba para incorporarse en el ilustre Colegio de Abogados de aquella Real Chancillería hacer constar sin ningun genero de duda quanto llebaba expuesto. Por lo que suplicaba se le mandase dar la correspondiente Certificacion de no obstancia.—Y vista en el expresado consejo de S. M. de la Santa general Inquisicion la suso dicha representacion con los antecedentes que obran en su archivo concernientes á la causa seguida en el Tribunal de Valladolid y determinado en el año pasado de mil setecientos noventa y ocho contra Don Mariano Santander, Padre del exponente, por comercio ilicito de Libros prohibidos vino en declarar y declaró en Decreto de diez y nuebe de este mismo mes que la referida causa no obsta al nominado Don Mariano Santander y Albarez, ni le perjudica como ni tampoco á sus Descendientes para obtener Empleos publicos y de honra ni para disfrutar plenamente de todos los efectos civiles, mandando se le diese certificacion para su resguardo y lo demas que le convenga. Eu cuyo cumplimiento doy la presente sellado con la sella de la general Inquisicion en Madrid á viente y siete de Enero de mil ochocientos diez y ocho.

Don Cristoval de Cos y Vivero.

IV.

Consulta of the Supreme Council of Portugal, January 17, 1619.

(MSS. of Bodleian Library of Oxford, Arch. Seld. A, Subt. 17).
(See p. 275).

Señor—Los Inquisidores de la Ciudad de Coimbra y su distrito enviaron a V. M^{d} la relacion inclusa de las personas que salieron en el Auto de la Fe que se celebrò en aquella ciudad el Noviembre passado, algunos de los quales poco antes avian sido presos en la ciudad del Puerto, y con esta ocasion el Obispo Inquisidor General escribiò à V. M^{d} que sin ningun escrupulo affirmaba que todo Portugal en la materia de Judaismo estaba contaminado y que convenia aplicar remedio pronto para que aquellos reynos de V. M^{d} no tuviessen los castigos que amenazaban tantas heregias, porque el Judaismo era muchissimo,

los sacrilegios infinitos, canonigos presos, Frayles huidos, y quatro Monjas inclusas en las carceles del S^to^ Of^io^ y que pudiera decir à V. M^d^ que le impiden las lagrimas y que vuelve à acordar à V. M^d^, acabando de celebrar, que es necessario remedio breve en que muestre V. M^d^ su pecho catolico, reformando estos males; porque no ay Reyno sin fe y buenos costumbres; y que à V. M^d^ le conviene no solo tener vasallos sino buenos vasallos, como lo dicen los Santos; y que postrado à los reales pies de V. M^d^ dice lo que entiende y lo en que ha pensado muchos tiempos ha.

Todo lo que el obispo Inquisidor General apunta de quan inficionados de Judaismo estan aquellos Reynos con continuos sacrilegios y graves offensas de Dios N^ro^ S^r^, de que se sigue grandissimo escandalo al pueblo christiano, es muy presente al Consejo, y con el sentimiento que se debe à calidad de materia tan grave, se ha tratado muchas vezes del remedio que puede aver, para expurgar aquellos Reynos de gente tan infiel y pertinaz, sin daño comun, evitando los castigos generales y trabajos que por su respeto se entiende que padecen los mismos Reynos tantos años ha.

Y porque unos de los medios mas adequados para lo que tanto importa al servicio de Dios y de V. M^d^ se juzga que seria de desterrar á los christianos nuevos que, siendo presos por el S^to^ Of^io^ fuessen condenados en perdimiento de las haciendas para el Fisco, pues iendo pobres no podran ayudar à los enemigos de V. M^d^ con gruessos caudales como aora lo hacen, y se escribiò al Marques de Alenquer, Virrey, que de parte de V. M^d^ encargasse al Obispo Inq^r^ Gen^l^ que tratasse este punto con los del Consejo General del S^to^ Of^io^ y el modo con que se podia executar, para que considerandolo todo consultassen à V. M^d^ por orden del mismo Virrey, lo que se les offreciesse, que como se satisfaga à esta diligencia (que debe ser con brevedad) dira el consejo à V. M^d^ lo que le pareciere y de ella huviere resultado, y Mendo de la Mota propone en su voto, que esta muy bien considerado y tendra entonces mas propio lugar.

Y porque en Portugal se hace aora visita general del S^to^ Of^io^ de que se ha seguido notable fruto; porque se prendieron muchos Christianos nuevos en la ciudad del Puerto, particularmente dos Monjas de S. Francisco y otra de S. Bernardo y en Coimbra dos Canonigos de aquella Iglesia, de los quales es uno Fernando Diaz de la Sylva que vino proveido de Roma en un canonicato y por instancias que hizo el Nuncio, en nombre de su Santidad, en su favor, permitiò V. M^d^ que se le diesse la possession, y en Lisboa à Marcial Nuñez que era Juez Apostolico, de todo lo qual consta lo poco que se puede fiar de qualquiera persona de essa Nacion.

En esa Corte viven muchos de ella, naturales de Portugal, que, por no ser conocidos, se presume con fundamento que tienen necessidad de ser visitados por la Inq^n^. Acuerda el Consejo à V. M^d^ que debe

mandar ordenar al Consejo General del S^to^ Of^io^ que trate de hacerlos visitar.

Mendo de la Mota acrecienta que, siendo la principal obligacion de V. M^d^ limpiar sus Reynos de toda especie de Herejia ò Infidelidad, y aviendo mostrado la experiencia por tan largo discurso de tiempos quantos males ha causado en los Reynos de Portugal la perfidia Judaica y Judaismo, que se entiende ser una de las das causas principales porque Dios le ha dado tan graves castigos. Le parece que tiene V. M^d^ obligacion en Ley Divina y natural à mandar desterrar de sus Reynos y Señorios todos aquellos que ò fueren declarados por herejes ò abjuraren de vehementi sospechosos en la Fe; y que assi lo debe V. M^d^ mandar executar luego en los que han salido en este cadahalso de Coimbra y en todos los demas que fueren condenados y declarados de aqui adelante por herejes. Porque de lo contrario se sigue estar siempre viva la semilla del Judaismo, quedando las mismas raizes en el Reyno con que se aumenta y conserva. Y que demas de la pureza de la Religion Catholica à que V. M^d^ como Rey esta obligado y los grandes y continuos sacrilegios que esta gente comete, profanando y injuriando los Sacramentos, consideran que por si solos bastaban para mover el catholico y real animo de V. M^d^ ordenar assi. Porque no puede dexar de estar expuesto à muchos peligros el Reyno que tiene dentro de sus venas humor tan pestilente y de que naceran crueles enemigos como son los que engendra la diferencia de Religion y que no podra ser de ningun inconveniente irse esta gente à otros Reynos extrangeros. Porque como se le confisca la hacienda por el crimen de la Herejia, queda tan pobre y mesquina que en ningun parte pueda dar cuidado: antes por este medio ira V. M^d^ limpiando sus Reynos poco à poco, sin hacer ningun movimiento en ellos, hasta que Dios sea servido descubrir otro camino para limpiarlos del todo.

Decreto de su Magestad.

En una consulta del Consejo de Portugal de 17 de Henero de 1619 se trata de los de la nacion Hebrea que ay en aquel Reyno con ocasion del auto de Inq^a^ que se hizo el año antes en Coimbra y uno de los puntos de esta Consulta es que convendria desterrar no solo à los que fueron declarados y condenados por herejes sino tambien à los que huvieren abjurado de vehementi: y se entiende à esta segunda calidad de gente no se le confiscan los bienes por el S^to^ Of^io^. Aviseme el Consejo que opinion tiene quanto à esto; y si aurian de ser desterrados del Reyno aun en caso que no se les confiscassen los bienes: pues en el seria forzoso que saliendo del Reyno sacassen tambien sus bienes. Cosa en que parece ay razones para reparar, no siendo este remedio obligatorio y necessario en conciencia, que siendolo claro està que se ha de vencer

qualquier inconveniente que se pudiesse representar. En otro de lo puntos trata el Consejo de Portugal que convendria visitar expressamente todos los de la nacion que de aquel Reyno huviessen passado à los de Castilla; y para hacer esta visita es necessario que el Inq^r^ Gen^l^ ó Consejo de la Inq^n^ de Portugal embie una lista de los Christianos nuevos de aquel Reyno que andan por Castilla. Y si algunos de ellos tuviere sobre si causas de particular sospecho en materia de la Fe lo apunten en la margen. Y se me embiaran las cartas para el Inq^r^ Gen^l^ de Portugal en la forma y por la via que se suele, para que Yo las firme. Y en lo demas que contiene la dicha consulta quedo mirando para responder à ella.—Rey.

V.

Cases of Heresy Tried by the Tribunal of Valencia Between 1455 and 1592.

(Archivo historico nacional, Inquisicion de Valencia, Legajo 98). (See p. 345).

Year.	Cases.	Year.	Cases.
1455	3	1514	63
1461	7	1515	34
1482	11	1516	41
1485	19	1517	25
1486	14	1518	21
1487	15	1519	22
1488	18	1520	36
1489	20	1521	31
1490	28	1522	40
1491	51	1523	37
1492	6	1524	40
1493	4	1526	47
1494	10	1528	42
1495	10	1529	44
1496	15	1530	20
1497	24	1531	58
1499	15	1532	1
1500	35	1533	61
1501	36	1534	25
1502	9	1535	2
1503	11	1536	39
1505	31	1537	69
1506	20	1538	112
1507	7	1539	79
1508	14	1540	53
1509	26	1544	79
1510	10	1545	37
1511	12	1546	49
1512	32	1547	12
1513	41	1548	15

Year.	Cases.	Year.	Cases.
1549	4	1577	13
1558	2	1578	15
1560	15	1579	24
1563	62	1580	37
1564	38	1581	22
1565	66	1583	8
1566	41	1584	29
1567	54	1586	64
1568	68	1587	35
1570	16	1588	21
1571	55	1589	94
1572	32	1590	49
1573	34	1591	270
1574	16	1592	117
1575	20	Amounting in all to 3125 cases.	
1576	16		

In Legajo 300 of the same archives there is a list of relaxations in Valencia from 1486 to 1593. As customary in these registers it is arranged alphabetically under the baptismal names and is unfortunately incomplete, ending with the letter N. From other similar lists it appears that the letters A–N comprise substantiatly four-fifths of the whole and therefore if twenty-five per cent. be added to these figures it will probably give a close approximation to the whole number. Arranged chronologically it presents the following results.

	Relaxed	In effigy.			Relaxed	In effigy.	
Year	in person.	Absent.	Dead.	Year.	in person.	Absent.	Dead
1486	10			1524	13		
1487	10			1526	15		
1489	8			1528	23		
1490	18			1529	24		
1492	12			1530	1		
1493	18			1531	37		
1496		1		1533	8		
1497	4	79		1536	12		
1498	1	28		1537	1		
1499		63		1538	11		
1500	3			1539	4		
1501	15			1540	4		
1502	13			1544	3		
1503	4			1545	3		
1505	13		51	1553	1		
1506	4		22	1554	15		
1508			48	1563	6		
1509	12		3	1564	3	1	1
1510	9	4	10	1566	3		
1511			32	1567	4		
1512	1		8	1568	2		
1513	12		1	1571	1		
1514	52		8	1572	5		
1517	4		6	1573	3		
1520	27			1574	7		
1521	8	3		1575	2	1	
1522	6			1576	1	1	1
1523	8			1577	5		

Year.	Relaxed in person.	In effigy. Absent.	Dead.	Year.	Relaxed in person.	In effigy. Absent.	Dead.
1578	3		1	1586	3		2
1579	1			1590	1	2	1
1581	1	1		1592	6	4	
1583	4	1		1593	5		
1584	2						

The aggregate of this list is 515 relaxed in person and 383 in effigy, of whom 189 were fugitives and 194 were dead.

If to these figures we add twenty-five per cent. for the missing portion of the record we shall have 644 relaxations in person and 479 in effigy as the result of a hundred and eight years of the most active period of the tribunal of Valencia.

VI.

Brief of Clement VII to Inquisitor-general Manrique, July 15, 1531, Respecting Lutheranism.

(Bulario del Orden de Santiago, Lib. I. de copias, fol. 98).
(See p. 423).

Dilecto filio Alfonso Manrique, Sancti Calixti presbytero cardinali, Hispalensi nuncupato, Clemens PP. VII.

Dilecte fili, salutem et apostolicam benedictionem. Cum sicut veredica relatione ad nostri apostolatus auditum displicenter pervenit, propter libros errores Lutheranos continentes qui ad loca Castellæ et Legionis ac Aragonum regnorum et dominiorum charissimi in Christo filii nostri Caroli Romanorum imperatoris semper Augusti qui etiam Hispaniarum rex existit delati fuerunt, damnata hæresis Lutherana in aliquibus locis regnorum et dominiorum prædictorum pullulare cœperit et ad presens varia et erronea iniquitatis filii hæresiarchæ Martini Lutheri dogmata jam usque adeo invaluerunt et in dictis regnis et dominiis multi reperiantur qui hujusmodi errores et dogmata imitent et publicent ac tales libros vendant et nonnulli hujusmodi erroribus infecti sanctæ matris Ecclesiæ præcepta contemnant ac sanctorum patrum decreta parvifacienda mendaciter affirment et multas blasphemias in omnipotentem Deum ejusque gloriosam genetricem intemeratam semperque Virginem Mariam ac sanctos Dei proferant et varios hæreses introducant ac diversos errores committant in gravissimam divinæ Majestatis offensam et catholicæ et orthodoxæ fidei scandalum et auctoritatis apostolicæ enervationem ac animarum salutis perniciem

et irreparabile detrimentum: Nos, quorum est pro salute gregis dominici huic nefariæ hæresi ne in deteriora procedat omni quo possumus remedio occurrere ac illius sectatores debita arctatione et correctione compescere, circumspectioni tuæ, quæ ecclesiæ Hispalensi ex concessione et dispensatione apostolica præesse dignoscitur et inquisitor generalis in partibus illis existit et de cujus prudentia et rectitudine specialem in domino fiduciam obtinemus contra quoscumque cujuscumque status, gradus, ordinis et conditionis seu præeminentiæ existant, et quacumque ecclesiastica, episcopali et archiepiscopali dignitate seu mundana etiam ducali auctoritate præfulgeant ipsius Martini et aliorum erroneorum dogmatum sectatores, sequaces, fautores et defensores aut illis auxilium consilium et favorem, directe vel indirecte publice vel occulte præstantes, auctoritate nostra inquirendi ac hujusmodi labe infectos, non tamen episcopos et archiepiscopos, capiendi et carceribus mancipandi, necnon juxta canonicas sanctiones et sanctorum patrum instituta, prout qualitas excessuum exegerit vel conscientiæ fuerit et videbitur expedire puniendi, et ad cor redire nolentes a dictæ ecclesiæ communione veluti putrida membra separatos et divisos esse ac damnationi æternæ cum Sathana et angelis ejus addictos, et perpetuo infames et intestabiles esse, et corpora eorum postquam defuncti fuerint sepultura ecclesiastica carere debere denuntiandi et declarandi; et si ad veritatis lumen redire et hujusmodi hæresim abjurare voluerint, etiam si archiepiscopi et episcopi fuerint, postquam errorem suam deposuerint ac de præmissis doluerint idque humiliter petierint, si alias relapsi non fuerint, ab omnibus et singulis excommunicationis, suspensionis et interdicti aliisque ecclesiasticis sententiis, censuris et pœnis quas præmissorum occasione quomodolibet incurrerint, et ab hujusmodi excessibus, delictis et criminibus in forma ecclesiæ consueta absolvendi et super irregularitate quomodolibet contracta dispensandi omnemque inhabilitatis et infamiæ notam sive maculam penitus absolvendi ac eos rehabilitandi et ad nostrum et sedis apostolicæ gremium necnon gratiam et benedictionem restituendi et reponendi, omniaque et singula alia quæ ad hujusmodi pestem reprimendam et radiciter extirpandam necessaria et opportuna esse dignoscuntur et ad officium inquisitoris tam de jure quam consuetudine pertinent et quæ tibi et aliis inquisitoribus generalibus in partibus illis pro tempore deputatis, tam per quoscunque Romanos pontifices prædecessores nostros quam per nos quomodolibet concessa sint, faciendi, ordinandi et exequendi ac auxilium brachii sæcularis invocandi et ad præmissa omnia et singula si et quando expedire videris viros aptos et idoneos cum simili aut limitata facultate subdelegandi et deputandi ipsosque quotiens eis opportunum videbitur revocandi ac loco ipsorum alios similiter idoneos deputandi, plenam et liberam auctoritate apostolica tenore præsentium facultatem concedimus. Nonobstantibus fe. re. Bonifacii papæ VIII, prædecessoris nostri de

una et concilii generalis de duabus diætis et aliis apostolicis constitutionibus contrariis quibuscumque; aut si Lutheranis adhærentibus, fautoribus receptoribus et aliis præfatis vel quibusvis aliis communiter vel divisim a dicta sit sede indultum quod interdici, suspendi vel excommunicari aut extra vel ultra certa loca ad judicium evocari non possint per litteras apostolicas non facientes plenam et expressam ac de indulto hujusmodi mentionem et quibuslibet aliis privilegiis et litteris tam apostolicis quam regularibus sub quibuscumque tenoribus singulis præfatis concessis per quæ præsentium litterarum et vestræ jurisdictionis in præmissis executio quomodolibet impediri vel differri posset quæ quoad hoc ipsis vel alicui ipsorum nullatenus suffragari posse nec debere decernimus. Dat. Romæ apud Sanctum Petrum sub annulo piscatoris, die XV. Julii MDXXXI., Pontificatus nostri anno octavo.—EVANGELISTA.

VII.

LETTER OF CHARLES V TO INQUISITOR-GENERAL VALDES FROM BRUSSELS, JANUARY 25, 1550.

(Archivo de Simancas, Inquisicion de Barcelona, Córtes, Legajo 17, fol. 83).
(See p. 425).

Erasso nos mostro la relacion que embiastes de lo sucedido sobre el derrocamiento de aquellas casas de Valladolid, y por lo que los del Consejo de la Inquisicion nos han consultado lo havemos entendido mas particularmente, y cierto ello ha sido de qualidad que se pudiera llevar por otros terminos, y no ponerse este negocio tan adelante por que dello no puede haberse seguido ningun buen fruto, y los rreyes de Bohemia mis hijos me han escripto lo que habian mandado proveer sobre todo, y paresce que aquello esta bien por que si se obiera de pasar mas adelante no pudiera ser sin notable inconveniente, y porque no sucedan semejantes cosas se provee que se ponga en execucion lo que ordenamos los dias pasados, y se nos inbie relacion dello junto con lo que parescera para que se tome algun termino en estos negocios y se terna el respeto que es razon a lo tocante al Santo Oficio.

De los que nombrastes en el memorial pasado habemos elegido para la plaza de la Inquisicion que esta vaca por cortes al licenciado Otalora; encargamos os le deis luego el despacho en la forma que se acostumbra.

La provision de las Iglesias que estan vacas aun no se ha hecho

quando se tratare dello se mirara en lo que nos habeis escrito cerca de la perpetuidad de los salarios de los Inquisidores y otros oficiales, pues que estan muy cargados de pension.

En lo del doctor Egidio acaso han visto las proposiciones que contra el resultaron y lo que ultimamente tomaron a escribir los Inquisidores de Sevilla, y pues os hallais en esa ciudad encargamos os proveais que se averigue muy bien la verdad, y con la mas brevedad que ser pueda, y se nos consulte lo que parescera en su causa antes que se determine, porque de una manera ò de otra combiene al servicio de Dios y nuestro que aquella Iglesia se de prelado, y porque frai Domingo de Soto nos hablo algunas veces en este negocio diciendo lo que cerca del le escrevistis por lo que se le mostraron las escripturas que embiaron los del Consejo y por esta causa y sus letras y doctrina creemos que convenia que entendiesse en las qualificaciones deste negocio, paresciendose assi proveercis que se le comuniquen.

Despues desto escrive Erasso que podria ser que con aver vacado lo de Sanctiago oviesse mas comodidad para esto.

VIII.

LETTER OF INQUISITOR-GENERAL VALDES TO PAUL IV, SEPTEMBER 9, 1558.

(Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 230). (See pp. 436 and 521).

PARA SU SANCTIDAD.

Sanctisimo Padre:

No he scripto antes a V. S^{t} de los herexes lutheranos que en estas partes nuevamente se an descubierto por pensar que siendo los negocios como son de muy grand inportancia convenia primero hacerse las dilixencias que se an hecho para descubrir mas en ellos y aunque parezca que a avido alguna dilacion en esto suplico a V. S. no lo atribuya a culpa de descuido ni de otra cosa sino al deseo que yo y los ministros del sancto officio que tratamos estas cosas tenemos en cumplir con toda vigilancia lo que es a nuestro cargo en servicio de dios y descargo de V. S. a quien humilmente suplico se acuerde de mandar las cosas que tocaren al servicio de V. S. y de su sancta sede apostolica con la confiança que merece mi deseo y fidelidad de hijo y siervo muy obediente y que siempre tenga memoria de favorecer las cosas del

sancto officio con la aficion y voluntad que lo a hecho para que en tiempo de su felicisimo pontificado se extirpen las herexias y se ahumente la fee catholica y rreligion christiana como espero en dios sera ansi y por no cansar a V. S. con larga carta me rremito a la rrelacion que va con esta por mano del dean de oviedo y de joan de vedoya que tienen cargo en esa corte de los negocios del oficio de la santa Inquisicion de las provincias que estan a mi carga. Guarde dios la muy sancta persona de v. beatitud por muchos años para su servicio y buen govierno de su yglesia. En valladolid 9 de setiembre 1558. S.V. Servus humilis, F. Hispalens.

La Relacion que se embio con la carta a su Santidad—

Despues que se a tenido noticia de las herexias y herrores de lutero y sus secaces y se an estendido por muchas partes de la cristiandad la provincia que por la gracia de dios mas libre a estado desta macula a sido los rriñones de españa por el gran cuidado y vixilencia de los ministros del santo oficio de la Inquisicion aunque algunos pocos naturales y otros estranjeros dellos an sido convencidos y condenados por herexes destos herrores y executados en sus personas las penas que merecian en los que an podido ser avidos y contra otros que se an ausentado se a procedido en rebeldia y an sido condenados en su ausencia y contumacia.

A sucedido de un año a esta parte poco mas ó menos que como los Inquisidores de sevilla por ciertos avisos e yndicios que tuvieron començaron a inquirir y hacer dilixencias contra ciertas personas de aquella cibdad y esto vino a noticia de unos frailes del monesterio de sancti ysidro extramuros della que son de la orden de los hermitanos de sant geronimo y entendieron ser culpados luego se ausentaron del monesterio y del arçobispado y del reyno y entiendese que estan en alemania los nombres de los quales van en una memoria questa con esta y de los que quedaron en el monesterio estan presos en la Inquisicion de Sevilla ochos frailes demas de otras personas sus conplices. A esta saçon que esto acaecio supose tanbien como hera venido a sevilla un hombre español llamado Julian que venia de alemaña y traia cartas de un herexe que alla esta deste reyno llamado joan perez para ciertas personas principales de aquella cibdad y que tanbien avia traido muchos libros de herexes ansi en latin como en lengua española y los avia repartido por ciertas personas que se los pagavan bien. Este hombre fue avisado y encubierto y persuadido que luego se ausentase porque los Inquisidores lo sabrian y le quemarian y ansi se ausento de manera que por buena dilixencia de los Inquisidores fue preso en la sierra morena treinta leguas de sevilla adonde fue traido y esta preso el qual aunque al principio muchos dias estuvo muy pertinaz en sus herexias y dixo de otras muchas personas ya parece que muestra arrepentimiento y que quiere rreducirse a la yglesia catholica. De la prision deste y de los otros an rresultado otras muchas prisiones que

se an hecho y estan presos y otras se espera que lo seran en sevilla e su comarca.

Entiendese que toda la mayor parte del daño que se a hallado en sevilla rresulto de algunos companeros y debotos del doctor exidio canonigo de la magistral de aquella iglesia ya defunto que fue admitido el año de cinquenta y tres a abjuracion de muchos herrores que tuvo cerca de estas materias aunque segund se sospecha falsa y finxidamente y que engaño a los Inquisidores de manera que quedaron muchos inficionados de su ponçona en que ay personas principales Illustres y letrados los quales hasta aora ay alli presos demas de los frailes de sant Ysidro verse an por la memoria que va con esta. Demas de lo dicho abra cinco o seis meses que por ciertos indicios y avisos quel Inquisidor general y el consejo e inquisidores tuvieron se entendio que en valladolid salamanca çamora toro palencia logroño se domaticavan muy secretamente malas doctrinas de los herrores lutheranos y aunque la averiguacion y Inquisicion desto se començo a hacer con toda la disimulacion y secreto posible no dexo de venir a noticia de algunos de los culpados entre los quales fue frai domingo de rrojas fraile y predicador de la orden de sancto domingo hijo del marques de poça e don carlos de seso que huieron con toda dilixencia el fraile en abito seglar y fueron presos en navarra adonde ya tenian salvo conduto para se pasar en francia como lo hicieran si la buena dilixencia de la Inquisicion no los previniera embiando por todos los puertos y pasos de los confines de los reynos despaña ansi maritimos como de la tierra fueron traidos a la Inquisicion de valladolid adonde esta la corte y rreside el Inquisidor general y consejo de Inquisicion y se an prendido y estan presos otros muchos conplices ansi personas principales e Illustres e letrados cuios nonbres van en el memorial e sus causas y procesos se oyen y prosiguen con todo cuydado e dilixencia porque demas de los Inquisidores que de asiento rresiden en la Inquisicion de valladolid el Inquisidor general a proveido que dos de los del consejo que asisten con el vaian cada dia mañana y tarde a la audiencia de las carceles a oyr a los presos y tomar sus confisiones y proveer lo necesario y por ser los presos muchos y las causas y personas tan calificadas se a mandado venir otros Inquisidores y oficiales de otros partidos para que todos juntos se ayuden para la brevedad y buena expedicion de los negocios y conclusos los procesos esta acordado que se llamen perlados y letrados theologos y juristas de los mexores y de mas auctoridad que se hallaren para que juntamente con los Inquisidores los vean y determinen conforme a derecho y a la calidad y gravedad de cada uno.

Hanse embiado Inquisidores que hagan dilixencia en salamanca toro çamora Palencia logroño y en otros lugares donde los principales domatistas y culpados questan presos han frequentado mas sus comunicaciones de que se presume an hecho mucho daño y a sevilla se embio el obispo de taraçona que a sido Inquisidor muchos años para

que como persona de expiriencia y de la dignidad que tiene asista con los Inquisidores y personas que entienden en los negocios de alla y de color y auctoridad a lo que alli se hiciere demas de lo que el Inquisidor general y el consejo de la Inquisicion aiudan de la corte con todo el cuidado y dilixencia posible por la auctoridad rreal porque la mag^{t} inperial y rreal y la serenisima princesa en su nonbre han hecho toda demostracion y dado todo favor ansi con sus cartas y provisiones como socorriendo con diez mill ducados para los gastos que se an hecho y hacen porque del officio no avia un maravedi que aun para las prisiones de los que se avian ausentado fue necesario quel arçobispo Inquisidor general lo proveiese de su camara.

Puesto que se an hecho las dilixencias posibles en que no se vendan ni se traigan a estos reynos libros prohibidos que an sido la principal causa deste daño y sean hecho censuras dellos todavia los herexes que stan en alemania y en otras partes que parece han tenido correspondencia con algunos destos partes an tenido forma para meterlos y para que en el rremedio desto aya mas vixilancia y que la comunicacion de estranxeros de provincias dañadas no hagan mas daño en estas se da orden que vaian y rresidan Inquisidores con sus officiales por las costas de la mar y lugares donde suele aver concurso de tractantes y gentes de la calidad que esta dicho.

Y aunque al principio que se instituio el officio de la sancta Inquisicion en estos rreynos en tiempo de los reyes catholicos de gloriosa memoria avia ynquisiciones con todos los oficiales que heran menester para Inquisicion formada casi en cada obispado y como yvan diminuendo las confiscaciones de las haciendas de los condenados con que se pagavan los officiales se ivan tanbien acortando el numero de las inquisiciones hasta que quedo en las pocas que agora son que ay inquisicion que tiene en su partido quince obispados y aun para los officiales que en ella rresiden no ay con que cumplir los salarios tenues que les estan señalados que no a sido de poco inconviniente para la auctoridad del sancto officio y aun de algun escrupulo para los que tractamos y aunque algunas veces se a puesto en platica por los sumos pontificos pasados el rremedio desto no se a dado creese que por neglixencia de los que solicitaron y segund el tiempo es tan peligroso de las herexias que se an levantado parece muy conviniente y necessario que se accrecentasen mas Inquisiciones como al principio las avia y que los salarios fuesen para poder sustentar los officiales y se perpetuasen lo qual se podria hazer facilmente mandando su S^{t} aplicar algunas rrentas eclesiasticas que sirven de poco fructo a la iglesia de dios y seria mexor enpleado en sustentarse la Inquisicion que a andado y anda muy quebrantado por falta desto y aunque en todos estos negocios se entiende con toda la dilixencia posible no savemos en que parara para adelante si el sancto officio de la Inquisicion no tiene de que se susentar el rremedio de lo qual se spera de su santidad segund la aficion

y cuydado particular a tenido siempre y tiene de hazer merced y favor al sancto officio.

Considerado bien estos negocios parece que no dexan de tener el principio de mas lexos y que las herexias que el maestro joan de oria fue acusado y los herrores que vinieron los quales llamavan alumbrados o dexados naturales de guadalaxara y de otras lugares de reyno de toledo y de otras partes heran de la simiente destas herexias lutheranas sino que los Inquisidores que en aquel tienpo conocieron de aquellos causas no estavan praticos destos herrores lutheranos para usar de la execucion que conviniera hacerse con mas rrigor lo qual y aver ydo algunos de los culpados a rroma y aver hallado alli buena acoxida y y dispensando con ellos les dieron ocasion de atreverse a ser pertinaces en sus herrores y dexar sucesion dellos como tanbien se a entendido que de averse admitido el doctor exidio a rreconciliacion el año de cinquenta y tres por no alcançar los jueces los inconvinientes que para adelante se rrepresentan con la espiriencia en las cosas desta qualidad como esta dicho a sucedido el daño que aora se descubre en sevilla por ser los principales culpados de los que fueron apasionados y aficionados y sequaces del doctor egidio de quien les quedo el lenguaxe de sus herrores y falsa doctrina.

Ansi mesmo se tiene entendido que algunos perlados y frailes y otras personas particulares en estos rreinos tienen libros prohibidos de auctores herexes y de herrores lutheranos y aunque se an publicado las censuras que por el sancto officio estan proveidas y discernidas para que no los tengan y los exhiban a los officiales que para esto estan nombrados por el sancto officio no los dexan de tener diciendo que tienen facultad y licencia apostolica para ello y demas del peligro que podria suceder en los que los tienen en leerlos como se entiende que de leerse an dañado algunos letrados y otras personas es tanbien de mucho peligro que algunos de los que los tienen dexan libremente leerlos a los de su casa y personas que entran en ella segund se tiene rrelacion dello convernia que su santidad proveyese rrevocando por su breve todas las licencias y facultades que se an dado para tener libros prohibidos por la iglesia catholica y por el santo officio mandando con graves penas que no los tengan y que los que tienen los entreguen luego al sancto officio y que pueda proceder con todo rrigor contra los que hizieren lo contrario e imponiendo grandes censuras y excomunion late sentencie a los confesores ansi curas frailes como otros qualesquier sacerdotes hagan preguntas particulares a los penitentes si tienen libros prohibidos o de mala doctrina o si saben o hagan oydo quien los tenga o ayan dicho alguna cosa contra nuestra sancta fee catholica o contra lo que tiene la sancta madre iglesia de rroma y que los que hallaren que algo desto tienen o saben no los asuelban sino que vaian a decirlo a la Inquisicion porque del descuido o malicia de algunos confesores se entiende que a avido mucho daño so color de

correcion fraterna y no parece que dexa de ser de mucho ynconviniente la clausula que en las bulas de cruçada y otras bulas se concede facultad de poder elexir confesor qual quisieren por que con esto no pueden tener buena cuenta los curados de sus perochianos.

Atento lo qual y que estos herrores y herexias que se an començado a domaticar y sembrar de luthero y sus secaces en españa an sido a manera de sedicion o motin y entre personas principales a sido en linaxe rreligion y hacienda como en deudos principales de quien ay gran sospecha que podrian suceder mayores daños si se usase con ellos de la benignidad que se a usado en el sancto officio con los convertidos de la ley de moisen y de la secta de mahoma que comunemente an sido gente baxa y de quien no se temia alteracion ni escandalo en el reyno como se podria tener o sospechar en los culpados destas materias lutheranas ansi por lo ya dicho como por ser materia de libertad de obligaciones y preceptos de la iglesia que el pueblo tiene por pesados y se aficionaria facilmente a libertarse y podria ser que los Inquisidores apostolicos y consultores y tanbien los ordinarios que an de ser llamados para la determinacion de los negocios o algunos dellos al tiempo de votar y sentenciar los procesos tuviesen algun escrupulo de rrelaxar al braço seglar alguno de los culpados que serian personas de calidad para admitirlos a misericordia se sospecha que no cunplirian las penitencias o carceles que les fuesen impuestas con la humildad y paciencia que lo suelen hacer las otras personas de mas baxa suerte y por la qualidad de las tales personas y de sus deudos podrian suceder mayores inconvinientes y escandalos ansi en lo de la rrelixion como en lo de la publica paz y sosiego del rreyno y por todo esto convernia mucho que su santidad concediese y mandase por un breve a los Inquisidores apostolicos y consultores que sin temor ni escrupulo de yrregularidad ni de otra cosa pudiesen rrelaxar y rrelaxasen al braço seglar ansi a las personas culpadas de quien verisimilmente se pudiese temer o sospechar alteracion en la republica christiana o perturbacion de la paz y quietud del reyno como a los domagtitas destas herexias y a los que principalmente fueren culpados en quien a los jueces pareciere conviniente usar de la execucion de la justicia exemplar aunque fuesen personas constituidas en qualquier dignidad seglar o pontifical y eclesiastica y de qualquier orden habito y rreligion y estado que sean conociendo de sus causas y procediendo contra ellos a cautura y execucion de sus sentencias dando a los dichos Inquisidores y consultores libre poder y alvedrio para usar del rrigor que la calidad de los negocios y tiempos y del temor de lo contrario dellos para lo fucturo lo rrequiere y que se puedan estender etiam ultra terminos juris communis.

Algunos años a que en estas Inquisiciones no se hallaran culpados sino muy pocos en los herrores de la lei de moisen hasta aora de pocos dias aca que en la Inquisicion de murcia se an descubirto muchos personas culpadas en esto del judaismo y aunque de algunos se a hecho

justicia en un acto solene que alli se celebro de la fee estan presos y para prenderse otras muchas personas de calidad que no es de menos ynportancia que los otros negocios que se ofrecen.

Ansi mesmo a avido y ai mucho en que entender con los nuevos convertidos de moros de los reinos de castilla granada aragon y valencia que por bivir libremente en la seta de mahoma se pasavan a ververia y los mas de los que quedavan no dexavan de guardar las cerimonias de la dicha secta a se dado la mejor orden que a sido posible para mas asegurarlos de que an de ser tractados con clemencia como parecio que convenia para su quietud y para su enmienda y buena ynstrucion y doctrina christiana para que cesen las ofensas que cometian contra dios nuestro señor con su mal bivir y para justificar la execucion de la justicia y castigo que se hiciere en los culpados.

IX.

Expulsion of English and Scotch Protestants in 1625.

(Archivo de Simancas, Inquisicion, Libro 19, fol. 239).
(See p. 466).

Señor. Luego que por el año de 1605 se hicieron las paces entre el Señor Rey Don Felipe 3, Padre de V. Mag^{d} (que santa gloria aya) y Serenisimos Archiduques con los Reynos de Inglaterra y Escocia, para que los capitulos de ellas pertenecientes al comercio tuviesen efecto, precediendo permision de su Santidad, parecio conveniente ordenar que no fuesen molestados las personas que de los dichos Reynos de Inglaterra y Escocia pasasen a los de V. Mag^{d}, por razon de la conciencia y religion, como con efecto se mandó á las Inquisiciones de estos Reynos, solo con fin de asegurar mas la contratacion y paz, y haviendose rompido como es notorio sin causa ni razon por los dichos Reynos de Inglaterra tomando las armas contra los de V. Mag^{d} cesan las causas de la permision que su Santidad dió en consideracion de las paces, y me hallo obligado en conciencia á procurar obiar los inconvenientes y daños que pueden resultar á los catholicos de la comunicacion y trato con tan perniciosos y pertinaces herejes como son los naturales de aquellos Reynos, no permitiendo que vivan ni esten en estos de V. Mag^{d} y lo contrario sera contravenir á la voluntad de su Santidad y faltar yo á las obligaciones de fiel vasallo de V. Mag^{d} y de mi officio y para cumplir con todo he ordenado que se publique un edicto en esta corte y en las ciudades y lugares principales de estos Reynos para

que todos los naturales de los de Inglaterra y Escocia que no fueren Catholicos y reconocieren á la Santa Iglesia catholica Romana salgan dentro de veynte dias de todos los Reynos y señorios de V. Mag^{d} con apercebimiento que pasado el dicho termino seran castigados por el santo officio los transgresores, y de hacerlo assi resulta muy gran servicio á Dios y benefficio á estos Reynos, donde la santa fe catholica se ha conservado en su pureza mediante el santo celo y vigilancia de V. Mag^{d} y los señores Reyes sus predecesores, y por ser negocio grave y de que es razon tenga V. Mag^{d} noticia no lo he querido executar sin dar dello cuento primero a V. Mag^{d} que en todo mandara lo que fuere servido. En Madrid, 9 de Noviembre de 1625. Señalada del Ill^{mo} Señor Inquisidor general.

X.

Edict of Prohibition of a Book.

(From a Formulary in Archivo histórico nacional, Inquisicion de Toledo, Legajo 498).
(See p. 484).

CARTA PARA REMITIR EDICTOS.

Con esta se le remite el edicto yncluso en que se prohiven los papeles y libros que en el se mencionan, y asi en reciviendole en el primer dia de Domingo ó fiesta de guardar, le hara publicar al ofertorio de la misa combentual que se dixere en la parrochial de la villa ó lugar, y un tanto del autorizado del notario se pondra á las puertas principales de dicha parrochial (y le remitira original á los lugares que se contienen á la margen). Y esto se dice quando se remite el mismo á otras partes y se le ponen los lugares á la margen, y se firma dicha carta de los señores Inquisidores y se refrenda de un secretario. Quando se le remite algun expurgatorio se le dice al comisario que ante dos religiosos los mas doctos, y sino hubiere dos sacerdotes, haga el expurgatorio al tenor del que se le remite, y que ponga en el principio de los que expurgare y borrare como los expurgó en tantos de tal mes y año.

EDICTO EN QUE SE PROHIBEN LIBROS.

Nos los inquisidores Appostolicos contra la heretica pravedad y apostasia en todo el reyno de Navarra, obispado de Calahorra y la

Calzada y de su distrito etc. hacemos saver á todos y qualesquier personas de qualquier estado preheminencia y condicion que sean, exemptos y non exemptos, deste nuestro distrito que, al servicio de Dios nuestro señor, bien y utilidad de nuestra santa fee Catholica y religion Christiana, combiene y es necesario se recojan y prohivan yn totum los libros y papeles siguientes. Primeramente (aqui se ponen los libros que se prohiven y acavando se dice) Por tanto por el tenor de las presentes mandamos so pena de excomunion mayor latæ sententiæ, trina canonica monicione premisa, y de cada cinquenta mil maravedis para gastos del santo officio, que ninguna persona en cuyo poder se hallaren dichos libros ó papeles no pueda leerlos mano escriptos ni ympresos de los dichos ni de otras qualesquier impresiones, benderlos ni ymprimirlos de nuebo, antes bien dentro de tercero dia los traigan á este Santo Officio ó los entreguen al Comisario en cuio distrito se hallare, con apercivimiento que lo no haciendo dentro del dicho termino procederemos contra los que reveldes fueren por todo rigor del derecho, como contra personas ynobedientes á los mandamientos y censuras del Santo Officio. Dado en la Inquisicion de Logroño á . . . . Firman los señores Inquisidores y rrefrendalo un secretario. Y se escrive en papel á lo ancho.

XI.

Commission for the Examination of Libraries.

(Archivo de Simancas, Inquisicion, Sala 40, Libro 4, fol. 233). (See p. 487).

Nos, Don Fernando de Valdés, por la divina miseracion arzobispo de Sevilla etc. confiando de las letras y recta conciencia de vos el r^do^ licenciado Martin del Pozo provisor en el obispado de Tarazona, y que bien y dilixentemente hareis lo que por nos vos fuere encomendado, por el thenor de la presente vos damos poder y facultad para que podais visitar y visiteis todas las librerias de qualesquier libreros, monesterios, universidades y personas particulares que estan y rresiden en todo el destricto del dicho obispado para ver si ay algunos libros hereticos, sospechosos y escandalosos ansi de los contenidos en el cathalogo de los libros rreprovados como de los que contengan en si algun herror ò sospecha del y mandamos à todos y qualesquier personas de qualquier estado orden y rreligion y qualidad que sean, que vos muestren y dexen ver las dichas sus librerias y libros que tuvieren

para el dicho efecto, lo qual hagan y cumplan so pena de sentencia dexcomunion mayor late sentencie y de docientos ducados de oro à cada uno que lo contrario hiciere para los gastos del sancto officio, y los rreprobados, sospechosos ò malsonantes que hallaredes y las informaciones que recibieredes contra las personas que tuvieren los dichos libros las remetid à los r^dos^ Inquisidores de Çaragoça para que vista hagan en el dicho negocio justicia, para lo qual todo vos damos el dicho nuestro poder y cometemos nuestras veces. Dada en Valladolid à 13 dias de abril, año 1559. F. Hispalens. Por mandado de su S° Ill^mo^, Pedro de Tapia.

XII.

Licence to Read a Bible in Italian.

(Archivo de Simancas, Sala 40, Libro 4, fol. 126).
(See p. 528).

Nos, Don Juan Tavera, Inquisidor General contra la heretica pravedad en los Reinos y Señorios de su Magestad etcetera. Por quanto por parte de vos la muy ilustre señora Duquesa de Soma nos ha seido pedido que se vos diese licencia de tener Biblia traducida en vulgar toscano y leer en ella, confiando de vuestro buen celo y devocion, vos damos licencia y facultad para que tengais la dicha Biblia en toscano y leais en ella por espacio y termino de un año no embargante qualquier prohibicion que en contrario sea fecha sin caer ni incurrir por ella en pena alguna, en testimonial de lo qual mandamos dar la presente firmada de nuestro nombre y refrendado del secretario de la general Inquisicion.

Dada en la villa de Madrid à veinte de Hebrero de mil quinientos quarenta y tres años.

I. Cardinalis.

Por mandado de su ilustrisima y reverendisima señoria.

Hieronimo Zurita.

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BOOK VIII. (Continued).

CHAPTER V.

MYSTICISM.[1]

THE belief that, by prolonged meditation and abstraction from the phenomenal world, the soul can elevate itself to the Creator, and can even attain union with the Godhead, has existed from the earliest times and among many races. Passing through ecstasy into trance, it was admitted to the secrets of God, it enjoyed revelations of the invisible universe, it acquired foreknowledge and wielded supernatural powers. St. Paul gave to these beliefs the sanction of his own experience;[2] Tertullian describes the influence of the Holy Spirit on the devotee in manifestations which bear a curious similitude to those which we shall meet in Spain,[3] and the anchorites of the Nitrian desert were adepts of the same kind to whom all the secrets of God were laid bare.[4] These supernal joys continued to be the reward of those who earned them by disciplining the flesh, and the virtues of mental prayer, in which the soul lost consciousness of all earthly things, were taught by a long series of doctors—Richard of Saint Victor, Joachim of

[1] I have considered this subject at greater length in "Chapters from the Religious History of Spain," but the views there expressed have been somewhat modified by access to additional documents.

[2] II. Corinth. xii, 2–4.

[3] Est hodie soror apud nos revelationum charismata sortita quas in ecclesia inter Dominica solemnia per ecstasin in spiritu patitur; conversatur cum angelis, aliquando etiam cum Domino, et vidit et audit sacramenta et quorumdam corda dignoscit et medicinas desiderantibus submittit.—De Anima, cap. ix.

[4] Rufini Aquileiensis Historia Monachorum, *passim*.—Vitæ Patrum, Lib. III, c. 141.

Flora, St. Bonaventura, John Tauler, John of Rysbroek, Henry Suso, Henry Herp, John Gerson and many others. If Cardinal Jacques de Vitry is to be believed, the nuns of Liége, in the thirteenth century, were largely given to these mystic raptures; of one of them he relates that she often had twenty-five ecstasies a day, while others passed years in bed, dissolved in divine love;[1] and Richard Rolle, the Hermit of Hampole, who missed his deserved canonization, was fully acquainted with the superhuman delights of union with God.[2] These spiritual marvels are reduced to the common-places of psychology by modern researches into hypnotism and auto-suggestion. The connection is well illustrated by the Umbilicarii, the pious monks of Mount Athos who, by prolonged contemplation of their navels, found their souls illuminated with light from above.[3]

Yet there were dangers in the pursuit of the *via purgativa* and the *via illuminativa*. The followers of Amaury of Bène, who came to be popularly known in Germany as Begghards and Beguines, invented the term Illuminism to describe the condition of the soul suffused with divine light and held that any one, thus filled with the Holy Ghost, was impeccable, irrespective of the sins which he might commit; he was simply following the impulses of the Spirit which can do no sin. Master Eckhart, the founder of German mysticism, was prosecuted for sharing in these venturesome speculations and, if the twenty-eight articles condemned by John XXII were correctly drawn from his writings, he admitted the common divinity of man and God and that, in the sight of God, sin and virtue are the same.[4] Zealots too there were who taught the pre-eminent holiness of nudity and, in imitation of the follies of early Christian ascetics, assumed to triumph over the lusts of the flesh by exposing themselves to the crucial temptation of sleeping with the other sex and indulging in lascivious acts.[5] The condemnation, by the Council of Vienne in 1312, of

[1] Chapeavilli Gestt. Pontiff. Leodiens., II, 256–7.

[2] Treatises of Richard Rolle, VIII, pp. 14–15 (Early English Text Society).

[3] Basnage in Canisii Thes. Monum. Ecclesiæ, IV, 366–7.

[4] Johann. PP. XXII, Bull. *In agro dominico* (Ripoll. Bullar. Ord. Prædic. VII, 57).

[5] S. Cypriani Epist. iv ad Pomponium.—Concil. Antioch. (Harduin Concil. I, 198).—Lactant. Divin. Institt. VI, xix.

This test of continence was tried by St. Aldhelm (Girald. Cambrens. Gemm. Eccles., Dist. II, cap. xv) and was practised by the followers of Segarelli and Dolcino (Bern. Guidonis Practica, Ed. Douais, p. 260).

the tenets of the so-called Begghards respecting impeccability[1] was carried into the body of canon law and thus was rendered familiar to jurists, when mysticism came to be regarded as dangerous and was subjected to the Inquisition.

That it should eventually be so regarded was inevitable. The mystic, who considered himself to be communing directly with God and who held meditation and mental prayer to be the highest of religious acts, was apt to feel himself released from ecclesiastical precepts and to regard with indifference, if not with contempt, the observances enjoined by the Church as essential to salvation. If the inner light was a direct inspiration from God, it superseded the commands of the Holy See and, under such impulse, private judgement was to be followed, irrespective of what the Church might ordain. In all this there was the germ of a rebellion as defiant as that of Luther. Justification by faith might not be taught, but justification by works was cast aside as unworthy of the truly spiritual man. The new Judaism, decried by Erasmus, which relied on external observances, was a hindrance rather than a help to salvation. Francisco de Osuna, the teacher of Santa Teresa, asserts that oral prayer is a positive injury to those advanced in mental prayer.[2] San Juan de la Cruz says that church observances, images and places of worship are merely for the uninstructed, like toys that amuse children; those who are advanced must liberate themselves from these things which only distract from internal contemplation.[3] San Pedro de Alcántara, in his enumeration of the nine aids to devotion, significantly omits all reference to the observances prescribed by the Church.[4] In an ecclesiastical establishment, which had built up its enormous wealth by the thrifty exploitation of the text "Give alms and behold all things are clean unto you" (Luke, XI, 41), Luis de Granada dared to teach that the most dangerous temptation in the spiritual life is the desire to do good to others, for a man's first duty is to himself.[5] Yet these men were all held in the highest honor, and two of them earned the supreme reward of canonization.

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[1] Clementin. Lib. V, Tit. iii, cap. 3.

[2] Abecedario spiritual, P. III, Trat. xiii, cap. 3, fol. 122 (Burgos, 1544).

[3] Subida del Monte Carmelo, III, 38.

[4] De la Oracion y Meditacion, II, ii.

[5] De Oratione et Meditatione, cap. lv.—Cf. S. Pedro de Alcántara, De la Oracion II, iv.

There was in this a certain savor of Lutheranism, but it was not until the danger of the latter was fully appreciated that the Inquisition awoke to the peril lurking in a system which released the devotee from the obligation of obedience to authority, as in the *Alumbrado* or Illuminated, who recognized the supremacy of the internal light, and the *Dejado* or Quietist, who abandoned himself to God and allowed free course to the impulses suggesting themselves in his contemplative abstraction, with the corollary that there could be no sin in what emanated from God. The real significance of that which had been current in the Church for so many centuries was unnoticed until Protestantism presented itself as a threatening peril, when the two were classed together, or rather Protestantism was regarded as the development of mysticism. In the letter of September 9, 1558, to Paul IV, the Inquisition traced the origin of the former in Spain farther back than to Doctor Egidio and Don Carlos de Seso; the heresies of which Maestro Juan de Oria (Olmillos?) was accused and of those called Alumbrados or Dejados of Guadalajara and other places, were the seed of these Lutheran heresies, but the inquisitors who tried those heretics were insufficiently versed in Lutheranism to apply the proper vigor of repression.[1] It is necessary to bear all this in mind to understand the varying attitude of the Inquisition in its gradual progress towards the condemnation of all mysticism.

The distinction at first attempted between the mysticism that was praiseworthy and that which was dangerous was complicated by the recognized fact that, while visions and revelations and ecstasies might be special favors from God, they might also be the work of demons, and there was no test that could be applied to differentiate them. The Church was in the unfortunate position of being committed to the belief in special manifestations of supernatural power, while it was confessedly unable to determine whether they came from heaven or from hell. This had long been recognized as one of the most treacherous pitfalls in the perilous paths of illumination and union with God. As early as the twelfth century, Richard of St. Victor warns his disciples to beware of it, and Aquinas points out that trances may come from God, from the demon or from bodily affections.[2] John Gerson wrote a special

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[1] Archivo de Simancas, Sala 40, Lib. IV, fol. 231 (see Vol. III, p. 570).

[2] R. S. Victor Benjaminis Minoris, c. lxxxi.—S. Th. Aquin. Summæ Sec., Sec. Q. clxxv, Art. 1.

tractate in which he endeavored to frame diagnostic rules.[1] The Blessed Juan de Avila emphatically admonishes the devout to beware of such deceptions, but he fails to guide them in discriminating between demonic illusions and the effects of divine grace.[2] Arbiol describes the uncertainty as to the sources of these manifestations as the greatest danger besetting the path of perfection, causing the ruin of innumerable souls.[3] When, in the eighteenth century, mysticism had become discredited, Dr. Amort argues that, even if a revelation is from God, there can be no certainty that it is not falsified by the operation of the fancy or the work of the demon.[4] When to this we add the facility of imposture, by which a livelihood could be gained from the contributions of the credulous, we can appreciate the difficulty of the task assumed by the Inquisition, in a land swarming with hysterics of both sexes, to restrain the extravagance of the devout and to punish the frauds of impostors, without interfering with the ways of God in guiding his saints. It is merely another instance of the failure of humanity in its efforts to interpret the Infinite.

Apart from visions and revelations, there was another feature of mysticism which rendered it especially dangerous to the Church and odious to theologians. Though the mystic might not controvert the received doctrines of the faith, yet scholastic theology, on which they were founded, was to him a matter of careless contempt. Mystic theology, says Osuna, is higher than speculative or scholastic theology; it needs no labor or learning or study, only faith and love and the grace of God.[5] In the trial of María Cazalla, one of the accusations was that she and her brother Bishop Cazalla ridiculed Aquinas and Scotus and the whole mass of scholastic theology.[6] When Gerónimo de la Madre de Dios was on trial, one of his writings produced in evidence was a comparison between mystic and scholastic theology, to the great disadvantage of the latter. Its learning, he says, is perfectly compatible with vice; its masters preach the virtues but do not practise them; they wallow in the sins that they denounce; they are Pharisees,

[1] Joh. Gersoni, Tract. de Distinct. verar. Visionum a falsis (Opp. Ed. 1494, T. I, xix L).

[2] B. Juan de Avila, Audi Filia et vide, cap. li–lv.

[3] Arbiol, Disengaños misticos, Lib. III, cap. xv (1707).

[4] Amort de Revelationibus etc. P. I, pp. 259–68 (Aug. Vindel. 1744).

[5] Abecedario spiritual, P. III, Trat. vi, cap. 2, fol. 52.—Cf. Molinos, Guida, Lib III, cap. xvii, n. 163–4.

[6] Melgares Marin, Procedimientos de la Inquisicion, II, 88 (Madrid, 1886).

and this is so general a pest that there is scarce one who is not infected with the contagion.[1]

Medieval Spain had been little troubled with mystic extravagance. Eymerich who, in his *Directorium Inquisitorum*, gives an exhaustive account of heresies existing towards the close of the fourteenth century, makes no allusion to such errors, except in his denunciation of his special object of hatred Raymond Lully, to whom he attributes some vagaries of mystic illuminism, and the *Repertorium Inquisitorum* of 1494 is equally silent.[2] Spiritual exaltation, however, accompanied the development of the fanaticism stimulated by the establishment of the Inquisition and its persecution of Jews and Moors. Osuna, in 1527, alludes to a holy man who for fifty years had devoted himself to *recojimiento*, or the abstraction of mental prayer, and already, in 1498, Francisco de Villalobos complains of the *Aluminados* or Illuminati, derived from Italy, of whom there were many in Spain, and who should be reduced to reason by scourging, cold, hunger and prison.[3] This indicates that mysticism was obtaining a foothold and its spread was facilitated by the *beatas*, women adopting a religious life without entering an Order, or at most simply as Tertiaries, living usually on alms and often regarded as possessing spiritual gifts and prophetic powers. The first of the class to obtain prominence was known as the *Beata de Piedrahita*. A career such as hers was common enough subsequently, as we shall see, and the discussion which she aroused shows that as yet she was a novel phenomenon. The daughter of a fanatic peasant, she had been carefully trained in mystic exercises and was wholly given up to contemplative abstraction, in which she enjoyed the most intimate relations with God, in whose arms she was dissolved in love. Sometimes she asserted that Christ was with her, sometimes that she was Christ himself or the bride of Christ; often she held conversations with the Virgin in which she spoke for both. As her reputation spread, her visions and revelations won for her the character of a prophetess. Many denounced them as superstitious and demanded her sup-

[1] Proceso contra Hieron. de la M. de Dios (MSS. of Library of Univ. of Halle, Yc, 20, T. VII)

[2] Eymerici Director. P. II, Q. ix, n. 5.—Repertor. Inquisit. s. vv *Beatæ, Begardæ, Beguinæ, Hæresis, Hæretici*, etc.

[3] Abecedario spiritual, P. III, Trat. xxi, cap. 4, fol. 204.—Menendez y Pelayo, Heterodoxos, II, 526.

pression, but Ximenes who, as inquisitor-general, had jurisdiction in the matter, argued that she was inspired with divine wisdom and Ferdinand, who visited her, expressed his belief in her inspiration. In 1510 the matter was referred to the Holy See, and Julius II appointed his nuncio, Giovanni Ruffo, and the Bishops of Burgos and Vich, as commissioners to examine her and to suppress the scandal if it proved to be only female levity. Peter Martyr, to whom we are indebted for the account, was unable to ascertain their decision but, as they discharged her without reproof, it may be assumed that their report was favorable, for it could scarce have been otherwise with such supporters as Ferdinand and Ximenes.[1] Such success naturally stimulated imitation and was the foreshadowing of wide-spread delusion and imposture.

In this case there appears no trace of carnality, but it is the distinguishing feature of another soon afterwards, reported in 1512 to Ximenes by Fray Antonio de Pastrana, of a contemplative fraile of Ocaña "illuminated with the darkness of Satan." To him God had revealed that he should engender on a holy woman a prophet who should reform the world. He was a spiritual man, not given to women and, in his simplicity, he had written to Madre Juana de la Cruz, apparently inviting her coöperation in the good work. Fray Antonio, who was custodian of the Province of Castile, imprisoned the alumbrado and subjected him to treatment so active that he speedily admitted his error.[2]

Guadalajara and Pastrana were becoming centres of a group of mystics who attracted the attention of the Inquisition about 1521, when it commenced gathering testimony about them. The earliest disseminator of the doctrine appears to have been a sempstress named Isabel de la Cruz, noted for her ability in the exposition of Scripture, who commenced about 1512 and was a leader until superseded by Francisca Hernández, of whom more hereafter. The Seraphic Order of St. Francis naturally furnished many initiates, whose names are included among the fifty or sixty forming the group. The Franciscan Guardian of Escalona, Fray Juan de Olmillos, had ecstasies when receiving the sacrament and when preaching, in which he talked and acted extravagantly. When removed to Madrid, this attracted crowds to watch his contortions and he was generally regarded as a saint; he was promoted to the provincialate of Castile and died in 1529. The Marquis of

[1] Pet. Mart. Angler. Epistt. 428, 431.

[2] D. Manuel Serrano y Sans (Revista de Archivos etc., Enero, 1903, p. 2).

Villena, at Escalona, was inclined to mysticism, induced perhaps by Fray Francisco de Ocaña, who was stationed there and had prophetic visions of the reform of the Church. Villena, in 1523, employed as lay-preacher Pedro Ruiz de Alcaraz, one of the most prominent of the Guadalajara mystics, who seems to have converted all the members of the household. The name of Alcaraz appears frequently in the trials of the group; he was a married layman, uneducated but possessing remarkable familiarity with Scripture and skilled in its exposition, and he was an earnest missionary of mysticism. When sufficient evidence against him was accumulated, he was arrested February 26, 1524, and imprisoned by the Toledo tribunal. The formal accusation, presented October 31st, indicates that the mysticism, of at least some of the accused, embraced Quietism or *Dejamiento* to the full extent, with its consequent assumption of impeccability, no matter what might be the acts of the devotee, that mental prayer was the sole observance necessary, that all the prescriptions of the Church—confession, indulgences, works of charity and piety—were useless, and that the conjugal act was Union with God. There was also the denial of transubstantiation and of the existence of hell, which may probably be left out of account as foreign to the recognized tenets of mysticism. The latter, in fact, was presumably an exaggeration of an utterance of Alcaraz, who said that it was the ignorant and children who were afraid of hell, for the advanced served the Lord, not from servile fear but from fear of offending Him whom they loved, and moreover that God was not to be prayed to for anything—principles subsequently approved in S. François de Sales and condemned in Fénelon. There was no spirit of martyrdom in Alcaraz, and the severe torture to which he was exposed would seem a superfluity. He confessed his errors, professed conversion and begged for mercy. His sentence, July 22, 1529, recited that he had incurred relaxation but through clemency was admitted to reconciliation with confiscation, irremissible prison and scourging in Toledo, Guadalajara, Escalona and Pastrana, where he had disseminated his errors. This severity indicates the inquisitorial estimate of the magnitude of the evil to be suppressed but, after ten years, on February 20, 1539, the Suprema liberated him, with the restriction of not leaving Toledo and the imposition of certain spiritual exercises.[1]

[1] See the trial of Alcaraz, epitomized by D. Manuel Serrano y Sans, in the Revista de Archivos, Enero, 1903, pp. 1-16; Febrero, pp. 127, 130 sqq.

In the ensuing trials, pursued with customary inquisitorial thoroughness, the question of sexual aberrations constantly obtrudes itself and offers no little complexity. That the majority of the Spanish mystics were thoroughly pure in heart there can be no doubt, but spiritual exaltation, shared by the two sexes, had the ever-present risk that it might insensibly become carnal, when those who fancied themselves to be advancing in the path of perfection might suddenly find that the flesh had deceived the spirit. This was an experience as old as mysticism itself, and the eloquent warning which St. Bonaventura addressed to his brethren shows, by the vividness of its details, that he must have witnessed more than one such fall from grace.[1] The danger was all the greater in the extreme mysticism known as Illuminism, with its doctrines of internal light, of Dejamiento, or abandonment to impulses assumed to come from God, and of the impeccability of the advanced adept, combined with the test of continence. Unquestionably there were cases in which these aberrations were honestly entertained; there were numerous others in which they were assumed for purposes of seduction, nor can we always, from the evidence before us, pronounce a confident judgement.

Of the trials which have seen the light several centre around the curious personality of Francisca Hernández, who succeeded Isabel de la Cruz as the leader of the mystic disciples. She seems to have possessed powers of fascination, collecting around her devotees of the most diverse character. We have seen how she entangled Bernardino de Tovar and how his brother, Juan de Vergara, became involved with the Inquisition, after detaching him from her. Francisco de Osuna, the earliest Spanish writer on mysticism and the teacher of Santa Teresa, was one of her disciples and so was Francisco Ortiz, a Franciscan of the utmost purity of heart. A devotee of a different stamp was Antonio de Medrano, cura of Navarrete, who had made her acquaintance in 1516 when a student at Salamanca. She was attractive and penniless but, through a long career, she always managed to live in comfort at the expense of her admirers. Though she claimed to be a bride of Christ, she practised no austerities; she was fastidious in her diet and slept in a soft bed, which she had no scruple in sharing with her male devotees. This required funds and she and Medrano persuaded an unlucky youth named Calero to sell his patri-

[1] S. Bonaventuræ de Puritate Conscientiæ, cap. 14.

mony and devote the proceeds to support the circle of Alumbrados whom she gathered around her. The episcopal authorities commenced investigations, ending with a sentence of banishment on Medrano, when the pair betook themselves to Valladolid, whither Tovar followed them, and where the Inquisition commenced proceedings in 1519; it was as yet not aroused to dealing harshly with these eccentric forms of devotion, and it merely forbade him and Tovar from further converse with Francisca; this they eluded, the tribunal insisted and Medrano went to his cure at Navarrete. She was kept under surveillance, but her reputation for holiness was such that Cardinal Adrian, after his election to the papacy, in 1522, ordered his secretary Carmona to ask her prayers for him and for the whole Church.

In 1525 the Inquisition again arrested her; she was accused of suspicious relations with men and, when discharged, was obliged to swear that she would permit no indecent familiarities. Meanwhile Medrano, at Navarrete continued his career as an Alumbrado, holding conversations with the Holy Ghost and declaring himself to be impeccable. In 1526 the Logroño tribunal arrested him and, after nearly eighteen months, he was discharged June 4, 1527, with the lenient sentence of abjuration *de levi* and such spiritual penance as might be assigned to him. This escape emboldened him to greater extravagance and to renewed devotion to Francisca, leading to another prosecution, in 1530, by the Toledo tribunal. There was evidence of highly indecent character as to their relations, but he stoutly denied it, asserting that he was so favored by God that all the evil women in the world and all the devils in hell could not move him to carnal sin—a grace which came to him after he knew Francisca; he could lie in bed with a woman without feeling desire and it gave him grace to do so with Francisca and to fondle and embrace her, which she enjoyed; he believed her to be free from both mortal and venial sin, and he held her to be a greater saint than any in heaven except Our Lady. Under torture, however, he confessed whatever was wanted—that when he told people that she could not sin, because she was illuminated by the Holy Ghost, it was to spread her reputation and gain money for them both; that he was jealous of all her other disciples, among whom he named Valderrama, Diego de Villareal, Muñoz, Cabrera, Gumiel, Ortiz and Sayavedra and his brother, showing that she had a numerous following. He admitted teaching that male and female devotees could embrace

each other naked, for it was not clothes but intention that counted. By this time the Inquisition was dealing harshly with these aberrations, and his sentence, April 21, 1532, excused him from relaxation as an incorrigible heretic because he was only a hypocritical swindler whose object was to raise money for a life of pleasure; he was to retract his propositions in an auto de fe, to abjure *de vehementi* and to be recluded for life in a monastery, with two years' suspension from his sacerdotal functions, and was to hold no further communication with Francisca, under pain of impenitent relapse, but he was not deprived of his cure of Navarrete. In 1537 the Duke of Nájera interceded for his release, with what result the records fail to inform us.[1]

Francisca's strange powers of fascination were manifested by the influence which she acquired over a man of infinitely higher character than Medrano. Fray Francisco Ortiz was the most promising member of the great Franciscan Order, who was rapidly acquiring the reputation of the foremost preacher in Spain. He was not fully a mystic, but his pulpit exhortations, stimulating the love of God, caused him to be regarded as wandering near to the dangerous border. In 1523 he made the acquaintance of Francisca and his feelings towards her are emphatically expressed in a defiant declaration to the Inquisition during his trial.—"No word of love, however strong, is by a hundredth part adequate to describe the holy love, so pure and sweet and strong and great and full of God's blessing and melting of heart and soul, which God in his goodness has given me through His holy betrothed, my true Mother and Lady, through whom I hope, at the awful Day of Judgement, to be numbered among the elect. I can call her my love for, in loving her, I love nothing but God." There can be no doubts as to the purity of his relations with her whom he thus reverenced, but they were displeasing to his superiors who viewed with growing disquiet the distraction of one whom they regarded as a valuable asset of the Order. It was in vain that he was ordered to break off all relations with her; he replied vehemently that God was to be obeyed rather than man and that if he was to be debarred from seeing that beloved one of God he would transfer himself to the Carthusians. To effect the separation the Franciscan prelates induced the Inquisition to arrest Francisca,

[1] Don M. Serrano y Sans has published (Boletin, XLI, 105–37) the principal features and documents of this trial. He states that much of the testimony is utterly unfit for transcription.

but the unexpected result of this was that Ortiz, in a sermon before all the assembled magnates of the city April 7, 1529, arraigned the Inquisition for the great sin committed in her arrest. Such revolt was unexampled and he was forthwith prosecuted, not so much to punish him as to procure his retractation and submission, but he was obstinate and defiant for nearly three years. It was in vain that the Empress Isabel twice, in 1530, urged his liberation or the expediting of his case, and equally vain was a brief of Clement VII, July 1, 1531, to Cardinal Manrique, asking his discharge if his only offence was his public denunciation of the arrest of that holy woman, Francisca Hernández.[1] At length, in April 1532, Ortiz experienced a revulsion of feeling, and the same emotional impulsiveness that had led to his outbreak now prompted him to declare that God had given him the grace to recognize his errors and that he found great peace in retracting them. He escaped with public abjuration *de vehementi*, five years' suspension from priestly functions, two years' confinement in a cell of the convent of Torrelaguna, and absolute sundering of relations with Francisca. He betook himself to his place of reclusion and, although papal briefs released him from all restrictions and his prelates repeatedly urged him to leave his retreat, he seems never to have abandoned the solitude which he said had become sweet to him. Until his death, in 1546, he remained in the convent, the object of overflowing honor on the part of his brethren.[2]

Francisca herself seems to have been treated with remarkable leniency, in spite of her previous trials and the evidence of Medrano. Her arrest had been merely with the object of separating her from Ortiz, and her trial seems to have been scarce more than formal for, in September 1532, we find her merely detained in the house of Gutierre Pérez de Montalvo, at Medina del Campo, with her maid María Ramírez in waiting on her.[3] Possibly this favor may have been earned by her readiness to accuse her old friends and associates, among whom were two brothers and a sister, Juan Cazalla, Bishop of Troy *in partibus*, Pedro Cazalla and María Cazalla, wife of Lope de Ruida.[4] The trial of the latter is worth

[1] Bulario de la Orden de Santiago, Lib. III, fol. 133.

[2] This account of Francisco Ortiz is derived from the skilful analysis of his trial by Eduard Böhmer in his "*Franzisca Hernandez und Frai Franzisco Ortiz*" (Leipzig, 1865).

[3] Melgares Marin, Procedimientos de la Inquisicion, II, 94–5

[4] Juan and María were uncle and aunt of the Cazallas who suffered for Protestantism.

brief reference as it throws some light on the confusion existing at the time between Illuminism and Protestantism.

María Cazalla was a resident of Guadalajara who visited Pastrana, where women assembled to listen to her readings and expositions of Scripture. When proceedings were commenced against the group, in 1524, she was arrested and examined but was discharged. For six years she remained undisturbed, when the testimony of Francisca Hernández caused a second prosecution, in which the heterogeneous character of the fiscal's accusation shows how little was understood as to the heresies under discussion. She was a Lutheran who praised Luther, denied transubstantiation and free-will, ridiculed confession, decried scholastic theology and held indulgences as valueless; she was an Alumbrada who regarded Isabel de la Cruz as superior to St. Paul, who rated matrimony higher than virginity, who wrote letters full of Illuminism and taught the Alumbrados their doctrines from Scripture, decrying external works of adoration and prayer; she was an Erasmist who pronounced Church observances to be Judaism, despised the religious Orders and ridiculed the preachers of sermons.[1] She had been arrested about May 1, 1532, and her trial dragged on as usual. As a solvent of doubts she was tortured smartly and, on December 19, 1534, her sentence pronounced that the fiscal had not proved her to be a heretic but that, for the suspicions arising from the trial, she should abjure *de levi* and undergo solemn public penance in her parish church, she should avoid all intercourse with Alumbrados or other suspects and pay a fine of a hundred ducats.[2]

An affiliated group comes before us in Toledo, centering around Petronila de Lucena, an unmarried woman of 25, living with her brother, Juan del Castillo. She had a high reputation for sanctity and was credited with thaumaturgic powers; when the Duke del Infantazgo was mortally ill, she was sent for, but too late. We hear of María Cazalla, Bernardino de Tovar and Francisca Hernández; there are allusions to Erasmus, and Diego Hernández had included her in his denunciations of Lutheranism. Letters to her from her brother, Gaspar de Lucena, are mere mystical maunderings, showing the atmosphere in which they lived, but the other brother, Juan del Castillo, then on trial, admitted many

[1] Melgares Marin, *op. cit.*, II, 74–88.

[2] Ibidem, pp. 147–53.

Lutheran doctrines—works were not necessary, Church precepts were not binding, man had not free-will, indulgences were useless and a book by Œcolampadius had led him to disbelieve in transubstantiation. Both Juan and Gaspar were on trial, and we hear of another prisoner, Catalina de Figueredo. Petronila was arrested, with sequestration, May 7, 1534, and her trial pursued the ordinary course until March 20, 1535, when, as we have seen (Vol. III, p. 111), it was decided that, as the principal witness against her, Juan del Castillo, had revoked the evidence given under torture, she might be released on bail of a hundred thousand maravedís, which was promptly entered. In June she petitioned to be wholly discharged and that the sequestration be lifted; to this no attention was paid but a second application, October 20, 1536 procured the removal of the sequestration. Gaspar de Lucena was sentenced to reconciliation and this was presumably the fate of Juan del Castillo unless he was impenitent.[1]

These cases show that the prevalence of the mingled heresies of Illuminism and Lutheranism was calling for repression, nor was this confined to Castile. In 1533, Miguel Galba, fiscal of the tribunal of Lérida, in a letter to Cardinal Manrique, declared that only the vigilance of the Inquisition prevented both kingdoms from being filled with the followers of the two heresies.[2] There was of course exaggeration in this, but the fears of the authorities led them to see heresies everywhere. As Juan de Valdés, himself inclined to mysticism, says, when any one endeavored to manifest the perfection of Christianity, his utterances were misinterpreted and he was condemned as a heretic, so that there was scarce any one who dared to live as a Christian.[3] Many suffered from the results of this hyper-sensitiveness. When Ignatius Loyola, after his conversion, came in 1526 to Alcalá to study, he was joined by four young men; they assumed a peculiar gray gown and their fervor brought many to the Hôpital de la Misericordia, where they lodged, to consult with them and join in their spiritual exercises. This excited suspicion and invited investigation. What was the exact authority of Doctor Miguel Carrasco, confessor of Fonseca Archbishop of Toledo, and of Alonso Mexia, who bore a

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[1] Archivo. hist. nacional, Inq. de Toledo, Leg. 111, u. 46.—Cf. Schäfer, II, 119.

[2] MS. *penes me.*

[3] Diálogo de Mercurio y Caron, cap. lxv.

commission as inquisitor, does not appear, but they examined witnesses and the sentence rendered by the Vicar-general, Juan Rodríguez de Figueroa, was merely that the associates should lay aside their distinctive garments. After this the number who went to listen to Loyola continued to increase, and the women had a fashion of falling in convulsions; there was nothing of illuminism in his exhortations, but he was open to suspicion, and it was inadmissible that a young layman should assume the function of a director of souls. This time it was Vicar-general Figueroa who took the matter in hand and threw Loyola into prison, in 1527, finally sentencing him and his companions not to appear in public until they had assumed the ordinary lay garments, nor for three years to hold assemblages public or private and then only with permission of the Ordinary.[1] It was this experience that drove Loyola to complete his studies in Paris, where he was not subject to the intrusion of excitable devotees.

Carranza offered a mark too vulnerable to be spared. He was inclined to mysticism, and there were many passages in his unfortunate *Comentarios* which, separated from their context, afforded material for reprehension. The keen-sighted Melchor Cano was able to cite isolated texts to prove that he held the alumbrado doctrines of impeccability, of interior illumination, of the supreme merits of contemplation, of despising all exterior works and observances—in short that he defended the errors of the Begghards and Beguines, of Pedro Rúiz Alcaraz and of the Alumbrados who figured in the autos of Toledo.[2] It is significant of the advanced position of Spanish orthodoxy on the subject of mysticism that these accusations had no weight with the Council of Trent, which approved the Comentarios, nor with Pius V, when he permitted the publication of the book in Rome. When, at last in 1576, Gregory XIII yielded and condemned the book and its author, of the sixteen propositions which he was required to abjure only three bore any relation to mysticism, and these were on the border line between it and Protestantism—that all works without charity are sins and offend God, that faith without works suffices for

[1] So much has been said about this prosecution of Loyola that Padre Fidel Fita has performed a service in printing the documents of the case in the Boletin, XXXIII, 431–57.

[2] Caballero, Vida de Melchor Cano, pp. 549–50, 557–9, 568–9, 572–7, 582–3, 592–3, 598, 601.

salvation, and that the use of images and veneration of relics are of human precept.[1]

In this inquisitorial temper it was a matter of chance whether a devotional writer should be canonized or condemned and mayhap both might befall him, as occurred to San Francisco de Borja, whose *Obras del Cristiano* was put on the Index of 1559, though it disappeared after that of Quiroga in 1583.[2] Santa Teresa herself, the queen of Spanish mystics and, along with Santiago, the patron saint of Spain, was confined in a convent by the Nuncio Sega, who denounced her as a restless vagabond, plunged in dissipation under pretext of religion, and an effort was made to transport her to the Indies, which were a sort of penal settlement. But for the accident that Philip II became interested in her, she would probably have come down to us as one of the *beatas revelanderas* whom it was the special mission of the Inquisition to suppress. When, in 1575, she founded a convent of her Barefooted Carmelites in Seville, they were denounced as *Alumbradas;* the inquisitors created a terrible scandal by going to the house with the guards to investigate, but they could substantiate nothing to justify prosecution. So, when in 1574 her spiritual autobiography was denounced to the Inquisition, it was held for ten years in suspense, and the Duchess of Alva, who possessed a MS. copy, was obliged to procure a licence to read it in private until judgement should be rendered—although finally, in 1588, it was printed by Fray Luis de Leon at the special request of the empress. Even after canonization her *Conceptos del Amor divino*, when printed with the works of her disciple Jerónimo Gracian, were put on the Index and remained there.[3] Her most illustrious disciple, San Juan de

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[1] Salazar de Mendoza, Vida de Carranza, cap. xxxiii.

The first of these undoubtedly is found in the Comentarios (P. III, Obra iii, cap. 3), but it was perfectly admissible doctrine at the period. Azpilcueta, who was no mystic, tells us, in 1577, that prayer is worthless unless uttered in lively faith and ardent charity; innumerable priests are consigned to purgatory or to hell on account of their prayers, each one of which is at least a venial sin.—De Oratione, cap. viii.

It illustrates the progress of the movement against mysticism that the Index of Zapata, in 1632 (p. 980) orders a passage in Don Quixote to be *borrado* in which this is expressed much less offensively—"Las obras de Charidad que se hazen tibia y floxamente no tienen merito ni valen nada."

[2] Reusch, Die Indices, pp. 237, 438.

[3] V. de la Fuente, Escritos de S. Teresa, I, 3–4, 557; II, 439–40, 557, 568, 571.—Index of Sotomayor, 1640, p. 529.—Indice Ultimo, p. 118.

la Cruz, escaped prosecution, though repeatedly denounced to the Inquisition, and his writings were not forbidden, but he was most vindictively persecuted as an Alumbrado, first by his unreformed Carmelite brethren and then by the Barefooted Order, and he ended his days in disgrace, recluded in a convent in the Sierra Morena.[1] Yet Francisco de Osuna, the preceptor of Santa Teresa, although his writings are of the highest mysticism, escaped persecution himself, and his *Abecedario Spiritual* incurred only a single expurgation.[2]

The Venerable Luis de Granada was not canonized, for the proceedings were never completed. He was one of the most moderate of those who taught the supreme virtues of *recojimiento* and his *Guia de Pecadores* ranks as one of the Spanish classics, yet his works were prohibited in the Index of 1559.[3] Melchor Cano declared that his books contained doctrines of Alumbrados and matters contrary to the faith, while Fray Alonso de la Fuente, who was a vigorous persecutor of illuminism, endeavored to have him prosecuted and pronounced his *De la Oracion* the worst of the books which presented these errors so subtly that only the initiated could discover them. It illustrates the difference between Spanish and Roman standards, at this period, that his writings were translated and freely current in many languages and that, in 1582, Gregory XIII wrote to him eulogizing them in the most exuberant terms and urging him to continue his labors for the curing of the infirm, the strengthening of the weak, the comfort of the strong and the glory of both Churches, the militant and the triumphant. When he died, in 1588, it was in the odor of sanctity, and he subsequently appeared to a devotee arrayed in a cloak of glory, glittering with innumerable stars, which were the souls of those saved by his writings.[4]

Ignatius Loyola was inclined to mysticism, and the mental prayer which he taught—the *Ejercicio de las tres Potencias* or exercise of the memory, intellect and will—differed little from

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[1] José de Jesus María, Vida de San Juan de la Cruz (Escritos de S. Teresa, II, 511–14).

[2] Index of Sandoval, 1612, p. 379 (Ed. Genevæ, 1620).

[3] Reusch, Die Indices, p. 224.

[4] Caballero, Vida de Melchor Cano, p. 597.—Barrantes, Aparato para la Historia de Extremadura, II, 346–7.—Giovanni da Capugnano, Vida del P. Luigi Granata.—Theiner, Annal. Eccles., III, 361.—Palafox y Mendoza, Obras, VII, 65.

the meditation which, with the mystics, was the prelude to contemplation.[1] Yet he was sceptical as to special graces vouchsafed to mystic ardor; such things were possible, he said, but they were very rare and the demon often thus deludes human vanity.[2] His disciples were less cautious and indulged in the extravagance of the more advanced school, producing many adepts gifted with the highest spiritual graces. Luis de la Puente, who died in 1624, at the age of 69 may be mentioned as an example, for in him the intensity of divine love was so strong that in his ecstasies he shone with a light that filled his cell; he would be elevated from the floor and the whole building would shake as though about to fall; during his sickness, which lasted for thirty years, angels were often seen ministering to him; he had the gift of prophecy and of reading the thoughts of his penitents and, when he died, his garments were torn to shreds and his hair cut off to be preserved as relics. He taught the heretical doctrine that prayer is a satisfaction for sin, while his views as to resignation to the will of God approach closely to the Quietism which we shall hereafter see condemned by the Holy See. Yet he escaped condemnation and his works have continued to the present time to be multiplied in innumerable editions and translations.[3]

It was probably the impossibility of differentiation between heresy and sanctity that explains the vacillation of the Inquisition. During the active proceedings of the Toledo tribunal, the Suprema, in 1530, issued general instructions that there should be appended to all edicts requiring denunciation of prohibited books a clause including mystics given to Illuminism and Quietism.[4] There seem to be no traces of any result from this and the whole matter appears to have ceased to attract attention for many years, until the animosity excited by the Jesuits led to an investigation of the results of their teachings. Melchor Cano, who hated them, denounced them as Alumbrados, such as the Devil has constantly thrust into the Church, and he foretold that they would complete what the Gnostics had commenced.[5]

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[1] Alfonso Rodríguez, Ejercicio de la Perfeccion, P. I, Trat. v, cap. 7, 12.

[2] Ribadeneira, Vit. S. Ig. Loyolæ, Lib. v, cap. 10.

[3] Alegambe, Bibl. Scriptt. Soc. Jesu, p. 136.—Nieremberg, Honor del Gran Patriarca San Ignacio, p. 513.—L. de la Puente, Guia Spirituale, P. II, Trat. 1, cap. 15, n. 3; cap. 18, n. 2 (Roma, 1628).—De Backer, III, 639–53.

[4] Archivo de Simancas, Inq., Lib. 76, fol. 343.

[5] Caballero, *op. cit.*, p. 526.—Cf. p. 359.

The warning was unheeded and, some ten years later, another Dominican, Fray Alonso de la Fuente, was led to devote himself to a mortal struggle with Illuminism, and with the Society of Jesus as its source. In a long and rambling memorial addressed, in 1575, to Philip II, he relates that, in 1570, he chanced to visit his birth-place, la Fuente del Maestre, near Cuidad Rodrigo, and found there a Jesuit, Gaspar Sánchez, highly esteemed for holiness, but who was blamed for perpetually confessing certain beatas and granting daily communion. Sánchez appealed to him for support and he preached in his favor, which brought to him numerous beatas, whose revelations of their ecstasies and other spiritual experiences surprised him greatly. This led him to investigate, when he found that the practice of contemplation was widely spread, but its inner secrets were jealously guarded, until he persuaded a neice of his, a girl of 17, to reveal them. She said that her director ordered her to place herself in contemplation with the simple prayer, "Lord I am here, Lord you have me here!" when there would come such a flood of evil thoughts, of filthy imaginings, of carnal movements, of infidel conceptions, of blasphemies against God and the saints and the purity of the Mother of God, and against the whole faith, that the torment of them rendered her crazy, but she bore it with fortitude, as her director told her that this was a sign of perfection and of progress on the path.[1]

Thenceforth Fray Alonso devoted himself to the task of investigating and exterminating this dangerous heresy, but the work of investigation was complicated by the concealment of error under external piety. Before discovering a single false doctrine, we meet, he says, a thousand prayers and disciplines and communions and pious sighs and devotions. It is like sifting gold out of sand; to reach one heresy you must winnow away a thousand pious works. So it is everywhere in Spain where there are Jesuits and thus we see what great labor is required to overcome it, since there are not in the kingdom three inquisitors who understand it or have the energy and requisite zeal. Yet he penetrated far enough into it, after sundry prosecutions, to draw up a list of thirty-nine errors, some of which, like those ascribed to witchcraft, suggest the influence of the torture-chamber in extracting

[1] Fray Alonso's Memorial, from which the subsequent details are drawn, has been printed by Don Miguel Mir in the *Revista de Archivos* for Aug.-Sept., 1903; Jan., 1904; Aug.-Sept., 1904; June, 1905; July, 1905; and Aug.-Sept., 1905.

confessions satisfactory to the prosecutor. Not only are the adepts guilty of all the heresies of the Begghards, condemned in the Clementines, and of teaching that mental prayer is the sole thing requisite to salvation, but the teachers are great sorcerers and magicians, who have pact with the demon, and thus they make themselves masters of men and women, their persons and property, as though they were slaves. They train many saints, who feel in themselves the Holy Ghost, who see the Divine Essence and learn the secrets of heaven; who have visions and revelations and a knowledge of Scripture, and all this is accomplished by means of the demon, and by magic arts. By magic, they gain possession of women, whom they teach that it is no sin, and sometimes the demon comes disguised as Christ and has commerce with the women.

If Fray Alonso found it difficult to inspire belief in these horrors, it is easily explicable by his account of the origin of the sect in Extremadura, the region to which his labors were devoted. When Cristóbal de Rojas was Bishop of Badajoz (1556–1562) there came there Padre González, a Jesuit of high standing, who introduced the use of Loyola's *Exercicios;* there were already there two priests, Hernando Alvarez and the Licentiate Zapata, who were familiar with it, and the practice spread rapidly, under the favor of the bishop and his provisor Meléndez, and none who did not use it could be ordained, or obtain licence to preach and hear confessions, for the bishop placed all this in the hands of Alvarez; and when he was translated to Córdova (1562–1571) and subsequently to Seville (1571–1580) he continued to favor the Alumbrados. He was succeeded in Badajoz (1562–1568) by Juan de Ribera, subsequently Archbishop of Valencia, who was at first adverse to the Alumbrados, but they won him over, and he became as favorable to them as Rojas had been, especially to the women, whose trances and stigmata he investigated and approved and rewarded. If any preacher preached against Illuminism, Ribera banished him and, under this protection, the sect multiplied throughout Extremadura. It is true that Bishop Simancas, who succeeded Ribera (1569–1579) was not so favorable, and his provisor, Picado, at one time prosecuted a number of Alumbrados, who took refuge in Seville under Rojas, among whom was Hernando Alvarez, but the Llerena tribunal took no part in this and the great body of the sect was undisturbed.

It is easy to conceive, therefore, the obstacles confronting Fray

Alonso, when he commenced his crusade in 1570. He relates at much length his labors, against great opposition, especially of the Jesuits, and he found no little difficulty in arousing the Llerena inquisitors to action, for they said that it was a new matter and obscure, which required instructions from the Suprema. It is true that, in February 1572, they lent him some support and made a few arrests, but nothing seems to have come of it. He wished to go to Madrid and lay the matter before the Suprema, but his superiors, who apparently disapproved of his zeal, sent him, in October 1572, to Avila, to purchase lumber, and then to Usagre, to preach the Lenten sermons of 1573. After this his prior despatched him to Arenas about the lumber, and it was a providence of God that this business necessitated action by the Council of Military Orders, so that he had an excuse for visiting Madrid. There he sought Rodrigo de Castro—the captor of Carranza—to whom he complained of the negligence and indifference of the Llerena inquisitors, and gave a memorial reciting the errors of the Alumbrados. This resulted in the Suprema sending for the papers, on seeing which it ordered the arrest of the most guilty, when Hernando Alvarez, Francisco Zamora and Gaspar Sánchez were seized in Seville, where they had taken refuge. This produced only a momentary effect in Extremadura, where the Alumbrados comforted themselves with the assurance that their leaders would be dismissed with honor.

It had been proposed to remove the tribunal from Llerena to Plasencia, where houses had been bought for it, but, early in 1574, Fray Alonso remonstrated with the inquisitor-general, pointing out that the land was full of Alumbrados, many of them powerful, and what preaching had been done against them, under the protection of the Inquisition, would be silenced if it was removed. This brought a summons and in May he appeared before the Suprema, where his revelations astonished the members and they asked his advice. He urged a visitation of the district, to be made by the fiscal Montoya, who had studied the matter and understood it, while the inquisitors did not comprehend the subtile mysteries and distinctions involved. It was so ordered, and Montoya commenced his visitation at Zafra, where, on July 25th he published the Edict of Faith, and a special one against Illuminism and Quietism. At first he was much disconcerted in finding among the Alumbrados nothing but fasts and disciplines, prayers, contemplation, hair-shirts, confessions and communions or, if traces

appeared of evil doctrines, so commingled with the words of God and the sacraments that evil was concealed in good. Fray Alonso however encouraged him to investigate the lives and conversation of those who enjoyed trances and visions and the stigmata, when it became evident that all was magic art, the work of Satan and of hell. For four months Montoya gathered information and sent the papers to the Suprema, which ordered the arrest with sequestration of five persons, four of the adepts and a female disciple. Towards the close of December he returned to Llerena, to resume the visitation in March, 1575. During the interval Fray Alonso was summoned to Madrid, where he was ordered to accompany Montoya, and the inquisitors were instructed to pay him a salary; this at first they refused to do and then assigned him four reales a day for each day on which he should preach, but the Suprema intervened with an order on the receiver to pay him a certain sum that would enable him to perform the duty. The visitation lasted from March till the beginning of November, and comprised sixteen places, in which Fray Alonso tells us that there were found great errors and sins. Unfortunately he omits to inform us what were the practical results or what was done with the culprits arrested the previous year, and he concludes his memorial by assuring us that the Jesuits and the Alumbrados are alike in doctrine and are the same, which is so certain that to doubt it would be great sin and offence to God.

Fray Alonso might safely thus attack the children of Loyola in Spain, but he made a fatal error when his zeal induced him to carry the war into Portugal. In the following year, 1576, he addressed memorials to the Portuguese ecclesiastical authorities, ascribing to the Jesuits all the Illuminism that afflicted Spain; they taught, he said, that their contemplation of the Passion of Christ was rewarded with the highest spiritual gifts, including impeccability, with the corollary that carnal indulgence was no sin in the Illuminated, while in reality their visions and revelations were the work of demons, whom they controlled by their skill in sorcery. The Jesuits, however, by this time were a dominant power in Portugal; Cardinal Henry, the inquisitor-general, transmitted the memorials to the Spanish Inquisition, with a request for the condign punishment of the audacious fraile. It was no more than he had openly preached and repeatedly urged on the Suprema, but the time was fast approaching for the absorption of Portugal under the Castilian crown, and Cardinal Henry

was to be propitiated. Fray Alonso was forced to retract, and was recluded in a convent, but this did not satisfy the Cardinal, who asked for his extradition, or that the matter he submitted to the Holy See, when the opportune death of the fraile put a happy end to the matter.[1]

Yet, in Spain, Fray Alonso exerted a decisive influence on the relations of the Inquisition to mysticism and, before this unlucky outburst of zeal, he had the satisfaction of seeing the indifference of the Llerena tribunal excited to active work. In 1576, while preaching in that city, he said that he had heard of persons who, under an exterior of special sanctity, gave free rein to their appetites. On this, an imprudent devotee, named Mari Sanz, interrupted him, exclaiming "Padre, the lives of these people are better and their faith sounder than your own" and, when he reproved her, she declared that the Holy Spirit had moved her. This was a dangerous admission; she was arrested, and her confessions led to the seizure of so many accomplices that the tribunal was obliged to ask for assistance. An experienced inquisitor, Francisco de Soto, Bishop of Salamanca, was sent, who vigorously pushed the trials until he died, January 29, 1578, poisoned, as it was currently reported, by his physician, who was long detained in prison under the accusation. How little the sectaries imagined themselves to have erred is seen in the fact that one of them, a shoemaker named Juan Bernal, obeyed a revelation which directed him to appeal to Philip II, to tell him of the injustice perpetrated at Llerena and to ask him why he did not intervene and evoke the matter to himself—hardihood which earned for him six years of galley-service and two hundred lashes.

The evidence elicited in the trials showed the errors ordinarily attributed to Illuminism, including trances and revelations and sexual abominations unfit for transcription. After three years spent in this work, an auto was held, June 14, 1579, in which, among other offenders, there appeared fifteen Alumbrados—ten men and five women. Of the men, all but the unlucky shoemaker were priests, and among them we recognize Hernando Alvarez, against whom there appeared no less than a hundred and forty-six witnesses. Many were *curas* of various towns and naturally the illicit relations were principally between confessors and their spiritual daughters. From a doctrinal standpoint, their

[1] Barrantes, Aparato para la Historia de Extremadura, II, 332–47.

offence seems not to have been regarded as serious, for none of them were degraded, and the abjurations were for light suspicion, but this leniency was accompanied by deprivation of functions, galley-service, reclusion and similar penalties, while the fines inflicted amounted to fifteen hundred ducats and eight thousand maravedís. The unfortunate Mari Sanz, who had caused the explosion, expiated her imprudence by appearing with a gag and a sentence to perpetual prison, two hundred lashes in Llerena and two hundred more at la Fuente del Maestre, her place of residence.[1] From the number of those inculpated it may be assumed that this auto did not empty the prisons, and that it was followed by others, but if so, we have no record of them. The impression produced by the affair was wide and profound. Páramo, writing towards the end of the century, speaks of it as one in which the vigilance of the Inquisition preserved Spain from serious peril.[2]

In fact, it marks a turning-point in the relations of the Inquisition to Spanish mysticism, of which the persecution became one of its regular and recognized duties. Even before the auto of 1579, the Suprema, in a carta acordada of January 4, 1578, ordered the tribunals to add to the Edict of Faith a section in which the errors developed in the trials were enumerated. These consisted in asserting that mental prayer is of divine precept and that it fulfils everything, while vocal prayer is of trivial importance; that the servants of God are not required to labor; that the orders of superiors are to be disregarded, when conflicting with the hours devoted to mental prayer and contemplation; decrying the sacrament of matrimony; asserting that the perfect have no need of performing virtuous actions; advising persons not to marry or to enter religious Orders; saying that the servants of God are to shine in secular life; obtaining promises of obedience and enforcing it in every detail; holding that, after reaching a certain degree of

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[1] Biblioteca nacional, MSS., S. 151, fol. 54–67.—Barrantes, *op. cit.*, II, 329, 347–57.—Miscelanea de Zapata (Memorial hist. español, XI, 75).—Cipriano de Valera, Dos Tratados (Reformistas antig. españoles, p. 272).—Dorado, Compendio histórico de Salamanca, p. 423.

In 1576 Alonso González Carmena was tried at Toledo for saying that the only object of the Inquisition was to get money, and instancing a wealthy damsel of Llerena recently arrested as an Alumbrado. He probably considered his assertions verified by having to pay a fine of 4000 maravedís, in addition to six months' exile.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Páramo, p. 302.

perfection, they cannot look upon holy images or listen to sermons, and teaching these errors under pledge of secrecy.[1]

It is noteworthy that here there is no allusion to ecstasies or trances or to sexual aberrations, as in subsequent edicts, although Páramo, some twenty years later, in his frequent allusions to the Alumbrados, dwells especially on the latter and on the dangers to which they led in the confessional.[2] That this danger was not imaginary is indicated by the case of Fray Juan de la Cruz, a discalced Franciscan, so convinced of the truth of alumbrado doctrine that, in 1605, he presented himself to the Toledo tribunal with a memorial in which he argued that indecent practices between spiritual persons were purifying and elevating to the soul, and resulting in the greatest spiritual benefit when unaccompanied with desire to sin. He was promptly placed on trial and six witnesses testified to his teaching of this doctrine. Ordinary seduction in the confessional, as will be seen hereafter, when the culprit admitted it to be a sin, was treated with comparative leniency, but doctrinal error was far more serious, and the unlucky fraile, who maintained throughout the trial the truth of his theories, was visited with much greater severity. Humiliations and disabilities were heaped upon him; he received a circular scourging in a convent of his order and a monthly discipline for a year, with six years of reclusion.[3]

Simple mysticism, however, even without the advanced doctrines of Illuminism and Quietism, was becoming to the Inquisition an object of pronounced hostility. The land was being filled with *beatas revelanderas;* mystic fervor was spreading and threatening to become a part of the national religion, stimulated doubtless by the increasing cult paid to its prominent exemplars, for Santa Teresa was beatified in 1614 and canonized in 1622, while San Pedro de Alcántara was beatified in the latter year. Apart from all moral questions, the mystic might at any moment assert independence; his theory was destructive to the intervention of the priest between man and God, and Illuminism was only a

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[1] Archivo de Simancas, Inq., Lib. 939, fol. 108; Lib 979, fol. 30.—The details of the Edict are derived from a copy published in Mexico, July 17, 1579, which I owe to the kindness of the late General Don Riva Palacio. In the Edict published at the opening of the Mexican Inquisition, Nov. 3, 1571, there is no allusion to the subject. See Appendix to Vol. II, p. 587.

[2] Páramo, pp. 302, 681–2, 688–9, 854.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

development of mysticism. The Inquisition was not wholly consistent, but its determination to stem the current which was setting so strongly was emphatically expressed in the trial of Padre Gerónimo de la Madre de Dios by the Toledo tribunal in 1616.

The padre was a secular priest, the son of Don Sánchez de Molina, who for forty-eight years had been corregidor of Malagon. He had entered the Dominican Order, had led an irregular life and apparently had been expelled but, in 1610, had been converted from his evil ways by a vision and, in 1613, obeying a voice from God, he had come to Madrid and taken service in a little hospital attached to the parish church of San Martin. His sermons speedily attracted crowds, including the noblest ladies of the court; his fervent devotion, the austerity of his life, the rigor of his mortifications and the self-denial of his charities won for him the reputation of a saint, which was enhanced by the trances into which he habitually fell when celebrating mass, and popular credulity credited him with elevation from the ground. There is absolutely no evidence that in this there was hypocrisy or imposture, and the most searching investigation failed to discover any imputation on his virtue. All that he received he gave to the poor, even to clothes from his back, and his sequestrated property consisted solely of pious books, rosaries and objects of devotion. He speedily gathered around him disciples, prominent among whom was Fray Bartolomé de Alcalá, vicar of the Geronimite convent; the number of their penitents, all *espirituales* was large, and these usually partook of the sacrament daily or oftener; many of them had revelations and were consulted by the pious as being in direct relations with God, from whom they received answers to petitions.

In all this there was nothing beyond the manifestations of devotional fervor customary to Spanish piety, but an accusation was brought against Padre Gerónimo, September 20, 1615, for teaching that the soul could reach a state of perfection in which it would be an act of imperfection to ask God for anything. This, which was one of the refinements of mysticism, was subsequently proved by the calificadores to be subversive of existing observances, because the saints in heaven were in a state of perfection and, if they could ask nothing of God, what would become of their suffrage and intercession and what would be the use of the cult and oblations offered to them? Still, at the time, the tribunal took no action beyond examining a few witnesses, and Gerónimo would probably

not have been disturbed in his useful career had he not written a book. In his mystic zeal he imagined himself inspired in the composition of a work entitled *El Discipulo espiritual que trata de oracion mental y de espiritu*, which he submitted to several learned theologians, whose emendations he adopted. This had considerable currency in MS.; a demand arose for its printing, and he laid it before the Royal Council for a licence, when he was informed that the approbation of the episcopal provisor of Toledo was a condition precedent. After sending it to that official and receiving no answer for six months, he submitted a copy to the Suprema, October 20, 1615, explaining what he had done and asking for its examination; if there was in it anything contrary to the faith, he desired its correction, for he wished the work to be unimpeachably orthodox and would die a thousand deaths in defence of the true religion.

He waited some seven months and, on May 17, 1616, he ventured an inquiry of the Suprema, but a month earlier three calificadores had reported on it unfavorably, the Suprema had ordered the Toledo tribunal to act and, on May 28th, the warrant for his arrest with sequestration was issued. A mass of papers, MS. sermons, tracts and miscellaneous accumulations were distributed among fifteen calificadores, who, as scholastic theologians, were not propitiated by his contempt for schoolmen. They performed their task with avidity and accumulated an imposing array of a hundred and eighty-six erroneous propositions—many of them the veriest trifles, significant only of their temper, but, after all his explanations, there was a formidable residuum of twenty-five qualified as heretical, twenty-nine as erroneous, three as sacrilegious, and numerous others as scandalous, rash and savoring of heresy.

Despite the piteous supplications of his aged father, his trial lasted until September, 1618—some twenty-seven months of incarceration, during which his health suffered severely. Throughout it all he never varied from his attitude of abject submission; kneeling and weeping he begged for penance and punishment, as he would rather be plunged in hell than commit a sin or give utterance to aught offensive to pious ears. This availed him little. He was sentenced to appear in the auto of September 2, 1618, as a penitent, to abjure *de vehementi* and to retract publicly a list of sixty-one errors. He was forbidden for life to preach or to hear confessions, or to write on religious subjects; he was recluded for

a year in a designated convent and for five more was banished from Madrid and Toledo, and a public edict commanded the surrender of all his writings. Thus he was not only publicly proclaimed a heretic, but his career was blasted, he was virtually deprived of the means of subsistence, yet his first act on reaching his place of confinement was to write humbly thanking the inquisitors for their kindness. Seven months later he appealed to them, saying that he was sick and enfeebled, he had been bled four times and he begged for the love of God that he might be spared the rest of his reclusion and be allowed to comfort his aged father. To this no attention was paid and we hear nothing more of him.

For us the interest of the case lies not so much in the cruelty with which the bruised reed was broken, as in the revelation of the silent revolution in the Spanish Church with regard to mysticism. In the sixty-one condemned propositions there were one or two properly liable to censure, the most dangerous being that ascribed to the Begghards—that the perfected soul enjoys the spirit of liberty, going at will without laws or rules, and that in this state God gives it the power of working miracles. Another which asserted that devotion to images, rosaries, blessed beads etc. was an error so great that souls so employed could have no hope of salvation was scarce more than an exaggeration of the precepts of Francisco de Osuna and Juan de la Cruz. For the most part, the condemned propositions were merely the common-places of the great mystics of the sixteenth century—that the perfected soul enjoys absolute peace, for the appetites and passions are at rest and the flesh in no way contradicts the spirit—that trances are the highest of God's gifts—that the supreme grade of contemplation becomes habitual, and that the soul at will can thus enter God's presence—that, in the trance, God can be seen—that the perfected soul should ask only that God's will be done. Other condemnations were directed against the claims of inspiration and revelation, against the suspension of the faculties in mental prayer, against the Union with God which had been the aim of all the mystics. In short, it was a condemnation of the doctrines and practices which, for centuries, had been recognized by the Church as manifestations of the utmost holiness. Had Francisco de Osuna, Luis de Granada, San Pedro de Alcántara, Santa Teresa, San Juan de la Cruz and their disciples been judged by the same standard, they would have shared the fate of Padre Gerónimo unless, indeed,

their convictions had led them to refuse submission, in which case they would have been burnt.[1] This was shown at Valladolid when, in 1620, Juan de Gabana, priest of San Martin de Valverri and Gerónima González, a widow, were prosecuted for mysticism. He died in prison, pertinacious to the last and was duly burnt in effigy, in 1622. She was less firm and was voted to reconciliation, but the Suprema ordered her to be tortured; this she escaped by dying, and her effigy was reconciled.[2]

Yet the mystic cult was too firmly planted in the religious habits of Spain to be readily eradicated, nor was the Inquisition prepared to be wholly consistent. While Padre Gerónimo was thus harshly treated for unpublished writings, the Minim Fray Fernando de Caldera was allowed undisturbed to publish, in 1623, his *Mística Teología*, perhaps the craziest of the mystic treatises. It is cast in the form of instructions uttered by Christ, in the first person, and teaches Illuminism and Quietism of the most exalted kind. The intellect is to be suspended and the will abandoned to God, who does with it as he pleases, infusing it with divine light and admitting it to a knowledge of the divine mysteries. Lubricious temptations, if they come from the flesh are to be overcome with austerities; if from pride, with humility; if they are passive, they are to be met with patience and resignation, for God who sends them will remove them at his own time and with great benefit to the soul.[3] No teaching more dangerous is to be found in Molinos but, although a translation of the work appeared in Rome in 1658, it escaped condemnation both there and in Spain.

During this time there was a storm gathering in Seville which enabled the Inquisition to impress its definite policy on the mystically inclined. We have seen how mysticism flourished there under the patronage of Archbishop Rojas, and the persecution in Extremadura seems not to have extended to Andalusia, so that it continued unrepressed. While Padre Gerónimo was awaiting his doom in Toledo, a much more extravagant performer was enjoying the cult of the devout in Seville. A priest named Fernando Méndez had a special reputation for sanctity; when celebrating mass he fell into trances and uttered terrible roars; he taught his disciples to invoke his intercession, as though he were already a saint in heaven; fragments of his garments were treas-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. VII.

[2] Archivo de Simancas, Inq., Leg. 552, fol. 1.

[3] Mística Teología, Lib. II, cap. 1, 4, 5, 6.

ured as relics; he gathered a congregation of beatas and, after mass in his oratory, they would strip off their garments and dance with indecent vigor—drunk with the love of God—and, on some of his female penitents, he would impose the penance of lifting their skirts and exposing themselves before him. His disciples were not drawn merely from the lower classes, for we are told that as many as thirty coaches could be counted of a morning around the gate of the Franciscan convent to which he had retired.[1]

This hysteric contagion spread through Seville, affecting a considerable portion of the population. There was no concealment and evidently no thought that it involved suspicion of heresy, or that it departed in any way from orthodoxy. A special group of mystics, known as la Granata, under successive spiritual directors, had long held their meetings in the chapel of Nuestra Señora de la Granada, without exciting animadversion or calling for interference from the Inquisition.[2] When, however, the imperious Pacheco, in 1622, assumed the office of inquisitor-general, he speedily ordered the Seville tribunal to investigate and report as to the mystic extravagances current in the city, and there could have been no difficulty in collecting ample material for condemnation according to the new standard. This resulted in the publication of a special Edict of Grace, May 9, 1523, granting the customary thirty days in which those feeling themselves inculpated could denounce themselves and their accomplices and be admitted to absolution with salutary penance and without confiscation or disabilities affecting their descendants. That all might understand what these new heresies were, the edict embodied a list of seventy-six errors ascribed to the Alumbrados, which marks the advance made since 1578 in suppressing mysticism in general and in attributing to it additional evil practices. There was a fuller condemnation of the beliefs common to all mystics, which had so often earned canonization—that their trembling or burning or fainting was a sign of grace and of the influence of the Holy Spirit—that a stage of perfection could be reached in which they could see the Divine Essence and the mysteries of the Trinity and that, in this state, grace drowned all the faculties—that they were governed directly by the Holy Spirit in what they did or left undone—that in contemplation they dismissed

[1] Menéndez y Pelayo, II, 547–8.—MSS. of Bodleian Library, Arch S, 130.
[2] Barrantes, Aparato, II, 363.

all thought and concentrated themselves in the presence of God —that, in the state of Union with God, the will is subordinated— that in trances God is clearly seen in his glory—that mental prayer renders other works superfluous—that other duties, both religious and worldly, can be neglected to devote oneself wholly to this supreme devotion.

Besides these, there was an enumeration of the errors commonly attributed to the Alumbrados with more or less justice—impeccability—the elevation of mental prayer to the dignity of a sacrament—communion with more than one wafer—promiscuous intercourse among the elect—indecent actions in the confessional regarded as meritorious—teaching wives to refuse cohabitation—forcing girls to take vows of chastity or to become nuns—requiring vows of absolute obedience to the spiritual director—breathing on the mouths of female penitents to communicate to them the love of God—violation of the seal of the confessional—that the perfected have power of absolution even in reserved cases—that those who follow this doctrine will escape purgatory and that many who refused to do so have returned to beg release, when they give them an *Evangelio* and see them fly to heaven. One article would indicate that among the devotees, as was usually the case, there was at least one who boasted of bearing the stigmata, of conversing with God and of living solely upon the sacrament, while a clause requiring the surrender of all statutes and instructions for their congregations and assemblies shows that they were organized into more or less formal associations.[1]

The audacious assumption of power in this pronouncement was forcibly pointed out by Juan Dionisio Portocarrero, in an opinion furnished to the Archbishop Pedro de Castro y Quiñones. There was gross disrespect shown to him, who had been kept in ignorance, though it was known that an edict was in preparation, of which the nature was sedulously concealed until it was suddenly published in all the churches. Inquisitors could not decide cases without the participation of the Ordinary, while here the cases were tried and the parties admitted to reconciliation, without calling in the episcopal authority. Similar usurpation was mani-

[1] Barrantes, *op. cit.*, II, 364–70. This copy is somewhat imperfect; a better one is in the Bibliothèque nationale, fonds Dupuy, 673, fol. 181.

Malvasia (Cathalogus omnium Hæresum et Conciliorum, Romæ, 1661, p. 269) gives a list of fifty Illuminist errors from this edict of Pacheco. Cf. Bernino, Historia di tutte l'Heresie, IV, 613 (Venezia, 1717).

fested in the definition of heresies, which was the attribute of the Holy See and of general councils, not of the Inquisition. No general council could do more than the inquisitor-general had done in defining the seventy-six errors, and to say that these errors were widely disseminated in Seville, not without fault of those permitting it, and to do so without calling upon the archbishop to explain the condition of his flock, was to condemn him without a hearing. These seventy-six propositions were all styled matters of faith, although many of them were rather matters of discipline, pertaining to the Ordinary, yet all were reserved to the Inquisition. Moreover, the inquisitor-general was not competent to decide the disputed question whether the power assured to bishops to absolve for secret heresy was annulled by the bull *in Cœna Domini*. Then Portocarrero proceeded to examine one by one a considerable portion of the condemned propositions and showed that some of them expressed the accepted teaching of the Church, while many were not cognizable by the Inquisition, because they had nothing to do with faith, and others again he omitted as being unintelligible. He urged the archbishop to vindicate his jurisdiction quietly, without causing scandal, and that the edict be examined and qualified by learned men, not Dominicans, for it had originated with them—the truth being that the inculpated mystics were mostly under the direction of Franciscans and Jesuits and that, in the bitter hatred between the Orders, the Dominicans had stirred up the matter to strike a blow at their rivals.[1]

The poor old archbishop, who died in December of the same year, of course did nothing. The edict was published on June 4th and again on the 11th, when the most pious circles in Seville suddenly found themselves arraigned for heresy. Mysticism had become fashionable, especially among the women, from the noblest to the lower classes, and they rushed at once to obtain the pardon promised within the thirty days. A Seville letter of June 15th says that an inquisitor with a secretary established himself in San Pablo (the Dominican church used in autos de fe), eating and sleeping there, and on duty from 5 A.M. until 10 P.M., with an hour's intermission for meals, but that he could not attend to a twentieth part of the applicants, and that another thirty days

[1] Archivo de Simancas, Inq., Lib. 927, fol. 475.

This bold protest seems to have called attention to Portocarrero's ability for, in 1624, we find him appointed Inquisitor of Majorca and writing a book in defence of the Inquisition against the royal jurisdiction.

would have to be granted. In this there is doubtless exaggeration, but another authority states the number of those inculpated at 695.[1] There had of course been no intentional heresy and there were no pertinacious heretics, although among them were impostors who had traded upon popular credulity and love for the marvellous. Still, an auto de fe was necessary to confirm the impression and it was held on November 30, 1624, in which eleven Alumbrados appeared, but eight of them were confessed impostors. Of the remaining three, one was the Padre Fernando Méndez, who in dying had distributed his garments and his virtues among his disciples; no special punishment was decreed against his memory, but his effigy was displayed in the auto, his revelations, trances, visions and prophecies were declared to be fictitious, and his disciples were required to surrender the articles which they had treasured as relics. Another was a mulatto slave named Antonio de la Cruz, who had united to his mysticism some unauthorized speculations respecting the power of Satan; he escaped with abjuration *de levi* and deprivation of the sacrament except at Easter, Pentecost and Christmas. The third was Francisco del Castillo, a priest whose trances were so frequent and uncontrollable that they would seize him in the act of eating; he was at the head of a congregation, the members of which he boasted were all saved, and through which the Church was to be reformed, he being possessed of the spirit of Jesus Christ and his disciples of that of the Apostles—all of which had not prevented him from maintaining improper relations with his female penitents. He was sentenced only to abjuration *de levi*, perpetual deprivation of confessing and reclusion for four years in a convent, with exile from Seville—the usual penalty, as we shall see, for solicitation *ad turpia* in the confessional—with warning of severer punishment if he did not abandon his visions and revelations.[2]

Evidently the object of the Edict had been to warn rather than to punish; but few examples were deemed necessary, and in these the mildness of the penalties indicates a recognition of the fact that these so-called heresies had not previously been regarded as culpable. It sufficed to set an impressive stamp of reprobation on mysticism without unnecessary severity.

Seville, however, was not yet cleansed of the infection. At an auto held some two years later, on February 28, 1627, there were

[1] Barrantes, *op. cit.*, II, 363, 371–2.

[2] MSS. of Bodleian Library, Arch S, 130.

two conspicuous mystics, Maestre Juan de Villalpando, a priest in charge of one of the city parishes, and Madre Catalina de Jesus, a Carmelite beata. Notwithstanding the Edict of 1623, Villalpando had maintained a congregation of both sexes, who obeyed him implicitly in all things, temporal and spiritual. No less than two hundred and seventy-five erroneous propositions were charged against him, and he was required to retract twenty-two articles. He was deprived of his priestly functions, recluded for four years in a convent and confined subsequently to the city of Seville, with a fine of two hundred ducats. Madre Catalina, for thirty-eight years, had been sick with the love of God, and her continued existence was regarded as a miracle by her numerous disciples, who treasured as relics whatever had touched her person. She was accused of improper relations with a priest—probably Villalpando—who reverenced her as his guide and teacher, and she was a dogmatizer, for her writings, both MS. and printed, were required to be surrendered. On the testimony of a hundred and forty-eight witnesses, she was sentenced to reclusion for six years in a hospital, where she was to earn her support by labor.[1]

This shows increasing severity, and a still more deterrent example was furnished, in 1630, by an auto in which eight Alumbrados, as we are told, were burned alive and six in effigy. There were also sixty reconciliations, of which some were doubtless for the same heresy.[2] We have no further details of this auto, save that Bernino characterizes the victims as obstinate; possibly they may have been relapsed but, as we have seen, the abjurations had been for light suspicion, which did not entail relaxation for relapse. Be this as it may, the affair would indicate that Illuminism was now regarded as formal heresy, not as merely inferring suspicion, and that pertinacity incurred the stake.

Obstinacy, in fact, converts into formal heresy what may be otherwise regarded as light suspicion, as it infers disobedience to the decisions of the Church. This is seen in an interesting review of the whole subject by an inquisitor about 1640. He describes the evidence customarily brought against alumbrado confessors and preachers, of teaching sensuality under cover of mortification. Some hold that indecent handling and sleeping with a woman

[1] MSS. of Bodleian Library, Arch Seld. A., Subt. 11; Arch Seld. 130.

[2] Llorente, Hist. crit., cap. xxxviii, n. 5.—Llorente's statement is confirmed by the account in Bernino's *Historia di tutte l'Heresie*, IV, 613. See also Terzago, Theologia historico-mystica, p. 6 (Venetiis, 1764).

are meritorious as trampling on the devil and overcoming temptation; so it is with making the penitent strip and stand against a wall with arms outstretched, and other details that may well be spared. There is also teaching that obedience is better than the sacrament and that it excuses what would otherwise be evil, or that God has revealed to them that such things are not sin, or that interior impulses are to be followed in doing or not doing anything. Such persons, he tells us are confined in the secret prison, without sequestration, although, if there is suspicion of heresy, there is sequestration. If, as usually occurs, they confess to these teachings, extenuating them as the result of thoughtlessness or ignorance without errors of belief, and if they are priests or frailes, the sentence is read in the audience-chamber and the punishment is the same as for solicitation in the confessional—that is to say, reclusion in a monastery for a term of years and deprivation of the faculty of confessing. But, if this evil doctrine has caused much injury, as at Llerena, they appear in a public auto with some years of galley-service and, if they are priests owning property, they are fined at discretion.

If there should be obstinacy and rejection of the arguments of the theologians deputed to reason with them, there is postponement for some months to allow time for conversion, as happened in Logroño with a certain priest, and in Valladolid with a fraile. The priest taught his female penitents that there was no sin in kisses and in indecent handling and in sleeping with a woman so long as the final act was omitted. He revoked repeatedly and varied between submission and persistence, but was convinced at last and appeared in a public auto, abjured *de vehementi*, was verbally degraded with five years of galleys and ten more of exile, besides perpetual deprivation of confessing. If the culprit is impervious to argument and will not abandon errors of belief, he must be treated as a heretic and be relaxed even if he denies intention. There was one who abjured *de vehementi* and relapsed. It was alleged by his Order that he was insane, for he was a person of high repute for virtue and learning; he was given secret penance, but so severe that he was never heard of again.[1]

From this statement it would appear that the extreme position assumed by Pacheco had not been maintained and that simple mysticism was tolerated unless it was complicated with the

[1] Bibl. nacional, MSS., V, 377, cap. xxi.

follies of Illuminism, especially as concerned the relations between the sexes. The policy of the Inquisition, in fact, was by no means uniform; for a time many harmless mystics were allowed to enjoy in peace the veneration of their disciples while, if there was scandal or imposture or some ulterior motive, prosecution was easy. One such case was that of Fray Francisco García Calderon whom we have seen (Vol. II, p. 135) concerned with the case of the nuns of San Placido and the Marquis of Villanueva, in 1630. A contemporary was Doña Luisa de Colmenares, popularly known as Madre Luisa de Carrion, a nun of the convent of Santa Clara, at Carrion de los Condes, who, at the age of seventy, had passed fifty-three years in a cloister. She was not strictly an Alumbrado but a mystic of the type of Santa Teresa, and her case is instructive as showing how general was the belief attributing supernatural powers to beings favored by God, how profitably this belief could be exploited by shrewd management, and how effectively the Inquisition could intervene, in the face of the most intense popular opposition. There is no reason to suppose that Madre Luisa was consciously an impostor; she was merely an ignorant old woman, hypnotically habituated to trances and visions like so many others, and the Franciscan Order, to which she belonged, saw in her a speculative value of which they made the most. Philip IV venerated her and popes were her correspondents; there was an immense demand for objects sanctified by her—crosses, beads, images of the Christ-child and similar trifles—the sales of which brought in large profits and, between these and the offerings of pilgrims, the Order was said to have realized two hundred thousand crowns and to look forward to much more if it could secure her canonization after death.

Suddenly, in 1635, the Inquisition undertook to investigate her. There had been nothing exceptional in her career, except its success and, under Franciscan management she had been mostly kept clear of the errors condemned in Pacheco's edict. The motive for action is obscure, and the most probable suggestion is that the opponents of Count-Duke Olivares had sought, after the fashion of the time, to make use, for political ends, of the boundless popular veneration of which she was the object. Yet there was significant caution in the preliminaries. Juan Santos, senior Inquisitor of Valladolid, was ordered to examine her, when he pretended a visit to the Bishop of Palencia and on the road stopped for a fortnight at Carrion. It was not difficult to involve an untu-

tored nun in erroneous theological speculations, and a warrant for her arrest followed; she was placed in a carriage with a female relative of one of the inquisitors, when her journey to Valladolid was a triumphal procession. A pillar of light, changing into a cross, was seen in the sky; everywhere the population gathered in mass, and the precaution of entering Valladolid at night was unavailing, for the crowds were so great that she was with difficulty carried in safety, through the surging mob striving to gather some fragment of her dress as a talisman. She was housed in the Augustinian convent, where she was the object of veneration to the nuns, who declared her destined to be the most powerful saint in the annals of the Church; but it was observed that she no longer had ecstasies, although at Carrion they had been of daily occurrence and were celebrated by sounding the organ, when everyone rushed to see them.

The Franciscans officially undertook her defence; the population of Valladolid, with the bishop at their head, were so demonstrative in her favor that the tribunal hesitated, and the Suprema had to send a special commissioner, who was no other than our old acquaintance Juan Dionisio Portocarrero, soon afterwards rewarded with the bishopric of Guadix. It was easy to make her convict herself of heresy, for she was foolish and ignorant, full of vain-glory, and merely a tool of the rapacious friars who had exploited her. Papers signed by her were in circulation in which she declared that she had seen the Divine Essence, that she was confirmed in grace, that at six years of age Christ had removed her heart of flesh and substituted his own, that he had given her an apple of paradise by which she would remain immortal until the Day of Judgement, when she would accompany Enoch and Elias in the war with Antichrist; that God sustained her without food, and much more that testifies to the incredible credulity of the people, and to the unscrupulous audacity of the friars. Under examination, she declared that she had seen the Divine Essence, but she proved herself wholly ignorant of the orthodox doctrine of the Trinity and uttered a thousand follies, including a revelation from God that all who possessed her crosses, beads, rosaries or other objects of devotion would be saved unconditionally and could rest secure of their predestination.

The fore-ordained condemnation was preceded by an edict of October 23, 1636, requiring the surrender of all letters, portraits, crosses, beads etc., which were so numerous that in a few days the

cura of the parish of San Miguel had a room full of them. The poor old crone was blind, toothless and exhausted with a life of hysteria; the shock of these experiences was too great for her feeble vitality, and she died in November. This was, of course, no impediment to her trial, and the tribunal was justly incensed to learn that the bishop had buried her without its permission. When summoned to answer for this he threatened a popular uprising, but the tribunal held good, exhumed the body and verified its identity, after which the Suprema ordered a second exhumation and burial under its authority.

It seems that no formal sentence was ever rendered. The Franciscans talked of appealing to the pope, but were only laughed at. Madre Luisa had ceased to be of importance, but that her devotees had not lost all veneration for her is shown by the Inquisition, in 1638, forbidding all discussion of the case. In 1643 it was referred to Arce y Reynoso, together with that of San Placido and, in 1644, he was said to be pushing it with energy, but probably it was wisely allowed to be forgotten, without reaching a conclusion. Yet, notwithstanding the inquisitorial edict, her crosses were not all surrendered and continued to be regarded as enriched with indulgences, for we find them condemned by the Roman Congregation of Indulgences in 1668 and again in 1678.[1]

But for the presumably political motive prompting her prosecution it may be assumed that Madre Luisa would have been enrolled in the calendar of saints. Her career was no more extravagant than that of her contemporary, the Blessed María Ana de Jesus, a *Madrileña*, who was born in 1565 and died in 1624. She belonged to the Order of La Merced, and her biography was written in 1673, by Fray Juan de la Presentacion, official historiographer of Philip IV, who informs us that, when an infant at the breast, she gave evidence of her future sanctity; at the age of four she was constantly at prayer, and at six she had ecstasies, visions and revelations. She says herself that her soul was ordinarily illuminated by God, who manifested his will to her unmistakably. The effort for her canonization began shortly after her death and

[1] Cartas de Jesuitas (Mem. hist. español, XIII, 122, 150–62, 165, 173, 175, 177–80, 184, 205–7, 214, 222, 245, 267, 324, 435, 528, 543, 547; XIV, 12, 21, 47; XV, 80; XIX, 383).—Pellicer, Avisos históricos (Semanario erúdito, XXXIII, 99, 168).—Index of Vidal Marin, 1707, II, 19.—Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 6, fol. 591.—Decret. authent. Sacræ Congr. Indulgentt. n. 4, 14.

was renewed at intervals, until she was beatified in 1783.[1] Another contemporary of María Ana de Jesus was she of Peru, known as *la Azucena de Quito*. Born in 1618 and dying in 1645, her miracles commenced before her birth, and she began to mortify the flesh by refusing to suckle before noon-day. It was in vain that, in her humility, she prayed to be denied the favor of visions and miracles. Efforts were commenced, in 1670, to procure her canonization, but it was not until 1850 that she was beatified by Pius IX.[2]

These saintly mystics, with their direct communications from God, wielded an influence which we can scarce realize. They had become so numerous and their revelations were so unhesitatingly accepted, that Spain was enveloped in an atmosphere of mysticism, in which the divine guidance was sought, rather than the councils of human wisdom. Olivares might well fear any adverse utterances of Madre Luisa, for his downfall, in 1643, was accelerated by visions enjoyed by Don Francisco de Chiribaga, although the Jesuit Padre Galindo, who was concerned in making them known, was imprisoned by his superiors for acting without their permission.[3] When the affairs of the Spanish monarchy were at their lowest ebb at this time, it is a curious revelation of the impulses under which it was governed to find Philip IV complaining of the perplexities to which he was exposed by the visions brought to him by the frailes; this matter of revelations, he says, is one which requires much consideration, especially when he is told that God orders him to punish those who have rendered him good service, and to elevate those whose methods have not earned them a good reputation. All that is lacking to complete this picture of unreasoning superstition is found in the fact that this utterance is made to another mystic to whom he appeals for guidance and for intercession with God to send him light.[4]

María de Jesus, commonly known as Sor María de Agreda, to whom Philip thus turned for counsel, was too strongly entrenched in the royal favor to be in danger from the Inquisition yet, notwithstanding that favor, her revelations were rejected by Rome, thus furnishing another example of the difficulty of differen-

[1] Vida, pp. 6, 10, 275 (Ed. 1784).

[2] Various biographies of her have been written by Moran de Butron, Pietro del Spirito Santo, P. Gijon y Leon, P. Gius. Boero and Juan del Castillo, of some of which repeated editions have appeared.

[3] Pellicer, Avisos históricos (Semanario erúdito, XXXIII, 171).

[4] Ochoa, Epistolario español, II, 81.

tiating between sanctity and heresy. She had practised mental prayer from the time when she was able to use her reason, and she was in constant communication with God, the Virgin and the angels.[1] Her fame filled the land, and her voluminous writings, which claim to be inspired, still form part of the devotional literature of the faithful. She so captured the confidence of Philip that he made her his chief adviser; for twenty-two years, until her death in 1665, four months before his own, he maintained constant correspondence with her by every post. Her influence thus was almost unbounded, but she seems never to have abused it; her advice was usually sound, and she never sought the enrichment of the impoverished convent of Agreda, of which she was the superior.

With all the power of the Franciscan Order and of the Spanish court to sustain her claims to sanctity, the canonization of such a personage would seem almost a matter of course, and it would doubtless have been effected if she had not reduced her revelations to writing. However they might suit the appetite of Spanish piety, nourished so long on mystic extravagance, they did not appeal to the sober judgement of the rest of the Catholic world. In spite of their divine inspiration, her *Letanía y nombres misteriosos de la Reina del Cielo* and her *Mística Ciudad de Dios* were condemned in Rome, and the decree as to the latter was posted on the doors of St. Peter's, August 4, 1681. The *Mística Ciudad* was eminently popular in Spain and, at the instance of the Spanish court, its prohibition was suspended. The Inquisition took advantage of this, in 1686, to issue a decree permitting its circulation, at which the Congregation of the Index was naturally offended and, in 1692, the papal decree of condemnation appeared in the Appendix to the Index of Innocent XI, in spite of which the book was formally permitted by the Spanish Inquisition.[2] When, in 1695, a translation by Père Thomas Croset appeared in France, the Sorbonne, by decree of September 27, 1696, condemned it as containing propositions contrary to the rules of ecclesiastical modesty, and many fables and dreams from the Apocrypha, exposing Catholi-

[1] Vita Ven. Mariæ de Agreda, §§ 4, 6, 8, 13, 38.—Præfat. ad Lib. I, Vitæ B. Virginis.

[2] Archivo de Simancas, Inq. Leg. 1465, fol. 101.—Index Libb. prohib. Innoc. PP. XI, p. 167; Append. p. 41.—Reusch, Der Index, II, 253.—Mendham, Literary Policy of the Church of Rome, pp. 272–4 (London, 1830).—Phelippeaux, Relation de l'Origine etc. du Quietisme, I, 178–83 (s. l. 1732).

cism to the contempt of the heretics.[1] The Spanish court labored earnestly to obtain a renewal of the suspension and finally succeeded, so that the book was omitted from the 1716 Index of Clement XI. Then in 1729, the subject was again taken up, when, after a long debate, the book was permitted, though Dr. Eusebius Amort tells us that in Rome, in 1735, he was shown a decree of Benedict XIII renewing the prohibition and asserting that its withdrawal had been obtained fraudulently; still, the book has never since reappeared in the Index.[2] There was a similar struggle over the *Letanía*, which was still included in the 1716 Index of Clement XI and the first Index of Benedict XIV, in 1744, but has disappeared from all succeeding issues.[3] Less successful thus far has been the persistent effort to procure the canonization of Madre María, leading to a papal decree of April 27, 1773, forbidding all future proceedings in the case. Notwithstanding this, Leo XIII, on March 10, 1884, ordered the Congregation of Rites to consider in secret whether this prohibition could be removed. To suggest such a discussion is almost equivalent to prejudging it affirmatively but, before the decision was reached, chance led to the publication in the *Deutscher Merkur* of December 29, 1889, of the whole secret history of the case, which has probably put an end, at least for the present, to the prospect of enrolling in the calendar of saints one whose revelations have been so repeatedly condemned as illusory or as emanating from Satan.

While, as we shall see, the pest of *beatas revelanderas* and more or less conscious impostors continued to afflict the land, the cases recognized as Alumbrados are comparatively few during the remainder of the seventeenth century. In a Toledo record, commencing in 1648, the first one occurs in 1679, when the Franciscan Fray Francisco de Toledo was convicted. In this the offence is treated as formal heresy, requiring reconciliation, and the punishment was extremely severe. He was to receive a circular discipline

[1] D'Argentré, Collect. Judic. de novis Erroribus, III, I, 156.

[2] Analecta Franciscana, I, 92.—Reusch, Der Index, II, 256.—Amort de Revelationibus, P. II, p. 226.

[3] Index Clementis PP. XI, p. 292.—Index Bened. PP. XIV, 1744, p. 313. It is significant of the resultant dubious position of the books that Caetano Marcecalea, in his *Enchiridium mysticum* (Veronæ, 1766), while giving two lists of mystic works, one permitted and the other prohibited, wholly omits the writings of María de Agreda.

in his convent; he was to be confined in a cell for two years and for two years more was to be recluded, during which time he was to be occupied in works of humility. In addition, he was perpetually suspended from orders, deprived of active and passive voice, and reduced to lay communion. It is possibly to this, or to some movement in which Fray Francisco bore a part, that Miguel Molinos refers, in a letter of February 16, 1680, to the Jesuit General Oliva, saying that when, in 1679, Satan sought to revive the sect of Illuminists in Spain, and they had applied to him, he had given an opinion so contrary to their follies that it frightened them and stopped the attempt.[1]

While Spain had thus been combatting Mysticism, Rome had remained comparatively indifferent, for in Italy it had not developed into a popular mania to be suppressed irrespective of the immoral extravagances to which it sometimes led. In the Edict of the Inquisition requiring denunciation of all offences subject to its jurisdiction, there is no mention of Mysticism or Illuminism.[2] The elaborate folios of the writers on the Holy Office—Carena, Del Bene, Lupo, Dandino—are silent as to its eccentricities. Yet these were by no means unknown to the Roman Holy Office, which took cognizance of them when brought to its notice. Occasionally some book too extravagant in its teachings was put upon the Index.[3] Cardinal Scaglia († 1639), a member of the Congregation of the Inquisition, in his little manual of practice, which was circulated only in MS., when treating of the troubles customary in nunneries, says that through giddiness of brain, or vain-glory, or illusion, nuns often claim to have celestial visions and revelations and intercourse with God and the saints when, if the confessor is imprudently given to spirituality, he reduces their utterances to writing and, if he is learned, he defends them, very often with propositions punishable by the Inquisition. Sometimes, he adds, sensuality is involved, leading to the assertion that carnal acts are not sinful but meritorious, when, if the confessor desires to take advantage of this, he seeks with revelations and false doctrines to prove that they are lawful. Cases of this kind

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Biblioteca Casanatense, MS. X. v, 27, fol. 235.

[2] Bordoni Sacrum Tribunal Judicum, p. 508 (Romæ, 1648).—Ign. Lupi Bergomens. Nova Lux in Edictum S. Inquisit. (Bergomi, 1648).

[3] Reusch, Der Index, II, 610–11.

have occurred in the Holy Office, when priests who so justify themselves become liable to the penalties of heresy. Such cases also occur between women assuming to be spiritual and their confessors, who so teach them, even without revelations and visions, leading their spiritual daughters to believe these to be works of merit and mortification.[1]

Bernino tells us that, early in the seventeenth century, Illuminism was widely diffused throughout Italy, where abjurations enforced by the Inquisition were frequent, but this is probably the exaggeration so frequent with heresiologists.[2] A well-marked case, however, startled Florence in 1640, when the Canon Pandolfo Ricasoli, a highly respected member of the noble house of the Barons of Trappola and a man of wide learning and handsome fortune, was arrested with his chief accomplice Faustina Mainardi, her brother Girolamo, and the Maestro Serafino de' Servi, Dottor Carlo Scalandrini, the priest Giacomo Fantoni, Andrea Biliotti, Francesco Borgeschi and two others, Mozzetti and Cocchi. Some nuns of Santa Anna sul Prato were also implicated, but if they were prosecuted no knowledge of it was allowed to reach the public. They seem to have formed a coterie of Illuminists to whom Ricasoli taught that all manner of indecent acts conduced to purity, if performed with the mind fixed on God; they claimed special relations with heaven and were free from sin in whatever they did for the greater glory of God. This continued for eight years; rumors spread abroad and were conveyed to the Inquisition, when Ricasoli came forward and denounced himself with expressions of contrition. A public *atto di fede* was held, November 28, 1641, in the great refectory of the convent of Santa Croce, attended by the Grand Duke, the Cardinal de' Medici, the nuncio and other notabilities. One of the culprits, Serafino de' Servi, had died in prison and appeared in effigy, the rest abjured *de vehementi*. Ricasoli, Faustina and Fantoni were condemned to perpetual irremissible prison, others to prison with the privilege of asking for pardon, while two, Cocchi and Borgeschi, had a private atto di fede and were confined in the Stinche prison at the pleasure of the Inquisition. Ricasoli, as he was led away, declared that he had acted foolishly and ignorantly, and he asked

[1] Scaglia, Prattica per le cause del Sant' Officio, cap. 25 (MS. *penes me*). There are copies in the Bibliothèque nationale, fonds italien, 139; in the Royal Library of Munich, Cod. Ital. 598, and in the Municipal Library of Piacenza.

[2] Bernino, Historia di tutte l'Heresie, IV, 712 (Venezia, 1717.)

pardon of the people for the scandal which he had caused; he lingered in his prison until July 1657, when he died at the age of 78, protesting to the end that he had erred through ignorance and not through lust; there was some question as to his interment, but finally he received Christian burial. The inquisitor, Fra Giovanni Muzzarelli, was sternly rebuked for misplaced mercy by the Roman Congregation and was speedily replaced by one of severer temper.[1]

Impostors likewise were not unknown, as appears in the career of Francesco Giuseppe Borri, a brilliant but dissolute scion of a noble Milanese house. A misadventure in Rome forced him to take asylum in a church where, in recognition of the mercy of God, he changed his life. He soon had visions and revelations, from which he constructed a new theology, showing an intimate acquaintance with the mysteries of the Trinity and of the universe. That St. Anne was conceived by the operation of the Spirit and the Virgin consequently was Deity, was one of the twenty errors set forth in his sentence. Moreover he had been selected to found the Kingdom of the Highest, in which all mankind would be brought under papal rule, and the world would live in peace for a thousand years; the philosopher's stone, of which he had the secret, would furnish the means of raising the papal armies, in the leadership of which he would be guided by St. Michael. Rome soon became dangerous for the new prophet and, in 1655, he transferred his propaganda to Milan, where he founded a secret mystical Order, the members of which were trained in meditation and mental prayer, pledged themselves to shed their blood in the execution of the work and, what was more to the purpose, contributed all their property to the common fund. The Milanese inquisitor got wind of the new sect and arrested some of the members; Borri thought of raising a tumult but decided in favor of the safer alternative of flight. His case was transferred to the Roman Congregation, which cited him, March 20, 1659, to appear within ninety days and then tried him *in absentia*, with the result that his effigy, with all his impious writings, was burnt on January 3, 1661. His dupes were duly prosecuted, but seem not to have been severely punished.

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[1] Royal Library of Munich, Cod. Ital. 185, pp. 1–7.—Library of the Seminario della Curia arcivescovile di Firenze, Chiese, Spogli, Vol. I, pp. 407 sqq.—[Modesto Rastrelli] Fatti attinenti all' Inquisizione, pp. 173–77 (Venezia, 1782).—Cf. Cantù, Eretici d' Italia, III, 336.

Meanwhile he was starting on a fresh career in Northern Europe, as a man possessed of all the secrets of alchemy and medicine, with a success that even Cagliostro might have envied. Strassburg and Amsterdam had reason to repent of his seductive arts. In Hamburg, Christina of Sweden furnished him with means to prosecute the work of the Grand Arcanum. Frederic III of Denmark lavished large sums on him and even made him chief political adviser, which aroused the hatred of the heir-apparent, Christian V, on whose accession, in 1670, he was obliged to save his life by flight. He sought to find refuge in Turkey, but in Moravia, when within a day's journey of the frontier, he was arrested by mistake, on suspicion of complicity in a conspiracy in Vienna. There the papal nuncio recognized and claimed him, but Leopold I, whose favor he had speedily acquired by his chemical marvels, surrendered him only on condition that his life should be spared. Before the Inquisition he confessed his errors and attributed them to diabolical inspiration, and his sentence, September 25, 1672, was merely to perpetual prison and certain spiritual penances. Even here his good luck befriended him, for Cardinal d'Estrées, the influential ambassador of Louis XIV, in dangerous illness, asked to consult him and, on recovery, procured his transfer to easier confinement in the castle of St. Angelo, where he was allowed special privileges and sometimes to go out and visit the sick. There he remained until his death, August 20, 1695—just a century before Cagliostro came to the same end.[1]

Although the Roman Inquisition issued no general denunciations, there was a surveillance kept over the votaries of mental prayer and contemplation, in view of the extravagances to which they might be led when, abandoning themselves wholly to God, they felt themselves irresponsible for what God might cause them to do, in the rapture of Quietism. There was a little community of this kind formed in Genoa, where they were known as *Sequere me*, from the phrase used when addressing those whom they elected to join them. Under the lead of a Trinitarian friar, they bought a house in the suburbs, where they lived in the utmost austerity, devoting themselves to contemplation. Thus came visions and revelations that the Church was to be reformed through them by

[1] Biblioteca del R. Archivio di Stato in Roma, Miscellanea MS., pp. 577–630.—Royal Library of Munich, Cod. Itat. 185, pp. 13–26.—L'Ambasciata di Romolo a'Romani, p. 689 (Colon. 1676).—Collect. Decret. S. Congr. S. Officii, p. 7 (MS. *penes me*).—Cantù, *op. cit.*, III, 330.

a new pope, of whom they were to be the apostles. One of them communicated this to a vicar of the Inquisition who promptly reported to the tribunal. They were all summoned before it; some went into ecstasies and, as a body, they threatened the inquisitor with the vengeance of God and were thrown into prison. The Congregation of the Inquisition ordered their prosecution, which resulted in their being adjudged to be crazy rather than evil-minded. The friar was deprived of active and passive voice in his Order and the rest were dismissed with threats of the galleys if they reassembled and continued to wear the habit which they had adopted.[1]

More persistent was the sect known as the Pelagini which, about 1650, developed itself in the Valcamonica and spread throughout Lombardy. Giacomo Filippo di Santa Pelagia was a layman of Milan, highly esteemed for conspicuous piety. From Marco Morosini, Bishop of Brescia (1645-1654) he obtained permission to found conventicles or oratories in the Valcamonica, but it shows that mental prayer was regarded as a dangerous exercise when Morosini imposed the condition that it should not be practised in these little assemblies. The prohibition was disregarded and the devotees largely gave themselves up to contemplation, with the result that they had trances and revelations; they threw off subjection to their priests and were accused of claiming that mental prayer was essential to salvation, that none but Pelagini could be saved, that those who practised it became impeccable, that laymen could preach and hear confessions, that indulgences were worthless and that God through them would reform the world. In 1654, Cardinal Pietro Ottoboni (afterwards Alexander VIII) obtained the see of Brescia and by accident discovered some colporteurs distributing the Catechism of Calvin, along with the tracts of the Pelagini. In March, 1656, he sent to the Valcamonica three commissioners with verbal instructions and armed with full powers, who temporarily suppressed the oratories and made a number of arrests, but the Inquisition intervened, taking the affair out of his hands and prosecuting the leaders.[2]

We hear nothing more of Filippo, except that he never was condemned. He probably died early in the history of the sect

[1] MSS. of Ambrosian Library of Milan, H, S, VI, 29, fol. 140.

[2] Bernino, Historia di tutte l'Heresie, IV, 722–6.—MSS. of Ambrosian Library, H, S, VI, 29, fol. 14. This latter is a considerable body of documents from which are derived the facts that follow.

and his memory was cherished as that of a saint with thaumaturgic power. In 1686, the Archpriest of Morbegno, in the Valtelline, was found to be distributing relics of him and collecting materials for his life and miracles, all of which he was obliged to abandon, after obeying a summons from Calchi, the Inquisitor of Como. There were also inquiries made of the Provost of Talamona as to his motives in keeping a picture of Filippo and whether it was prayed to.[1]

After Filippo's disappearance we hear of Francesco Catanei and of the Archpriest Marc Antonio Ricaldini as leaders of the sect, but Agostino Ricaldini, a brother of the latter and a married layman, was really the centre around which it gathered. In Ottoboni's prosecution, he was imprisoned in 1656 and thrice tortured, and, on September 19, 1660, he was sentenced by the Brescia tribunal to exile from the Valcamonica and was relegated to Treviso. Persisting in his errors, he was again tried in Treviso, obliged to abjure *de vehementi* and sentenced to perpetual prison, while a book which he had written was publicly burnt. How long his imprisonment lasted does not appear but, in 1680, we find him living in Treviso, under surveillance of the episcopal vicar-general.[2]

If Ottoboni and the Inquisition fancied that they had crushed the sect, they were mistaken. It maintained a secret existence for over twenty years, which enabled it to spread far beyond its original seat and, about 1680, it had associations and oratories for mental prayer established in Brescia, Verona, Vicenza, Treviso, Padua, Pesaro, Lucca and doubtless many other places, while its votaries expected it to spread through the world. Ricaldini, at Treviso, was busy in corresponding with the heads of the associations and receiving their visits. In Brescia, Bartolommeo Bona, priest of S. Rocco, presided over an oratory of sixty members and was even said to have six hundred souls under his direction. They were called Pellegrini di S. Rocco, they practised mental prayer assiduously and had even procured an episcopal licence for the association. In Verona, Giovanni Battista Bonioli guided a membership of thirty disciples, many of them persons of high consideration. For the most part the devotees seem to have been quiet and pious folk, humbly seeking salvation by the interior way,

[1] Ambrosian MSS. *ubi sup.* fol. 111, 113, 117, 119, 121, 135, 137, 138.

[2] Ibidem, fol. 58, 61, 66, 80, 83, 86.

but there were some who were given to extravagance. Margarita Rossi had visions and revelations, strangely repeating portions of the fantastic theology of Borri, and when written out by a believer, Don Giovanni Antonio, it was not difficult to extract from them a hundred and thirty-four errors, concerning which she was tortured as to intention as well as *in caput alienum*. Two others, Cosimo Dolci and Francesco Nigra had visions and prophetic insight, for which the latter was sentenced, in 1684, to five years' incarceration.[1]

The sect could not continue spreading indefinitely without discovery. In 1682 the Inquisition suddenly awoke to the necessity of action and it repeated an edict which it had issued in 1656, forbidding all oratories and assemblages for mental prayer. Ricaldini felt his position critical, for he had abjured *de vehementi* and was liable to the stake for relapse. He disappeared from Treviso and all that the Inquisition could learn was that he was somewhere on the Swiss border. At length, in 1684, his retreat was found to be Chiuro, in the Valtelline, and Antonio Ceccotti, Inquisitor of Brescia, made fruitless attempts to induce the authorities of the Valtelline and the Podestà of Brescia to unite in procuring his extradition, but in March, 1685, Ceccotti had the mortification to learn that he had died on the previous October 6th, having received all the sacraments and with the repute of a most pious Christian.[2]

The prominent Pelagini were duly prosecuted, but there seems to have been little vindictiveness aroused in regard to them and little heresy attributable to them. The punishments inflicted were light, for we hear, in 1685, of Bona, one of the leaders, having returned to his district and living in retirement, and of Belleri, another, being in the Valcamonica, where the bishop had appointed him missionary for the whole district. Evidently the disciples must have escaped with a warning. What the ecclesiastical authorities objected to was not Mysticism and its long-accepted practices, but organization, more or less secret, under leaders outside of the hierarchy and free from its supervision, when heated brains, under divine inspiration, indulged in dreams of regenerating the Church. It was not until the case of Molinos had called attention to other dangers that there came from Rome

[1] Ambrosian MSS. *ubi sup.*, fol. 18, 22, 24, 34, 38, 39, 40, 41, 42, 43, 44, 45, 49, 50, 51, 53, 54, 61, 81, 91.

[2] Ibidem, fol. 44, 54, 66, 81.

strict orders for the suppression of all oratories and of the practice of mental prayer—that rapture of meditation which had been the distinguishing habit of mystics through the ages.[1]

Miguel de Molinos was a Spaniard, born probably about 1630 at Muniesa (Teruel). After obtaining at Coimbra the degree of doctor of theology, he came to Rome in 1665, in connection with a canonization—probably of San Pedro Arbués, who was beatified in 1668. There he speedily acquired distinction as a confessor and spiritual director. Innocent XI prized him so highly as to give him apartments in the papal palace; the noblest women placed themselves under his care; his reputation spread throughout Italy and his correspondence became enormous. On the day of his arrest it is said that the postage on the letters delivered that day at his house amounted to twenty-three ducats; he made a small charge to cover expenses and, in the sequestration of his property, there were found four thousand gold crowns derived from this source. The letters seized were reported variously as numbering twelve or twenty thousand, of which two hundred were from Christina of Sweden and two thousand from the Princess Borghese. The mysticism which proved so attractive, when set forth by his winning personality, had in it—ostensibly at least—nothing that had not long since received the approbation of the Church in the writings of the great Spanish mystics and of St. François de Sales. It is true that Molinos dropped the machinery of ecstasies and visions, which loom so largely in the writings of Santa Teresa, and confined his way of perfection to the Brahmanical ideal of the annihilation of sense and intellect, the mystic silence or death, in which speech and thought and desire are no more and in which God speaks with the soul and teaches it the highest wisdom.[2] This spiritualized hypnotism was in no way original with Molinos, but was the goal which all the mystic saints sought to attain. To reach it he tells

[1] Ambrosian MSS. *ubi sup.*, fol. 65, 82, 113, 117, 119.

[2] Guida spirituale, Lib. I, n. 128.—"Non parlando, non pensando, non desiderando, si giunge al perfetto silenzio mistico, nel quale Iddio parla con l'anima e a lei si communica e le insegna nel più intimo fondo la più perfetta e alta sapienza."

Cf. Osuna, Abecedario spiritual, P. III, Trat. xxi, Cap. 3, fol. 203.—Santa Teresa, Libro de las Revelaciones.—San Juan de la Cruz, Subida del Monte Carmelo, II, vii.

us the soul must abandon itself wholly to God; it must make no resistance to the thoughts or impulses which God might send or allow Satan to send; if assailed by intruding or sensual thoughts, they should not be opposed but be quietly contemned and the resultant suffering be offered as a sacrifice to God.[1] This was the Quietism—the Spanish *Dejamiento*—which was subsequently condemned so severely; there is no question that it had its dangers if the senses were allowed to control the spirit, and the adversaries of Molinos made the most of it, but he taught that the soul must overcome temptation through patience and resignation. When souls have acquired control of themselves, he says, if a temptation attacks them they soon overcome it; passions cannot hold out against the divine strength which fills them, even if the violence is continued and is supported by suggestions of the enemy; the soul gains the victory and enjoys the infinite resultant benefit.[2]

All this Molinos was allowed to teach for years in the Holy City with general applause, though it had been persecuted in the Pelagini. In 1675, at the height of his popularity, he embodied his doctrine in the *Guida spirituale*, a little volume which came forth with the emphatic approbation of five distinguished theologians—four of them consultors or censors of the Inquisition and all of them men of high standing in their respective Orders of Franciscans, Trinitarians, Jesuits, Carmelites and Capuchins. The book had an immediate and wide circulation and was translated into many languages. Even in Spain there was a Madrid edition in 1676, one at Saragossa in 1677 and another at Seville as late as 1685, without exciting animadversion. Yet such a career as that of Molinos could not continue indefinitely without exciting hostility, none the less dangerous because prudently concealed. His immense success was provocative of envy and, if mystic contemplation was largely adopted as the surest path to salvation, what was to be the result on the infinite variety of exterior works to which the Church owed so much of its power and wealth? It was found that in many nunneries in Rome, whose confessors had adopted his views, the inmates had cast aside their rosaries and chaplets and depended wholly on contemplation. It was observed that at mass the mystic devotees did not raise their eyes at the elevation of the Host or gaze on the holy images, but pursued uninterruptedly their mental prayer. Molinos gave further occa-

[1] Guida, Lib. I, n. 68–70.

[2] Guida, Lib. III, n. 3, 40.

sion for criticism by a tract on daily communion, in which he asserted that a soul, secure that it was not in mortal sin, could safely partake of the sacrament without previous confession—a doctrine which, however, theologically defensible, threatened, if extensively practised, largely to diminish the authority of the priesthood, while encouraging the sinner to settle his account directly with God.

To attack as a heretic a man so universally respected and so firmly entrenched as Molinos might well seem desperate, and it is not surprising that the credit for the work was attributed to the Jesuits, as the only body daring and powerful enough. The current story is that, having resolved upon it, they procured Père La Chaise to induce Louis XIV to order his ambassador, Cardinal d'Estrées to labor unceasingly for the removal of the scandal caused by the teaching of Molinos. Whether this was so is doubtful, but it is certain that the first attack came from the Jesuits, and that d'Estrées, who had professed the warmest admiration for Molinos, became his unrelenting persecutor. The campaign was opened in 1678, when Gottardo Bell' Uomo, S. J., issued at Modena a work on the comparative value of ordinary and mystic prayer, which was duly denounced to the Inquisition. Molinos had been made to recognize in various ways the coming storm, and he sought to conjure it in a fashion which revealed his conscious weakness. February 16, 1680, he addressed to the Jesuit General Oliva a long exculpatory letter. He had not attacked the Society but had always held it in the highest honor, and when, in Valencia, the University had forbidden the Jesuit College to teach theology, he was the only one who had disobeyed the order and had come to its aid. He had never decried the Spiritual Exercises of Loyola, but had recognized the vast good accomplished by them, though he held that, for those suited to it, contemplation was better than meditation. He had for some years been persecuted and stigmatized as a heretic, in writing and preaching, by the most distinguished members of the Society, but he rejoiced in this and only prayed God for those who reviled him nor, in his defence of the *Guida*, had he sought aught but the glory of God and, so far from defending the Begghards and Illuminati, he had always condemned them. Evidently the work of the Jesuits in discrediting him had been active and better organized than the records show, and he thought it wiser to disarm, if possible, rather than to struggle with adversaries so powerful. Oliva's

answer of February 28th was by no means reassuring. He complimented Molinos on his Christian spirit in returning good for evil and on the flattering terms bestowed on the Society and its founder. He had never read the books of Molinos and could not speak of them with knowledge but, if they corresponded with his letter, his disciples were doing him great wrong in applying his system of contemplation, of which only the rarest souls were capable, indiscriminately to nuns and worldly young women. Finally, he could not understand why so distinguished a member of the Society as Padre Bell' Uomo should have been brought before the Congregation of the Index, and he gave infinite thanks to God for defending him before it.

Promptly on the next day, February 29th, Molinos replied to this discouraging epistle. At much length he disculpated himself for writings and sayings falsely attributed to him. He held meditation in the highest esteem as an exercise suited to all; the loftiest form of contemplation was a gift of God bestowed on the rare souls fitted for it. He again spoke of the persecution to which he was exposed and, as for Padre Bell' Uomo, whom he did not know, if his doctrine was as sound as represented by Oliva, God would enlighten his ministers to recognize it. Oliva's rejoinder to this, on March 2d, would appear to be written in a style of studied obscurity, saying much and meaning little, but one passage reveals a source of Jesuit enmity, in alluding to the number of convents which had passed out of the direction of the Society to practise the new method.[1]

The effort of Molinos to propitiate his enemies had only encouraged them by its confession of weakness. Their next step was a dextrous one. Padre Paolo Segneri was not only the most popular Jesuit preacher in Italy, but his favor with Innocent XI was almost as great as that of Molinos. He was selected as the next athlete and, in 1680, he issued a little volume—"Concordia tra la fatica e la quiete nell' oratione," in which he argued that the highest life is that which combines activity with contemplation. He was promptly answered by Pietro Matteo Petrucci, an ardent admirer of Molinos, who was rewarded by Innocent with the see of Jesi. Segneri rejoined in a "Lettera di riposta al Sig. Ignacio Bartalini" and the controversy was fairly joined. A more aggressive antagonist was the Minorite Padre Alessandro Reggio whose

[1] Biblioteca Casanatense, MS. X, v, 27, fol. 231 sqq.

"Clavis Aurea qua aperiuntur errores Michaelis de Molinos" appeared in 1682 and boldly argued that the *Guida* revived the condemned errors of the Begghards, that Quietism destroyed all conceptions of the Trinity, while the practice of prayer without works was destructive of all the pious observances prescribed by the Church, and the teaching that temptation should be endured without resistance was dangerous and contrary to Scripture and to the doctors. Petrucci responded vigorously, while Molinos remained silent. He had, at least, the advantage of official support, for Bell' Uomo's book was forbidden *donec corrigatur;* Segneri's "Lettera" and the "Clavis Aurea" were condemned unconditionally, and Segneri's "Concordia," while it escaped the Index, was quietly forbidden and he was instructed to revise it.[1]

The Jesuits, however, were not the only body interested in the downfall of Molinos. There is a curious anonymous tract devoted to explaining what it calls the secret policy of the Quietists, assuming their main object to be the destruction of all the religious Orders and especially of the Dominicans and Franciscans. Apparently taking advantage of the development of the Pelagini about this time, it asserts that the Quietists had organized conventicles and oratories throughout Italy; that they had a common treasury in which 14,000 ducats were found; that they flattered the secular clergy and sought to unite them in opposition to the regulars, whom they systematically decried, raking together all the stories of their corruption and ignorance. In short, Quietism was a deep-laid conspiracy, through which Molinos expected to revolutionize the Church and reduce the religious Orders to impotence.[2] The only importance of the tract is as a manifestation of the attitude of the regulars towards Molinos and the hostility aroused by his success in winning from them, for his disciples, the directorship of souls which was their special province.

The enormous influence of the elements thus combining for his destruction left little doubt of the result. The first open attack was made in June, 1682, when Cardinal Caraccioli, Archbishop of Naples, a pupil of the Jesuits, reported to the pope that he found his diocese deeply infected with this new Quietism, subver-

[1] Reusch, Der Index, II, 612–14. Of these controversial works I have been able to examine only Segneri's *Lettera* and the *Clavis Aurea*. The chief impression made by these polemics is the elusiveness of these mystic dreams when an attempt is made at rigid definition and differentiation.

[2] Biblioteca Casanatense, MS. X, IV, 39, fol. 19 sqq.

sive of the received prescriptions of the Church, and he asked instructions for its suppression, nor was he alone in this for similar appeals came from other Italian bishops. Molinos was too firmly established in the papal favor for this to dislodge him, but the hostile forces gradually gathered strength and, in November, 1684, the Congregation of the Inquisition formally assumed consideration of the matter. At its head was Cardinal Ottoboni, a fanatic whose experience with the Pelagini, when Bishop of Brescia, had sharpened his hatred of mysticism. The spirit in which he conducted the inquest is revealed in a memorandum in his handwriting of the points to be elaborated in the next day's meeting of the Congregation—that this heresy is the worst of all and if left alone will become inextinguishable; that it is spreading in Spain through the Archbishop of Seville and in France with many books of the most dangerous nature; that it destroys the Catholic faith and all the religious Orders; that in Jesi the canons and the cura of the cathedral keep a school for its propagation; that a rich and powerful citizen of Jesi threatens the witnesses and that a vigorous commissioner must be sent there; that the monasteries of Faenza and Ravenna are infected and one in Ferrara has a Quietist confessor; that this pestilence calls for fire and steel.[1] In a court presided over by so bitter a prosecutor, the judgement was foreordained.

For awhile the contending forces seem to have been equally balanced and eight months were spent in gathering testimony sufficient to justify arrest. At last, on July 3, 1685, at a meeting of the Congregation, Cardinal d'Estrées insisted that no one should leave the chamber until the arrest was ordered and executed. This was agreed to; the sbirri were despatched and Molinos was lodged in the prison of the Inquisition.[2] Yet when, on November 9th the Spanish Holy Office condemned the *Guia espirituale* as containing propositions savoring of heresy and Illuminism, the Congregation addressed to the pope a vigorous protest against its action on a matter which was still under consideration at headquarters.[3]

The influence of Queen Christina, we are told, was exerted to

[1] Bernino, *op. cit.*, IV, 726.

[2] Biblioteca Casanatense, MSS. X, VII, 46, fol. 289 sqq. This is an account of the affair by one evidently in position to have accurate knowledge of details.

[3] Archivo histórico nacional, Inq. de Valencia, Legajo 1, n. 4, fol. 164.—Archivo de Simancas, Inq., Legajo 1465, fol. 101.

procure for Molinos better treatment than was usual with prisoners. Of the details of the trial we know little or nothing, but, as torture was habitual in the Roman Inquisition, it is not probable that he was spared. As his books had not been condemned, the evidence employed was drawn exclusively from the immense mass of his correspondence and MSS. which had been seized, the depositions of witnesses and his own confessions, so that we are unable to judge how far it justified the conclusions set forth in the sentence, though, from the manner in which that discriminates between what he admitted and what he denied, it is but fair to assume that it represents correctly the evidence before the tribunal. The trial was necessarily prolonged. In his defence interrogatories were forwarded to Saragossa and Valencia, in 1687, where his witnesses were duly examined.[1] Two hundred and sixty-three erroneous propositions were extracted by the censors from the mass of matter before them, to which he of course was required to answer in detail, and these seem to have been condensed into nineteen for the consideration of the Congregation.[2]

Petrucci was threatened and his elevation to the cardinalate,

[1] Archivo hist. nacional, Inq. de Valencia, Legajo 12, n. 1, fol. 106.

[2] Trois lettres touchant l'Etat present d'Italie, pp. 90–120 (Cologne, 1688) These nineteen errors are here printed with their confutations, but without indication of date or of the authority under which they were prepared. They are also contained, with a different series of confutations, in the mass of papers concerning the Pelagini, in the Ambrosian Library, H, S., VI, 29, fol. 28.

This also contains (fol. 30) a series of instructions for detecting the Quietist heresy, consisting of a list of forty-three errors. Some of these set forth so concisely the leading tenets ascribed, with tolerable accuracy, to the Quietists, that they are worth presenting here.

21. They seek to annihilate the memory, the intellect and the will; to remember nothing, to understand nothing, to desire nothing, and they say that when they have thus emptied themselves they are refilled by God.

22. They say that God operates in their souls without coöperation; that their spirit is identified with God, so that they are purely passive, surrendering their freewill to God who takes possession of it.

23. Thus such souls are preserved from even venial sins of advertence and, if they commit some inadvertently they are not imputed.

24. Also some proceed to claim impeccability, because they cannot sin when God operates in them without their participation.

25. If these souls commit sinful acts, they say it is through the violence of the demon, with the permission of God, for their torment and purgation.

28. Examination of conscience to ascertain if there has been consent to such acts is not expedient, for it distracts introversion and disturbs the quiet of the soul.

September 2, 1686, was ascribed to the desire of Innocent to save him from prosecution. Shortly afterwards, two of the principal assistants of Molinos, the brothers Leoni of Como, of whom Simone was a priest and Antonio Maria was a tailor, were arrested. Then, on February 9, 1687, followed the arrest of the Count and Countess Vespiniani, of Paolo Rocchi, confessor of the Princess Borghese, and of seventy others, causing general consternation, not diminished by the subsequent imprisonment of some two hundred more. The Congregation was doing its work thoroughly and it was even said that, on February 13th, it appointed a commission which examined the pope himself. A revolution in the traditional standards of orthodoxy could not be effected without compromising multitudes, and the victors were determined that their victory should be complete. On February 15th, Cardinal Cibò, the secretary of the Congregation, addressed to all the bishops of Italy a circular stating that in many places there existed or were forming associations called spiritual conferences, under ignorant directors, who, with maxims of exquisite perfection, misled them into most pernicious errors, resulting in manifest heresy and abominable immorality. The bishops were therefore ordered to investigate and, if such assemblies were found, to abolish them forthwith, taking moreover especial care that this pestilence was not allowed to infect the monasteries.

There could be but one end to the trial. Every possible accusation was brought against Molinos, even to a foolish self-laudatory speech made to the sbirri who arrested him, and his admiring certain anagrams made of his name. One charge, which he denied, was his giving to a certain person the soiled shirt in which he had come from Spain, saying that, after his death, it would be a great relic. He seems to have responded with candor to the various articles, denying some and admitting others. Of the articles the most important were his justifying the sacrilege of breaking images and crucifixes; depreciating religious vows and dissuading persons from entering religious Orders; saying that vows destroyed perfection; that, by the prayer of Quiet, the soul is rendered not only sinless but impeccable, for it is deprived of freedom and God operates it, wishing us sometimes to sin and offend him, and the demon moves the members to indecent acts; that the three ways of the spirit, hitherto described by the doctors, are absurd and that there is but one, the interior way; that he had formed conventicles of men and women and permitted them to perform immoral

acts and to eat flesh on fast days. He admitted excusing the breaking of images and crucifixes; he denied depreciation of solemn vows, but admitted it as respects private ones, and he had only dissuaded from entering religion those whom he knew would create scandal. He denied teaching that in Quietism the soul becomes impeccable, but only that it did not consent to the act of sin and he said that he knew many persons practising it who lived many years without committing even venial sin. He denied also that Quietism deprived the soul of freewill, but said that, in that perfect union with God, it was God who worked and not the faculties, and when he said that God sometimes wished sin, he meant material sin (as distinguished from formal), and that the demon, as God's instrument to mortify the flesh and purify the soul, causes sometimes the hand and other members to perform lascivious acts. He denied condemning the three ways of the spirit, having meant only that the interior way was so much more perfect that the others were negligible by comparison. He denied forming conventicles in which lascivious acts were permitted and he had excluded some persons who would not refrain from them. He admitted eating flesh on prohibited days, and that he had not perfectly observed a single Lent since he came to Rome, but said that this was by licence of his physician. He confessed that for many years he had practised the most indecent acts with two women, the details of which need not be repeated; he had not deemed this sinful, but a purification of the soul and that in them he enjoyed a closer union with God; these were merely acts of the senses, in which the higher faculties had no part, as they were united with God. When he was told that these were propositions heretical, bestial and scandalous, he replied that he submitted himself in all things to the Holy Office, recognizing that its lights were superior to his own.[1]

A sentence of condemnation was inevitable. It was drawn up,

[1] Bibl. Casanatense MSS., X, VII, 45, fol. 289.

I cannot but regard this as a truthful report. It accords with the briefer abstract in the final sentence, which distinguishes between the articles proved by witnesses and denied by Molinos and those which he admitted. Reusch (Der Index, II, 617–18) states that the sentence has been printed in the *Analecta Juris Pontificii*, 6, 1653, and in the Appendix to Francke's translation of the *Guida Spirituale*, published in 1687. I have a copy from the Royal Library of Munich, Cod. Ital. 185, and there is one in the Bibliothèque nationale, fonds italien, 138, which also contains the 263 articles drawn from his correspondence, with his answers.

August 20, 1687; on the 28th an inquisitorial decree was signed embodying sixty-eight propositions, drawn from the evidence and confessions, which were condemned as heretical, suspect, erroneous, scandalous, blasphemous, offensive to pious ears, subversive of Christian discipline and seditious; they were not to be taught or practised under pain of deprivation of office and benefice and perpetual disability, and of an anathema reserved to the Holy See. All the writings of Molinos, in whatever language, were forbidden to be printed, possessed or read, and all copies were, under the same penalties, to be surrendered to the inquisitors or bishops, who were to burn them.[1] This was posted in the usual places on September 3d, the day fixed for the atto di fede in which Molinos was to appear.

Under a heavy guard he was brought, on the previous evening, from the inquisitorial prison to the church of Santa Maria sopra Minerva, in which the atto was to be celebrated. In the morning, in a room next to the sacristy, he was exhibited to some curious persons of distinction, eliciting from him an expression of indignation, construed as indicating how little he felt of real repentance. This was confirmed by what followed, explicable possibly by Spanish imperturbability, but more probably by the Quietism which led him to regard himself as the passive instrument of God's will, and superbly indifferent to whatever might befall him, so long as his soul was rapt in the joys of the mystic death, which he had taught as the *summum bonum*. Called upon to order a meal, he specified one which in quantity and quality might satisfy the most voracious *gourmet* and, after partaking of it, he lay down to a refreshing siesta, until he was roused to take his place on the platform where, in spite of his manacles, his bearing was that of a judge and not of a convict.

The vast church was thronged to its farthest corner with all that was notable in Rome, including twenty-three cardinals, and the spacious piazza in front and all the neighboring streets were crowded. An indulgence of fifteen days and fifteen quarantines had been proclaimed for all in attendance, but in Rome, where plenary indulgences could be had on almost every day in the year by merely visiting churches, this could not account for the eagerness which brushed aside the Swiss guards stationed at the portals, requiring a reinforcement of troops and resulting in considerable

[1] D'Argentré, Collect. judic. de novis Erroribus, III, II, 357–62.

bloodshed. As the long sentence was read, with its details of Molinos's enormities, occupying two hours, it was interrupted with the frequent roar of Burn him! Burn him! led by an enthusiastic cardinal and echoed by the mob outside. Through all this, we are told, his effrontery never failed him, which was reckoned as an infallible sign of his persistent perversity. The sentence concluded by declaring him convicted as a dogmatizing heretic but, as he had professed himself repentant and had implored mercy and pardon, it ordered him to abjure his heresies and to be rigidly imprisoned with the sanbenito for life, without hope of release, and to perform certain spiritual exercises. This was duly executed and he lingered, it was said repentant, until his death, December 28, 1696. The day after the atto di fede his disciples performed their abjuration. There was no desire to deal harshly with them, and they were dismissed with trivial penances, except the brothers Leoni. Simone the priest, who had been a popular confessor, was sentenced to ten years' imprisonment; Antonio Maria, the tailor, who had been a travelling missionary and organizer, was incarcerated for life. There was still another victim, the secretary of Molinos, Pedro Peña, arrested May 9, 1687, for defending his master. He was fully convicted of Quietism and, on March 16, 1689, he was condemned to life-long prison.[1]

There still remained the publication to Christendom of the new position assumed by the Holy See towards Mysticism. The sixty-eight propositions, condemned in the inquisitorial decree of August 28th, were printed in the vernacular and placed on sale, but were speedily suppressed. There must still have been opposition in the Sacred College, or on the part of Innocent XI, for the bull *Cœlestis Pastor* was not drawn up and signed until November 20th, and was not finally published to the world until February 19, 1688. This recited the same series of propositions and the con-

[1] The account of the atto di fede is derived from the MS. Casanatense, X, VII, 45, and a relation printed by Laemmer, *Meletematum Romanorum Mantissa*, pp. 407 sqq., who also prints (pp. 412–22) the sentence of Pedro Peña.

The contemporary printed sources of the whole affair are *Trois Lettres touchant l'Etat present d'Italie*, Cologne, 1688; *Recueil de diverses pièces concernant le Quietisme et les Quietistes*, Amsterdam, 1688, and Bernino, *Historia di tutte l'Heresie*, IV, 711 sqq. The concise account by Reusch (*Der Index*, II, 611 sqq.) is written with his accustomed thoroughness and careful use of all accessible sources. John Bigelow's "Molinos the Quietist" (New York, 1882) is a popular narrative which rejects the charges of immorality. See also Heppe, *Geschichte der quietistischen Mystik*, pp. 110 sqq., 260 sqq. (Berlin, 1875).

demnation of Molinos and confirmed the decree of August 28th. The propositions condemned consisted, for the most part, of the untenable extravagances of Quietism, including impeccability and the sinlessness of acts committed while the soul was absorbed with God, but it was impossible to do this without condemning much that had been taught and practised by the mystic saints, and there were no saving clauses to differentiate lawful from unlawful converse of the soul with its Creator. The Church broke definitely with Mysticism, and by implication gave the faithful to understand that salvation was to be sought in the beaten track, through the prescribed observances and under the guidance of the hierarchical organization.[1]

This change of front was emphasized in various ways. Innocent's favor saved Cardinal Petrucci from formal prosecution; to the vexation of the Inquisition, his case was referred to four cardinals, Cibò, Ottoboni, Casanate and Azzolini; he professed himself ready to retract whatever the pope objected to and, though the Inquisition held an abjuration to be necessary, he was not required to make it; he was relegated to Jesi and then recalled to Rome, where he was kept under surveillance. He could not, moreover, escape the mortification of seeing the books, which had been so warmly approved, condemned by a decree of February 5, 1688. Many other works, which had long passed current as recognized aids to devotion, were similarly treated—those of Benedetto Biscia, Juan Falconi, François Malaval and of numerous others—even the *Opera della divina Gratia* of the Dominican Tommaso Menghini, himself Inquisitor-general of Ferrara and author of the *Regole del Tribunal del Santo Officio*, which long remained a standard guide in the tribunals. What had been accepted as the highest expression of religious devotion had suddenly become heresy.[2] Apparently it was not until May, 1689, that instructions were sent everywhere to demand the surrender of all books of Molinos and to report any one suspected of Molinism.[3]

Persecution received a fresh impulse when Cardinal Ottoboni, as Alexander VIII, succeeded Innocent XI, October 6, 1689. Bernino tells us that he appeared to him an angel in looks and an apostle in utterance when he declared that there was no creature

[1] Innocentii PP. XI, Bull. *Cœlestis Pastor* (Bullar. X, 212).

[2] Reusch, Der Index, II, 618.—Index Innoc. XI, Append. pp. 7, 28, 45, 47 (Romæ, 1702).

[3] MSS. of Ambrosian Library, H. S. VI, 29, fol. 67 sqq.

in the world so devoid of sense as a heretic for, as he was deprived of faith so also was he of reason. His first care was to remove from office and throw into irremissible prison every one who was in the slightest degree suspect of Molinism; in this he did not even spare his Apostolic camera, for he arrested an Apostolic Prothonotary and, although in the Congregation of the Inquisition there were four kinsmen of the prisoner, zeal for the faith preponderated over blood.[1] Fortunately his pontificate lasted for only sixteen months, so that he had but limited opportunity for the gratification of his ardent fanaticism and scandalous nepotism.

In spite of all this, there were still found those who indulged their sensual instincts under cover of exalted spirituality. In 1698 there was in Rome the case of a priest, named Pietro Paolo di San Giov. Evangelista, who had already been tried by the tribunals of Naples and Spoleto, so that his career must have been prolonged, while references to a Padre Benigno and a Padre Filippo del Rio show that he was not alone. He had ecstasies and a following of devotees; he taught that communion could be taken without preliminary confession and that, when the spirit was united with God, whatever acts the inferior part might commit were not sins. He freely confessed to practices of indescribable obscenity with his female penitents, whom he assured afterwards that they were as pure as the Blessed Virgin. He was sentenced to perpetual prison, without hope of release, and to a series of arduous spiritual penances, while Fra Benigno escaped with seven years of imprisonment.[2]

Another development of the same tendencies—probably a survival of the Pelagini—was discovered in Brescia in 1708. The sectaries called themselves disciples of St. Augustin, engaged in vindicating his opinions on predestination and grace, but they were popularly known as Beccarellisti, from two brothers, priests of the name of Beccarelli, whom they regarded as their leaders. For twenty-five years—that is, since the ostensible suppression of the Pelagini—the sect had been secretly spreading itself throughout Lombardy, where it was said to number some forty-two thousand members, including many nobles and wealthy families and ecclesiastics of position. They had a common treasury and a regular organization, headed by the elder Beccarelli as pope, with

[1] Bernino, *op. cit.*, IV, 727–8.

[2] Royal Library of Munich, Cod. Ital. 209, fol. 67 sqq.—Cf. Phelippeaux, Relation du Quietisme, II, 117, 154.

cardinals, apostles and other dignitaries. The immediate object of the movement, we are told, was to break the power of the religious Orders and to restore to the secular priesthood the functions of confession and the direction of souls which it had well-nigh lost, but there was taught the Quietist doctrine of divine grace to which the devotee surrendered all his faculties. This was allowed to operate without resistance, and Beccarelli held that Molinos was the only true teacher of Christian perfection, but we may safely reject as exaggeration the statement that carnal indulgence was regarded as earning a plenary indulgence, applicable to souls in purgatory. Cardinal Badoaro, then Bishop of Brescia, took energetic measures to stamp out this recrudescence of the condemned doctrines; the leaders scattered to Switzerland, Germany and England, while Beccarelli was tried by the Inquisition of Venice and was condemned to seven years of galley-service.[1]

Probably the latest victims who paid with their lives for their belief in the efficacy of mental prayer and mystic death were a beguine named Geltruda and a friar named Romualdo, who were burnt in a Palermitan atto di fede, April 6, 1724, as impenitent Molinists after languishing in gaol since 1699.[2]

If, in the condemnation of Molinos, Mysticism was not wholly condemned, what was lacking was supplied when the duel between the two glories of the Gallican Church—Bossuet and Fénelon—induced an appeal to the Holy See. Beyond the Alps, mystic ardor was not widely diffused in the seventeenth century, yet there were those who revelled in the agonies and bliss of the interior way. St. François de Sales, who died in 1622, was beatified in 1661 and canonized in 1665, taught Quietism as pronounced as that of Molinos, although he avoided the application to sensuality. The soul abandoned itself wholly to God; when divine love took possession of it, God deprived it of all human desires, even for spiritual consolations, exercises of piety and the perfection of virtue. He said that he had scarce a desire and, if he were to live again, he would have none; if God came to him, he would go to meet him but, if God did not come, he would remain quiescent and would not seek God. Freedom of the spirit consisted in detachment from everything to submit to the will of God, caring

[1] Laemmer, *op. cit.*, p. 427.—Heppe, Geschichte der quietistischen Mystik, p. 445.

[2] Mongitore, L'Atto pubblico di Fede celebrato à 6 Aprile, 1724 (Palermo 1724).

neither for places, or persons, or the practice of virtue.[1] It followed that the soul, absorbed in divine love, had nothing to ask of God; it rested in the quiet of contemplation, while vocal prayer and all the received observances of religion were cast aside, as fitted only for those who had not attained these mystic altitudes. Then there was Antoinette Bourignon (1616–1680) who, in her voluminous writings, taught the supremacy of the interior light, the abandonment of the faculties to the will of God, and the utter renunciation of self in the ardor of divine love.[2] There was Jean de Bernières-Louvigny (1602–1659) whose writings had an immense circulation and whose views as to mystic death were virtually the same as those of Molinos.[3] All these and others taught and wrote without interference, save from polemics, such as those of Pére Archange Ripaut, Guardian of the Capuchin convent of S. Jacques in Paris, who devoted a volume of near a thousand pages to their refutation and reprobation. If we are to believe him, these superhuman heights of spirituality were accompanied in France, as elsewhere, with sensuality.[4]

The condemnation of Molinos and the sixty-eight propositions attributed to him naturally attracted attention to the more or less quietistic developments of Mysticism, but it is probable that no action on the subject would have been taken in France had not personal motives suggested the persecution of one who chanced at the moment to be the most prominent representative of the interior way—that very curious personality, Jeanne Marie Bouvières de la Mothe Guyon, whose autobiography, written with a frank absence of reserve, affords a living picture of the self-inflicted martyrdom endured in the struggle to emancipate the soul from the ties of earth. When she reached the final stage she tells us that formerly God was in her, now she was in him, plunged in his immensity without sight or light or knowledge; she was lost in him as a wave in the ocean; her soul was as a leaf or a feather borne by the wind, abandoning itself to the operation of God in all that it did, exteriorly or interiorly. She acquired the faculty of

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[1] See the extracts from S. François de Sales collected by Fénelon, in his Fifth Letter.—Œuvres, II, 95–98 (Paris, 1838).

[2] Noack, Die christliche Mystic, II, 236 (Königsberg, 1853).

[3] Heppe, *op. cit.*, p. 88.

[4] Abomination des Abominations des fausses Devotions de ce Tems divisées, en Trois, la premiere des Illuminez; la seconde des nouveaux Adamites; la troisieme des Spirituels à la mode, p. 88 (Paris, 1632).

working miraculous cures and her power over demons was such that, if she were in hell, they would all abandon it. At times the plenitude of grace was so superabundant and so oppressive that she could only lie speechless in bed; it so swelled her that her clothes would be torn and she could find relief only by discharging the surplus on others.[1]

It is beyond our province to enter into the miserable story of her persecutions, commenced by some of her relatives and carried on by Bossuet, leading to her reclusion in convents and imprisonment in Vincennes and the Bastile. It suffices for us that her influence stimulated Fénelon's tendency to Mysticism and converted into bitter hostility the friendship between him and Bossuet. A commission, appointed to examine her doctrine and headed by Bossuet, drew up, in 1694, a list of thirty-four errors of Mysticism, which Fénelon willingly signed and which Bossuet and Noailles, then Bishop of Châlons-sur-Marne, issued with instructions for their dioceses, including condemnations of the *Guide* of Molinos, the *Pratique facile* of Malaval, the *Règle des Associés de l'Enfant Jésus*, the *Analise* of Lacombe and Madame Guyon's *Moyen court* and *Cantique des Cantiques*. By this time Madame Guyon had been put out of the way, and the matter might have been allowed to rest under the comprehensive definitions of the bull *Cœlestis pastor*, but Bossuet's combative spirit had been aroused and he was determined to crush out all vestiges of Mysticism, heedless of what the Church had accepted for centuries. He drew up an Instruction on the various kinds of prayer, in which he pointed out, in vigorous terms, the dangers attendant on contemplation. Noailles, now Archbishop of Paris, signed it with him, and they invited Fénelon to join but he refused, in spite of entreaties and remonstrances, for it attributed to Madame Guyon all that was most objectionable in Illuminism.

The breach between the friends had commenced and it widened irrevocably when Fénelon, in justification of himself, published, in February 1697, his *Explication des Maximes des Saints sur la Vie intérieure*, with a letter to Madame de Maintenon animadverting sharply on Bossuet's injustice. The book was based chiefly on the utterances of St. François de Sales, but it carefully guarded

[1] Bossuet, who read her autobiography in MS. tells us of this tympanitic condition and the splitting of her garments (De Quietismo, *ap.* Laemmer, *op. cit.*, p. 423). In the printed life, this special feature is omitted, but the passage has every appearance of curtailment (II, 33, cf. 234; III, 9).

the practice of Quietism from all objectionable deductions. There was no self-abandonment to temptations and no claim of impeccability; souls of the highest altitude could commit mortal sin; they were bound daily to ask God for forgiveness, to detest their sins and seek remission, not for the mercenary motive of their own salvation but in obedience to the wishes of God. It is true that they were not tied down to formal observances, but vocal prayer was not to be decried,—though its value depended upon its being animated by internal prayer. The indifference, which was the point most objected to in Quietism, was greatly limited by Fénelon. The senseless determination to wish for nothing was an impious resistance to the known will of God, and to all the impulses of his grace; it is true that the advanced soul wishes nothing for itself but it wishes everything for God; it does not wish perfection or happiness for itself, but it wishes all perfection and happiness, so far as it pleases God to make us wish for these things, by the impulsion of his grace. In this highest state the soul does not wish salvation in its own interest, but wishes it for the glory and good pleasure of God, as a thing which he wishes and wishes us to wish for his sake.

It is difficult to see what objection could be raised to a Quietism thus strictly limited and guarded, and no one who compares the *Maximes des Saints* with the extravagance of the great mystic saints can fail to recognize that the violent quarrel which arose was a purely personal matter. In this Fénelon defended himself with dignity and moderation, while the violence of Bossuet's attack sometimes bordered on truculence. He was secure in the support of the court. Louis XIV had been won over, and it soon became to him a matter of personal pride to overcome all resistance to his will. Fénelon was banished to his diocese of Cambrai and deprived of his position of preceptor to the royal children, showing that he was in complete disgrace and warning all time-servers to abandon him.

It was soon evident that the matter would have to be settled in Rome. Bossuet sent an advance copy of his Instruction to Innocent XII, pointing out that he was applying in France the principles affirmed in the condemnation of Molinos. Fénelon followed his example and, on April 27th, sent the *Maximes*, stating that he submitted it to the judgement of the Holy See. The curia gladly accepted the task, rejoiced at the opportunity of intervening authoritatively in a quarrel within the Gallican Church. Fénelon

was refused permission to go to Rome and defend himself, but he had a powerful protector in the person of the Cardinal de Bouillon, then French ambassador and a member of the Congregation of the Inquisition, who loyally stood by him even at the expense of a rebuke from his royal master. He also secured the support of the Jesuits, whose Collége de Clermont had approved of the *Maximes*, and who promised to manifest as much energy in his defence as they had shown in procuring the condemnation of Cornelis Jansen. These weighty influences might secure delay and discussion, but they could not control the result against the overmastering pressure of such a monarch as Louis XIV who, on July 27, 1697, wrote to the pope that he had had the *Maximes* examined and that it was pronounced "très mauvais et très dangéreux," wherefore he asked to have judgement pronounced on it without delay. Then, on May 16, 1698, the nuncio at Paris reported that the king complained of the delay; it was in contempt of his person and crown, and if Rome did not act promptly he would take such measures as he saw fit. Threats such as this were not to be lightly disregarded, and still more ominous was an autograph letter to the pope, December 23d, expressing his displeasure at the prolongation of the case and urging its speedy conclusion.

To Bossuet's representative and grand-vicar, the Abbé Phelippeaux, we owe a minute report of the long contest, which affords an interesting inside view of the conduct of such affairs, showing how little regard was paid to the principles involved and how completely the result depended on intrigue and influence. The case passed through its regular stages. A commission of seven consultors had been found, to whom, after a struggle, three were added. These disputed at much length over thirty-seven propositions extracted from the book and, when at length they made their report to the Congregation of the Inquisition, they stood five to five, showing that each side had succeeded in putting an equal number of friends on the commission. In the Congregation, the struggle was renewed and continued through thirty-eight sessions. Had the fate of Europe been at stake, the matter could not have been more warmly contested. At length the inevitable condemnation was voted, and then came a fresh contest over the phraseology of the decree. Bossuet's agents were not content with the simple condemnation of twenty-three propositions and the prohibition of the book, and they struggled vigorously for clauses condemning and humiliating Fénelon himself, showing how purely

personal was the controversy. In this they failed, as well as in the endeavor to have the propositions characterized as heretical; they were only pronounced to be respectively rash, scandalous, ill-sounding, offensive to pious ears, pernicious in practice and erroneous. The principal doctrine aimed at was that the pure love of God should be wholly disinterested, and that its acts and motives should be divested of all mercenary hope of reward. The brief was finally agreed to, on March 12, 1699, and published on the 13th. It was in the form of a *motu proprio* which, under the rules in force in France respecting papal decrees, precluded its acceptance and registration by the Parlement, but Louis, ordinarily so tenacious about papal intrusion, found indirect means of eluding the difficulty.

Fénelon, however, had not awaited this cumbrous procedure. In a dignified letter of submission to the pope, April 4, 1699, he stated that he had already prepared a *mandement* for his diocese, condemning the book with its twenty-three propositions, which he would publish as soon as he should receive the royal permission. This was promptly given and, on April 9th he issued it, forbidding the possession and reading of the *Maximes*, and condemning the propositions "simply, absolutely and without a shadow of restriction." Innocent XII, who had more than once indicated sympathy with Fénelon, responded May 12th, in a brief expressing his cordial satisfaction, bestowing on him his loving benediction and invoking the aid of God for his pastoral labors. Bossuet, with the royal assistance, had triumphed, at the cost of a stain on his reputation; what the Church had gained, in condemning the sublimated speculations of a rarefied and impracticable Mysticism, it would be hard to say.[1]

Yet, as though to indicate that there is no finality in these matters, Pius VI, in 1789, beatified the Blessed Giovanni Giuseppe

[1] Bossuet's side in this controversy is elaborately set forth in Phelippeaux's posthumous "Relation de l'Origine, du Progrès et de la Condemnation du Quiétisme," 2 vols., 1732 (*s. l.*). Also in Bossuet's "Relation sur le Quiétisme" and subsequent controversial writings, Paris, 1698. Madame Guyon's statements are contained in "La Vie de Madame J. M. B. de la Mothe Guion, écrite por Elle-même," 3 vols. Cologne, 1720. She is defended in the "Lettres de M. xxx (Abbé de la Blatterie) à un Ami au sujet de la Relation du Quiétisme," 1733 (*s. l.*). Fénelon's writings on the subject are in his *Œuvres*, T. II, Paris, 1838. Comprehensive accounts may be found in Matter, "Le Mysticisme en France au temps de Fénelon," Paris, 1865 and Heppe, "Geschichte der quietistischen Mystik in der katholischen Kirche," Berlin, 1865.

della Croce († March 5, 1734), who was much given to contemplation and to union with God, in which all his faculties were lost, as completely as in the trances of his prototype, San Juan de la Cruz, or as in the mystic death of Molinos. That his Mysticism did not forfeit the favor of heaven was shown by his possessing the gift of bilocation—of being in two places at one time—of which numerous instances were cited in the beatification proceedings.[1]

The Spanish Inquisition which had so long carried on single-handed the struggle against Mysticism, watched with satisfaction the Roman proceedings against Molinos. As we have seen, his arrest, on July 3, 1685, was promptly followed, November 9th with a condemnation of the *Guida* which, for nine years, had been allowed to circulate freely in Spain. The edict pronounced it to contain propositions ill-sounding, offensive to pious ears, rash, savoring of the heresy of the Alumbrados, and some erroneous ones, and the title was denounced as misleading because it spoke only of the interior way.[2] When the sentence of the Roman Inquisition was published, September 3, 1687, although as a rule the Spanish Holy Office paid no attention to its decrees, the sixty-eight propositions were speedily translated into the vernacular and widely distributed. On October 11th, sixty copies were sent to Valencia to be posted, with orders to print more if they should be required. These were accompanied with an edict, commanding obedience and threatening the most rigorous prosecution for remissness, while all persons were ordered to denounce, within ten days, contraventions of any kind coming to their knowledge. This edict was to be published in all churches of the capitals of *partidos* and an authentic record of such publication was to be affixed to the doors. In due time, when the bull *Cœlestis pastor* was issued, it was circulated with the same prescriptions.[3] There was evidently a determination to make the most of this new ally in the struggle with Mysticism.

The Seville tribunal, indeed, had not waited for this, as it had already, April 24, 1687, arrested a canon of the church of San Salvador, Joseph Luis Navarro de Luna y Medina, who was a

[1] Compendio de la asombrosa Vida del gran Siervo de Dios, Fr. Juan Joseph de la Cruz, pp. 276 sqq. (Madrid, 1790).

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 4, fol. 164.

[3] Bulario de la Orden de Santiago, Lib. V, fol. 103; Lib. III de copias, fol. 703, 704.—Archivo hist. nacional, Inq. de Valencia, Leg. 12, n. 4, fol. 124.

correspondent of Molinos and had sent him his autobiography, in order to obtain instructions for his spiritual guidance. He had previously been deprived of his licence as confessor, on charges of imprudent conduct as spiritual director of a nunnery, but Jaime de Palafox, Archbishop of Seville, who was a warm admirer of Molinos, had restored the licence, introduced him in all the convents and adopted him as confessor of himself and his family. For four years Navarro endured incarceration and the torture which was not spared, but he succumbed at last, confessed and sought reconciliation. His sentence declared him guilty of the errors of the Lutherans, Calvinists, Arians, Nestorians, Trinitarians, Waldenses, Agapetæ, Baianists and Alumbrados, besides being a dogmatizer of those of Molinos, with the addition that evil thoughts arising in prayer should be carried into execution, and also that, when his disciples assembled in his house, the lights would be extinguished and he would teach doctrines too foul for description. The tribunal itself could scarce have believed all this, for he was only required to abjure, to be deprived of benefice and functions, to be recluded for two years and be exiled for six more. When the term had expired he returned to Seville and then, until his death, in 1725, he passed his days in the churches, where the Venerable Sacrament was exposed for adoration, carrying with him a hinged stool on which he sat, gazing at the Host.[1] He was not the only Molinist in Seville for in 1689, after three years' trial, Fray Pedro de San José was condemned as a disciple of Molinos, for committing obscenities with his penitents and foretelling his election as pope and his suffering under Antichrist, who was already in Jerusalem, twenty years old. He was sentenced to abjure *de vehementi*, to undergo a circular discipline in his convent, to perpetual deprivation of teaching and confessing, and to six years' reclusion in a convent, with the customary disabilities.[2] Soon afterwards there was penanced in an auto, May 18, 1692, a woman named Ana Raguza, popularly known as *la pabeza*, as an Alumbrada and Molinista. She had come from Palermo as a missionary to convert the wicked, probably in the train of Palafox, who had been Archbishop of Palermo. She called herself a bride of Christ, she had visions and revelations, she denied the efficacy of

[1] MSS. of Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo IV, n. 48–49.—These are relations of the auto, one of which I have printed in "Chapters from the Religious History of Spain."

[2] Relacion hist. de la Judería de Sevilla, pp. 99–103.

masses and fasts, and she had the faculty of determining the condition of consciences by the sense of smell. She escaped with two years of reclusion and six more of exile.[1]

The condemnation of Molinos seems to have stimulated the Inquisition to greater activity in the suppression of mysticism, for cases begin to appear more frequently in the records and henceforth the term Molinism, to a great extent, takes the place of Illuminism. We hear of a Molinist penanced in a Córdova auto of May 12, 1693,[2] and he cannot have been the only one there for Fray Francisco de Possadas of that city tells us that he was led to write his book against the carnal errors of Molinos by his experience in the confessional, showing that some of his penitents had been misled by them.[3] The report of the Valencia tribunal, for 1695, contains three cases then on trial. The Franciscan, Fray Vicente Selles, had been arrested in 1692. He had led a life exteriorly austere, practising meditation and contemplation, and he freely admitted that when Molinos was condemned he held that the pope was wrongly informed. His overwrought brain gave way under the stress of confinement; at times he was full of religious emotion and solicitous as to his salvation, while at others he was violently insane, performing various crazy freaks. On August 24th he attempted suicide by dashing his head against a projecting piece of iron, causing a wound so serious that several pieces of skull were discharged and, on February 6, 1693, the surgeons reported his life to be still in danger. He remained *melancolico*, variable in mood, confessing and retracting until, on October 23d, he confessed fully to Molinism, naming eleven women with whom he had had relations in the confessional and also admitting unnatural crime and other offences. At the date of the report his trial was still unfinished. Another phase of these eccentric methods of salvation is presented in the case of Vicente Hernan, a hermit of San Cristóbal of Concentayna, accused by three women of teaching them the way of bruising the head of the serpent by sleeping with them and resisting temptation, and of attempting indecencies, which they denied permitting. He was arrested September 23,

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[1] Archivo municipal de Sevilla, *loc. cit.*, n. 52.

[2] Matute y Luquin, p. 211.

[3] Possadas, Triumphos de la Castidad contra la Luxuria diabolica de Molinos, Córdova, 1698.

This is a second edition; a third appeared in Madrid, in 1775.

1692, and in two audiences he was a *negativo*. Then on December 17th he asked for an audience in which he said that for eight days some little flies and black pigeons had been biting him and reminding him of things forgotten, whereupon he told of the women whom he had got to sleep with him, sometimes two or three at a time, and he also mentioned numerous miraculous cures which he had wrought. In January 1693, he said that the demons with the voice of flies had been recalling his sins, and he told of three other women. Doubts arose as to his sanity and, at the end of 1693 steps were taken to investigate it, which were still in progress at the time of closing the report. The third case was that of Mosen Antonio Serra, whose doctrines the calificadores reported to be Molinistic. He was arrested December 19, 1695, so that his trial had only begun.[1]

In 1708 the Toledo tribunal arrested Fray Manuel de Paredes, a contemplative fraile, who encouraged mystic practices among his penitents, leading to several trials, which illustrate the increased severity visited upon these condemned forms of devotion.[2] The same tendency is visible soon afterwards at Córdova, where a little conventicle of *Molinistas alumbrados* was discovered in the Dominican convent of San Pablo, under the leadership of a beata named Isabel del Castillo. Her disciples abandoned to her their free-will and all their faculties; they had no need of fasts and penances but could transfer their sins to her and the path of salvation lay through sensual indulgence. In the auto of April 24, 1718, there were seven of them penanced, Isabel being visited with two hundred lashes and perpetual prison; the friars were reconciled, deprived of their functions and imprisoned, some irremissibly and some perpetually, while the laymen had penances of various degrees of severity.[3]

During this period there occurred a case deserving of consideration in some detail, not only because of the prominence of the culprit but because it affords a clearer view than others of the strange intermixture of sensuality and spirituality, which was distinctly known as Molinism, and of the self-deception which enabled men and women to indulge their passions while believing themselves to be living in the mystic altitude of Union with God.

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 15; Leg. 12, n. 2, fol. 126.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. XI.

[3] Matute y Luquin, pp.. 216–23.

Perhaps this may partly be explicable by the teachings of the laxer morality, current in the sixteenth century and known under the general name of Probabilism, and by the distinction between material and formal sin, whereby that alone was mortal sin which the conscience recognized as such, the conscience being still further eased by refinements as to advertence and consent. In the skilful hands of the casuists, the boundaries between right and wrong became dangerously nebulous, and arguments were plentiful through which men could persuade themselves that whatever they chose to do was lawful.

Joseph Fernández de Toro was an inquisitor in Murcia, deeply imbued with quietistic Mysticism. In 1686 he issued anonymously in Seville a little tract with the significant title of "Remedio facilissimo para no pecar en el uso y exercicio de la Oracion," which in time duly found its way into the Index.[1] As inquisitor he had manifested his tendencies, when a prelate of high repute and station in a religious Order was tried before him for solicitation *ad turpia* in the confessional. Guided by the light within, Toro was satisfied that it was merely a case of obsession by the demon; he persuaded the Suprema to accept this view, and the culprit escaped with suspension from celebrating mass and hearing confessions until the obsession should pass. In 1706, he was promoted to the see of Oviedo, of which he took possession October 1st. Unluckily for him there was at Oviedo the Jesuit college of San Mathias; his reputation for Quietism seems to have preceded him, and the heads of the college resolved themselves into a corps of detectives. Professing the utmost friendship, they speedily acquired his confidence and he talked with them freely. They were prompt in action for, in January 1707, Padre José del Campo drew up for the inquisitor-general an elaborate secret denunciation, setting forth how Toro in conversation had offered to explain to him the contemplation of Molinos; since coming to Asturias, he had spoken to no one about these things, for he knew that they had occasioned much murmuring against him, but he described the mode in which the soul reached the summit of perfection in Union with God, while the inferior sensual part might be abandoned to the foulest temptation. These dangerous speculations were reported in full detail and were accompanied by a long and skilful argument to prove that Toro was in every sense a Molinist.

[1] Index of Vidal Marin, 1707, II, 195.

Other Jesuits drew up similar denunciations, or attested their truth, and the case was fairly before the Holy Office. It was too serious for hasty action and investigation was made in Murcia, where his female accomplices were arrested, and ample confirmatory evidence was obtained from their confessions and from eighteen of his letters. The Carranza case had taught the lesson that bishops could be reached only through papal authority and, on November 7, 1709, Inquisitor-general Ybáñez forwarded to Clement XI the accumulated evidence, to which the pope replied, March 8, 1710, that the matter would be thoroughly examined and the necessary action be taken. Toro had at first been disposed to make a contest, asserting that God would work miracles in defence of the women, and that their imprisonment was a martyrdom; that the light infused in him by God rendered him superior to the Inquisition, and that he was illuminated above all other men. By this time, however, he realized his position; on February 8, 1710, he made, through his confessor, a partial confession, and he followed this with several letters to the pope, begging permission to come to Rome for judgement. Then a papal brief of June 7th ordered Ybáñez, within three years and under the advice of the Suprema, to frame a prosecution, for which full powers were granted; if the evidence sufficed, Toro was to be arrested and the case carried on up to the point of sentence, when all the documents were to be transmitted to Rome, where the pope would render the decision.

Toro was duly imprisoned and his trial proceeded. Ybáñez died, September 3, 1710 and was succeeded by Giudice, who was empowered, by a brief of October 3, 1711, to carry on the process. Toro was found to be *diminuto* on a hundred and four of the articles of accusation; he was reticent and refused to answer interrogations, begging earnestly to be sent to Rome. His request was granted, by a brief of June 7, 1714, but his departure was delayed, and it was not until June 11, 1716, that he reached Rome and was lodged in the castle of Sant'Angelo. Andrés de Cabrejas, fiscal of the Suprema, accompanied him, to represent the Spanish Inquisition in the trial which proceeded slowly. Toro's confessions and letters were a rich mine for the calificadores, who extracted from them four hundred and fifty-five propositions of various degrees of error—some of them being identical with those of Molinos. Finally he abandoned all defence and acknowledged that he had been a dogmatizing heretic, a soliciting seducer, a blasphemer

against the purity of God, Jesus Christ and the Blessed Virgin, a reviver of the filthy sects of the Begghards, Illuminists and Molinists and subject to the same penalties.

In fact he seems to have recognized his errors and to have confessed with a freedom indicative of sincere repentance. Much of his confessions is unfit for transcription, but a brief extract will indicate the self-deception that reconciled the grossest sensuality with aspirations for perfection. Thus of one of his accomplices he says that, believing himself to be illuminated in the sacrifice of the mass, he had written that none of her directors could estimate her spiritual state as regards her perfection and Union with God, in spite of the concussions of her inferior part, excited by obsession, through which those could be deceived who were unable to understand her interior virtues and perfect state. Although in obscene acts the woman might seem externally to be a sinner, yet, by asserting that she had not yielded consent, she might internally be perfect and be in Union with God. That, as the Incarnate Word did not contract original sin in his union with humanity, so with persons annihilated, purged and perfected, God could direct them to supernatural operations in such wise that the operations of the inferior part worked no prejudice to their state of perfection, and that the woman's obscene acts might proceed from obsession, and she be passive without consent . . . . That he had believed this doctrine to be infused in him by God, and thus to be true, like the doctrine of the Church, to be held unhesitatingly, especially by those obsessed, and he had written that he was ready to give his life in its defence . . . . That he had believed the indecencies committed with this same woman might be an exercise and martyrdom sent by God for the humiliation and purification of both, but nevertheless he made confession of them, and took care that she should do so. She was accustomed to say that, in the inferior part, she was without sensuality and in the superior part was absorbed in contemplation and love of God . . . . That in his oratory after mass and her communion he had embraced her and told her that she received the light and that this was the love of God for his creatures . . . . That Jesus was in him and worked in him, because neither he nor the woman experienced sensuality in what they did nor did it from corrupt intention . . . . That he had had this belief for seven years prior to his episcopate, and had maintained it subsequently up to July 1708, but then, in confessing his sins, a worthy confessor enlightened

his blindness, and since then he had detested his errors and had followed the way of Catholic truth.

At length the pope designated July 27, 1719 for pronouncing sentence. Cabrejas had the records of Carranza's condemnation looked up, and the same ceremonial was observed. Toro was brought from the castle of Sant'Angelo to one of the halls of the papal palace, and there the sentence was read. It deposed him from his bishopric and all other benefices, it incapacitated him from holding any preferment, and suspended him perpetually from sacerdotal functions; it required him to abjure his heresy and errors, it called upon him to pay for pious uses, as far as he could, all revenues accrued since his lapse into heresy, and it burdened his see with a pension for his support, to be determined by the pope; it condemned him to reclusion, in some convent outside of Spain, when he was to perform perpetual penance, on the bread of sorrow and water of grief, and it prescribed certain spiritual observances. After listening to his sentence, Toro made the required abjuration, accepted the penance and disappeared from view.[1]

Another prominent culprit was the priest, Don Francisco de Leon y Luna, a Knight of Santiago and member of the Council of Castile, who was tried by the tribunal of Madrid for Molinism and formal solicitation. As a *negativo* he was liable to relaxation but, on November 24, 1721, it was voted to give him nine audiences, in which the inquisitors, with some calificadores, should exhort him to confession and conversion, under threat of administering the full rigor of the law. He seems to have yielded and, on August 11, 1722, his sentence *con méritos* was read in the presence of twelve members of the Councils of Castile, Indies, Orders and Hacienda. He was required to abjure *de vehementi*, he was deprived perpetually of confessing men and women, of guiding souls and instructing them in prayer, and of the honors of the Order of Santiago; half of his property was confiscated, and he was recluded for three years with suspension of all sacerdotal functions, to be followed by five years of exile.[2]

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[1] Bulario de la Orden de Santiago, Lib. V, fol. 141, 144, 146, 150.—Archivo de Simancas, Inq. Legajos 418, 419 (números antiguos).—See Appendix for the abjuration, which summarizes the errors.

[2] Archivo de Simancas, Inq., Lib. 876, fol. 153.—Llorente (Hist. crít. Cap. XLII, n. 15) places this case under Carlos III.

Llorente gives, in great detail, an account of a Molinist movement which, soon after this, afforded ample occupation to the tribunals of Logroño and Valladolid. Juan de Causadas, a prebendary of Tudela, was an ardent disciple of Molinos and propagator of his doctrines. He was burnt at Logroño, but whether for pertinacity or denial we are not informed. His nephew, Fray Juan de Longas, of the Barefooted Carmelites, was also a dogmatizer and was sentenced, in 1729, to two hundred lashes and ten years of galleys, followed by perpetual prison. This severity seems not to have discouraged the proselytes who, apparently, were not betrayed by Longas. The principal among them was Doña Agueda de Luna, who had entered the Carmelite convent of Lerma in 1712, with the reputation of a saint. Her ecstasies and miracles were spread abroad by Juan de Longas, by the Prior of Lerma, by the Provincial of the Order, Juan de la Vega, and by the leading frailes, who found their account in the crowds of devotees seeking her intercession. Juan de la Vega himself acquired the name of *el extático* and was represented as the holiest mystic since the days of Juan de la Cruz. A convent was founded at Corella for Madre Agueda, of which she was made prioress, and the nuns were fully indoctrinated in the principles and practice of Molinism. By Madre Agueda, Juan de la Vega had five children who were strangled at birth and, with other untimely fruits of the prevailing licence, were buried in the vicinity. After a long course of iniquity and deception, Madre Agueda was denounced to the Logroño tribunal; her accomplices and disciples were arrested and their trials were pushed with unsparing severity. She perished under torture and, in 1743, the frailes were recluded in various houses and the nuns were distributed among convents of their Order.[1] Madre Agueda's case had been decided some years previously for, in the Supplement to the Index of 1707, published in 1739, the first entry relates to her, "of whom the apocryphal life has been written, and of whom are circulated stones, cloths, medals and papers as relics," all of which were to be surrendered as well as relations of her prodigies and virtues. The stones here alluded to are evidently those described by Llorente, made of brick-dust and stamped with a cross on one side and a star on the other, which were said to be voided by her with child-birth pains, and were universally treasured as amulets. It may be assumed that

[1] Llorente, Hist. crít., cap. XL, art. ii, n. 1–14.

this case led to the issue, in 1745, by the Inquisition of an edict directed against five Molinist errors.[1]

Cases still continued to occur, but infrequently and of minor importance. The inquisitors had begun to merge immoral mysticism with solicitation in the confessional, of which more hereafter, while the more harmless kinds were classified as *embusteros* (impostors) or *ilusos* (deluded). There is a Mexican case, however, which is so illustrative of the abuses to which inquisitorial methods were liable, that it deserves mention. The Franciscan, Fray Eusebio de Villaroja, was distinguished for learning, eloquence and blameless life. He was inclined to mysticism and had written a work entitled *Oracion de Fe interior*, which the Inquisition admitted to contain no reprobated doctrine but yet to be dangerous for popular use. The convent at Pachuca obtained his assignment there and in 1783, at the age of 38, he arrived in Mexico, where his kindly earnestness speedily won universal regard. After two or three years he happened to assume the spiritual direction of two girls, Gertrudis and Josefa Palacios, who were adepts in the mystic devices of ecstasies and revelations. Gertrudis died and Villaroja became completely engrossed in Josefa. He reduced to writing her visions and prophecies, until he had filled seventy-six books and, in his ardor, he committed freaks attracting undesirable attention. The convent physician suggested that undue austerity had engendered hypochondriac humors, and the Guardian interposed by ordering him to attend to other duties, to limit Josefa to an hour in the confessional, and never to go to her house. His obedience was implicit and prompt; he ceased to talk of her visions and prophecies, and she naturally ceased to have them. A year later, when questioned by Fray Juan Sánchez, the visitor of the Province, he said that, as soon as the Guardian reproved him, he recognized his error and would not relapse into it—so the affair seemed to have died a natural death.

Unluckily the Guardian, not anticipating such docility, had reported the matter to the Inquisition, which commenced to gather testimony, but when he was, some months later, in the city of Mexico and was summoned as a witness, he stated that Villaroja's eccentricities had ceased, and he evidently regarded the matter as closed. Still the tribunal persisted and, in July 1789, it seized

[1] There is an allusion to this edict in the *Relacion de la Causa contra Don Pedro Fernández Ybarraran* (MSS. of David Fergusson Esq.).

Villaroja's diaries, in which the latest entry was one humbly submitting to the judgement of the Church both himself and the authenticity of the visions.

After a formidable mass of testimony was accumulated, bearing witness to Villaroja's eminent piety and virtue, he was summoned, in July 1790, to present himself. He was not informed that he was on trial for, in his profound humility, he would at once have submitted his opinions to the judgement of the tribunal, but he was drawn into a discussion as to whether God, for the greater perfection of the creature, would permit the demon to incite to foul and obscene actions—a position which he had taken to justify some filthy habits of Josefa. This was, as we have seen, one of the dangerous tenets of Quietism, and over this there was a prolonged and subtle disputation. He subsequently declared that he supposed the inquisitor to be only seeking to learn his opinions when in fact he was being cunningly led to pile up evidence against himself, at the same time arousing the controversial pride of Inquisitor Prado y Obejero, who pronounced futile his efforts to differentiate his doctrine from that of Molinos.

He was thrown into the secret prison, October 13, 1791, and his trial proceeded in regular form. Nothing could exceed his submissive humility. On every fitting occasion he protested that he had been miserably led into error by ignorance; he begged to be undeceived in whatever he had erred and he submitted himself to the correction of the Holy Office, for he desired above all things the discharge of his conscience and the salvation of his soul. It required uncommon perversity in his judges to make a pertinacious heretic out of so humble and contrite a spirit but, when his sentence was pronounced, April 26, 1793, it represented him as a hardened and obstinate Alumbrado and Molinist, condemning him to abjure *de vehementi*, to be forever deprived of the faculty of confessing, to be recluded for three years in the Franciscan convent of Mexico, and to be sent to Spain whenever the inquisitors should see fit. Had he been an habitual seducer of his spiritual daughters, the sentence would have been less severe.

The treatment of a fraile recluded in a convent of his brethren was usually harsh in the extreme, but Fray Eusebio's kindliness and gentleness so won on his hosts that they declared his daily life to be an edification, while those of Pachuca, who had to bear the expenses of his trial, continued to regard him with undiminished affection. His punishment, however, was far more severe

than the mere provisions of his sentence. Incarceration for eighteen months in a humid cell had developed a former rheumatic tendency and he was crippled. His request to be transferred to Pachuca was refused and, in March, 1795, he appealed to Inquisitor-general Lorenzana. His sufferings, he said, were on the increase and, if he were kept in the city of Mexico or sent to Spain, he would surely die. The result of this was a command to transmit him to Spain, which was notified to him, in June 1796, when he protested, to no purpose, that it would kill him. His removal was postponed until October, when he was carried by easy stages to Vera Cruz and placed on board the good ship Aurora, November 9th, consigned to the commissioner at Seville. The Aurora sailed the next day, but his prophetic spirit proved true and, when nine days out, his gentle spirit passed to a judge more merciful than his earthly ones.[1]

Fray Eusebio would have fared better in Spain, where there was a growing tendency to regard the accused as subject to delusion, when there was no conscious imposture and no teaching of dangerous Mysticism. Delusion was recognized at an early period, but the first case which I have met in which it formed the basis of prosecution occurs in the Barcelona tribunal which, in 1666, reported that it had found a process brought, in 1659, against Sor María de la Cruz, nun of the convent of la Concepcion of Tortosa, *por ilusa*, which had never been concluded.[2] In 1694, Don Francisco de las Cuevas y Rojas, of Madrid, was sentenced by the Toledo tribunal, as an *iluso pasivo*, to reprimand, absolution *ad cautelam*, retractation of certain propositions, abstention from spiritual matters, and a year's reclusion, during which a calificador would teach him the safest method of prayer, while all his writings were to be suppressed. The same year a beata named María de la Paz, as *ilusa*, was required merely to abjure *de levi*, to be severely reprimanded and to be handed over to a calificador for instruction. So, in 1716, Don Eugenio Aguado de Lara, cura of Algete, was sentenced, by the same tribunal, for suspicion of illusion in the direction of a beata, to abjure *de levi*, with reprimand and prohibition of further communication with her, while he was to abstain

[1] Proceso contra Fray Eusebio de Villaroja (MSS. of David Fergusson Esq.).
[2] Lib. XIII de Cartas, fol. 192 (MSS. of Am. Philosophical Society).

from the direction of souls as far as was compatible with his priestly functions. The beata his accomplice, Agustina Salgado, was regarded as more reprehensible for, besides being *ilusa*, she was held guilty of false revelations; she abjured *de levi*, with perpetual exile from Algete and reclusion in a hospital for two years, for instruction.[1]

Even this moderation increased with time. In 1785, the Valencia tribunal suspended the case, and sent to an insane hospital, Esperanza Bueno of Puig, popularly known as *la Santa*, denounced for pretended revelations and asserting that she could absolve from sin.[2] The same tendency appears in the case of María Rivero, of Valladolid, in 1817, whom the Suprema characterized as erroneously and presumptuously believing herself to be adorned with revelations and special graces. She was ordered to place herself unreservedly under the guidance of a spiritual director, with the warning that otherwise she would be treated with judicial rigor, while the director was instructed to disillusion her, and to call in medical advice as to her sanity, which was doubtful.[3]

Although the Inquisition was thus growing rationalistic in its treatment of these cases, it was impossible to eradicate popular credulity with its accompanying temptation to exploitation. In the last case before the Córdova tribunal, it ordered, July 9, 1818, the incarceration in the secret prison, as an *ilusa*, of the beata Francisca de Paula Caballero y Garrida of Lucena, while her sister María Dominga Caballero was confined in the *carceles medias*, and the two curas of Lucena, Joaquin de Burgos and Josef Barranco, were recluded in a convent without communication with each other. The beata performed miracles and had revelations, which seem to have found credence among a circle of disciples for when, after full investigation, the Suprema, on July 5, 1819, ordered the prosecution of the four prisoners, it directed proceedings to be commenced against seven other parties, including clerics and laymen of both sexes. Fortunately for this group of *ilusos*, the revolution of 1820 came to put an end to all proceedings, and when the Córdova tribunal was suppressed, the only inmates found in its prison were the two beatas of Lucena.[4]

While the Inquisition was thus merciful towards those whom it

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[2] Ibidem, Inq. de Valencia, Leg. 100.
[3] Archivo de Simancas, Inq., Lib. 890, fol. 82.
[4] Ibidem, Lib. 890.—Matute y Luquin, p. 296.

considered to be merely deluded in claiming spiritual graces, it grew to be severe with those who traded on popular credulity. That credulity was so universal and so boundless that the profession of *beata revelandera* was an easy and a profitable one. The people were eager to be deceived; no fiction was too gross to find ready credence, and the believers invented miracles which they ascribed to the objects of their reverence. The punishment of the impostor and the exposure of the fraud failed to repress either belief or imposition, and the land in time was overrun by a horde of these practitioners, mostly female. It was a spiritual pestilence of the most degrading character, shared by all classes, with the extenuating circumstances that some of the boldest cases of imposture enjoyed the approbation of the Holy See. The Inquisition did good work in its ceaseless efforts to repress this prostitution of Mysticism—a work which no other tribunal could venture to attempt. If it found suppression impossible, at least it checked the development which at one time threatened to render the popular religion of Spain a matter of hysterics.

In its inception, there was some hesitation as to the treatment of these speculators on the credulity of the people. When the Beata of Piedrahita was allowed to continue her career, she naturally had imitators. In 1525, Alonso de Mariana, a Toledan inquisitor, on a visitation of his district, had his attention called to Doña Juana Maldonado of Guadalajara, widow of the alcaide of la Vega de la Montaña. She was arrested and presented written statements or confessions of her dreams and visions of the Virgin and Christ, St. John the Evangelist and St. Bernard. The proceedings were informal and, in an audience, March 27th, at Alcalá de Henares, after publication of the evidence, she admitted its truth, stating that she had talked about her visions in order to obtain some aid in her poverty and she begged for mercy and penance. There was evidently no desire to treat her harshly or to regard her as an impostor, for she is spoken of as an *ilusa* or *soñadera* (dreamer) and she was required only to fast on five Fridays and Saturdays, in honor of Christ and the Virgin, with fifteen Paters and Aves each day, to keep her house as a prison until released by the tribunal, after which, on six Saturdays, she was to visit the church of the Virgin, outside of the town.[1] A century later she would have fared much worse.

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 114, n. 18.

The exposure, in 1543, of a more accomplished practitioner, Magdalena de la Cruz, removed any further hesitation in dealing with such cases. She had long been the wonder of Spain and even of Christendom. Tempest-tossed mariners would invoke her intercession, when she would appear to them and the storm would subside. The noblest ladies, when nearing confinement, would send the *layette* to be blessed by her, as did the Empress Isabel before the birth of Philip II. When, in 1535, Charles V was starting from Barcelona for the expedition to Tunis, he sent his banner to Córdova that she might bestow on it her blessing. Cardinal Manrique, the inquisitor-general, and Giovanni di Reggio, the papal nuncio, made pilgrimages to her, and the pope sent to ask her prayers for the Christian Republic. It is true that Ignatius Loyola was incredulous and, in 1541, severely reproved Martin de la Santa Cruz, who endeavored to win him over, for accepting exterior signs without seeking for the true ones; the Venerable Juan de Avila was also sceptical and, when he was in Córdova, he was discreetly denied access to her.

When, in 1504, at the age of 17, she entered the Franciscan convent of Santa Isabel de los Angeles of Córdova, she was already regarded as a vessel overflowing with divine grace, a belief confirmed by a series of ecstasies, trances, visions, revelations and miracles. Space is lacking to recount the varied series of marvels, many of which do infinite credit to her imaginative invention, while some of them required confederates, who seem not to have been lacking, in view of the benefit to the convent accruing from its containing so saintly a person. Elected prioress in 1533, she retained the position until 1542, and during this time she devoted to it the large stream of offerings which poured in on her. Defeated for re-election in 1542, she no longer made this use of her funds and the successful faction denounced her to the Guardian and the Provincial as an impostor, but the credit of the Order was at stake and they were silenced. She was not destined however to adorn the calendar of mystic saints for, in 1543, she fell dangerously sick and was warned to prepare for death. Under this pressure she made a full confession, ascribing her deceits to demoniacal possession. She recovered and the Inquisition seized her. The trial lasted until May 3, 1546, an immense body of testimony being taken, corroborative of her confession, which was skilfully framed to throw the blame on her demons Balban and Patorrio. In short, she had commenced as a mystic, had been

unable to resist the temptation of accepting the miracles thrust upon her by popular superstition, she had stimulated this with her frauds, and finally sought extenuation by alleging demonic influence. An immense crowd attended the auto held May 3, 1546, when the reading of her sentence *con méritos* occupied from 6 A.M. to 4 P.M., while she sat on the staging with a gag in her mouth, a halter around her neck and a lighted candle in her hand. Her sentence was moderate—perpetual reclusion in a convent, without active or passive voice, and occupying the last place in choir, refectory and chapter, together with some spiritual penances. She was relegated to the convent of Santa Clara, at Andujar, where she lived an exemplary life and, at her death, in 1560, it was piously hoped that her sins were expiated.[1]

Had human reason any share in these beliefs, such an exposure would have put an end to the industry of the *beatas revelanderas*, but the popular appetite for the marvellous was insatiable, and there were abundant practitioners ready to dare the attendant risks for the accompanying glory and profit. Everywhere there were women accomplished in these arts and skilled in impressing their neighbors with their revelations and prophecies; every town and almost every hamlet had its local saint, who was regarded with intense veneration and assured of an abundant livelihood.[2] All branches of the supernatural were exploited: some could predict the future; others had prophetic dreams or could expound those of their devotees; others could release souls from purgatory; others could perform curative miracles; popular faith in these gifted spirits was boundless and innumerable sharpers of both sexes fattened upon it.

The people might well be credulous when they but followed the example of those highest in Church and State. Magdalena de la Cruz had a worthy imitator in the Dominican Madre María de la Visitacion, of the convent of the Annunciada of Lisbon, whose

[1] Bibl. nationale de France, fonds espagnol 354, fol. 248–69.—Llorente, Hist. crít., cap. XVI, art. iv.—Miscelanea de Zapata (Mem. hist. español, XI, 70).—Cipriano de Valera, Dos Tratados, p. 480 (Reformistas antiguos españoles).—Ribadeneira, Vit. Ign. Loyolæ, Lib. v, cap. 10.—Luigi de Granata, Vita di Giovanni d'Avila, p. 143 (Romæ, 1746).—Matute y Luquin, p. 18.—Simancæ de Cath. Institt. Tit. XXI, n. 24.

A French translation of the sentence and confession has been printed by M. Campan, in the appendix to the *Mémoires de Francisco de Enzinas*.

[2] Godoy Alcántara, Historia de los falsos Cronicones, p. 2.—Cf. V. de la Fuente, Hist. eccles., III, 255.

intimate relations with Christ began at the age of 16, in 1572. About 1580 Christ crucified appeared to her, when a ray of fire from his breast pierced her left side, leaving a wound which on Fridays distilled drops of blood with intense pain. In 1583 she was elected prioress and, in 1584, in another vision of Christ crucified, rays of fire from his hands and feet pierced hers and thus completed the Stigmata. No time was lost by the Dominican Provincial, Antonio de la Cerda, in spreading the news of this, in a statement dated March 14, 1584, and sent to Rome to be submitted to Gregory XIII. It was corroborated by the signatures of several frailes, among which is the honored name of the great mystic, Luis de Granada.[1] The Provincial followed this, March 30th, with another letter to Rome stating that the impression produced had been so great that many gentlemen had been induced to abandon the world and enter the Order, and even that three Moors had come to look upon Sor María, whose appearance had so impressed them that they sought baptism on the spot—to which he added two miraculous cures effected through articles touched by her.[2]

Sor María's fame penetrated through Christendom and even, we are told, to the Indies. Gregory XIII was duly impressed and wrote to her urging to persevere without faltering in the path which she had entered. She might have continued to do so, with the reputation of a saint, if she had abstained from politics. Unluckily she allowed herself to be drawn into a movement to throw off the Spanish yoke, and the authorities, who had been content to allow her to acquire influence, found it necessary to expose her, when that influence threatened to be potent on the side of rebellion.

The Annunciada was not without internal jealousies which facilitated the obtaining of information justifying investigation. A commission was appointed consisting of the Archbishops of Lisbon and Braga, the Bishop of Guarda, the Dominican Provincial, the

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[1] Relatione del Miracolo delle Stimmate, venute nuovamente ad una Monacha dell' Ordine di S. Domenico, in Portogallo, nella Città di Lisbona.—Bologna, 1584.—Printed also in Rome and in Verona.

[2] Cipriano de Valera, Enjambre de falsos Milagros, pp. 564, sqq. Usoz y Rio, in his notes to this reprint, in his *Reformistas antiguos*, says that Valera's versions are faithfully made from "Les grands Miracles et les Tressainctes Plaies advenuz à la R. Mère Prieure du Monasteire de l'Anonciade." A Paris par Jean Bressant, 1586.

Inquisitors of Lisbon and Doctor Pablo Alfonso of the Royal Council. Assembling in the convent they took the testimony of many of the nuns that Sor María's sanctity was feigned and her stigmata were painted. She was then brought before them and sworn, when she persisted, in spite of threats and adjurations, in the story of the stigmata and of her communications with Christ. The next day, hot water and soap were called for; she protested and pretended to suffer extreme agony, but a vigorous application of the detergents to the palms of her hands caused the wounds to disappear, when she threw herself at the feet of her judges and begged for mercy. At a subsequent audience she gave a detailed explanation of the devices by which she had deceived the faithful—how she had managed the apparent elevation from the ground and the divine light suffused around her and the cloths stained with blood from her side. The severity of the sentence, rendered December 6, 1588, shows how much greater than mere sacrilegious imposture was the offence of her meddling with politics. She was recluded for life in a convent of a different Order from her own; for a year she was to be whipped every Monday and Friday for the space of a Miserere; in the refectory she was to take her meals on the floor, what she left was to be cast out and, at the end of the meal, she was to lie in the door-way and be trampled on by the sisters in their exit; she was to observe a perpetual fast; she was incapacitated from holding office; she was always to be last and was to hold converse with none without permission of the abbess; she was not to wear a veil; on Wednesdays and Fridays she was to have only bread and water, and whenever the nuns assembled in the refectory she was to recite her crimes in an audible voice. In this living death she is said to have performed her cruel penance with such patience and humility that she became saintly in reality.[1] It is not improbable that she may have been from the beginning a tool in designing hands. A contemporary relates that, before the exposure, he wrote to Fray Alberto de Aguajo in Lisbon, asking whether he should go thither to consult her on a case of conscience, and was told in reply that there was nothing wonderful about her except the goodness of God in granting her such graces, for she was as simple as a child of six. She was, however, a rich source

[1] Cipriano de Valera, pp. 575—80.—Páramo, pp. 233–4, 302–4.

In 1650, Padre Diego Tello, S. J., in an opinion given to the Granada tribunal alludes to the political objects of Sor María's impostures, as though it was a well-known fact.—MSS. of Library of Univ. of Halle, Yc, 17.

of income, for the Portuguese in the Indies used to send her gold and diamonds and pearls to purchase her intercession with God.[1] Even her condemnation did not wholly disabuse her dupes. Four years later, a certain Martin de Ayala, prosecuted in 1592 for revelations and impostures, claimed to have spiritual communication with her and foretold direful things about the conquest of Spain by foreigners, when a cave in Toledo would be the only place where the few elect could find safety. He had a colleague, Don Guillen de Casans, who was likewise prosecuted.[2]

One would have supposed that a case like that of Sor María, to which the utmost publicity must have been given, would have discredited the stigmata as a special mark of divine favor, but it seems rather to have stimulated the ambitious to possess them by showing how easily they could be imitated. They became a matter of almost daily occurrence. In 1634 a Jesuit casually alludes in a letter to two new cases just reported—one of a nun of la Concepcion in Salamanca and the other in Burgos—adding that they had become so common that no woman esteems herself a servant of God unless she can exhibit them.[3]

When uncomplicated with politics, imposture continued to be leniently treated and it was an exception when, in 1591, the Toledo tribunal visited with two hundred lashes María de Morales for trances and revelations and other deceits to acquire the reputation of a saint.[4] Thus at the Seville auto of 1624, when Pacheco was intent on suppressing the errors of Mysticism, there were eight impostors guilty of every device to exploit superstition, six of whom escaped with a year or two of reclusion. Only two were more severely dealt with. Mariana de Jesus, a barefooted Carmelite, was a *Maestra de Espiritu*, who taught Illuminism and had a record of endless visions, prophetic inspiration and conflicts with Satan. She maintained herself in luxury by selling her spiritual gifts, and it was in evidence that poor people had pledged their household gear to purchase her intercession for the souls of their kindred, but she was only paraded in vergüenza with four year's reclusion in a convent and perpetual exile from Seville. The heaviest punishment was that visited on Juan de Jesus, known as *el Hermito*, who professed to be insensible to carnal temptation,

[1] Archivo de Simancas, Inq., Lib. 939, fol. 700.
[2] Ibidem, Inq. de Toledo, Leg. 113, n. 6.
[3] Cartas de Jesuitas (Mem. hist. español, XIII, 49, 51).
[4] Bibl. nacional, MSS., D, 111, fol. 127.

for God had deprived him of all free-will and he was governed only by the spirit. Religious observances for him were superfluous, for he was always in the presence of God, and so fervent was his love for God that water hissed when he drank it. He not only claimed that he healed the sick but that once he had prayed eight thousand souls out of purgatory, thirty thousand at another time, then twenty-two thousand and finally all that were left. In general his relations with women are unfit for description, and he shrewdly had a revelation that all who gave him alms would be saved. His devotees were not confined to the ignorant, for he was received in the houses of the principal ladies of Seville and men of high distinction admitted him to their tables. He received less than his deserts when he was sentenced to a hundred lashes and life confinement in a convent or hospital, where he was to work for his board and to pray daily a third of the rosary.[1]

In its persistent and fruitless efforts to stamp out this pestilence, the Inquisition was beginning to adopt severer treatment, as in the case of Sor Lorenza Murga of Simancas, a Franciscan tertiary, who for sixteen years enjoyed great reputation in Valladolid. She had ecstasies and revelations whenever wanted, and her little house was an object of pilgrimage, when she would throw herself into a trance at the request of any one. It was a profitable pursuit, for she rose from abject poverty to comfortable affluence. Her arrest, April 29, 1634, caused no little excitement, and it was whispered that she had been detected in keeping two lovers besides her confessor. In her audiences she persistently maintained the truth of her revelations, constantly adding fresh marvels, till the inquisitors tortured her smartly, when she confessed it to be all an imposture. Her career was cut short with two hundred lashes and exile for six years from all the places where she had lived.[2]

The experienced inquisitor whom I have so often quoted tells us, about this time, that these impostors were very common; that there were rules for teaching them their trade and, as it was so prejudicial and so discreditable, they must be punished with all rigor. He mentions a case at Llerena, where the woman persisted in asserting the truth of her revelations and miracles, until she was tortured, when she confessed the fraud and was con-

[1] MSS. of Bodleian Library, Arch. S., 130.—Bibl. nacional, MSS., V, 377, cap. XXI, § 7.

[2] Cartas de Jesuitas (*op. cit.*, XIII, 42, 51, 457).—Archivo de Simancas, Inq., Leg. 552, fol. 17.

demned to scourging and reclusion, at the discretion of the tribunal, with fasting on bread and water.[1] Yet one cannot help feeling sympathy for María Cotanilla, a poor blind crone, sentenced in 1676, by the Toledo tribunal, to a hundred lashes and to pass four years in a designated place, where she could support herself by beggary, reporting herself monthly to the commissioner.[2]

Severity might check, but could not suppress, a profession which was the inevitable outcome of popular demand. How it was stimulated is well exemplified in the case of María Manuela de Tho—, a young woman of 23, arrested by the Madrid tribunal, in April, 1673. She confessed unreservedly a vast variety of impostures, pretended diabolical possession, visits from the angels Gabriel and Raphael and numerous others. She told how she was venerated as a saint; her signature written on scraps of blank paper was distributed by her confessor and was treasured as though it were that of Santa Teresa; he had crosses made of olive wood which she blessed and they were valued as relics and amulets; she cured the sick and performed many other miracles. The origin of all this, as she related it, is highly illuminating. She chanced to tell certain persons that in a dream she saw a soul in purgatory; they shook their heads wisely and said it was more than a dream and contained great mysteries. Then they began to admire her and she, finding that she was esteemed and admired and regaled with presents, and that money came to her without labor, went on from one step to another with her visions and miracles. She knew that it was wrong but, as there were learned and distinguished persons cognizant of it, who could have undeceived her and did not and, as there was no pact with the demon, she continued for, though she had been a miserable sinner, she had always been firm in the faith of Christ as a true Catholic Christian.[3] When the appetite for marvels was so universal and unreasoning, the supply could not be lacking, no matter what might be the efforts of the Inquisition.

These practitioners naturally continued to give occupation to the tribunals, but their cases can teach us little except to note the severity with which they were occasionally treated. In the Madrid auto of 1680 there were four impostors, of whom a carpenter named

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[1] Bibl. nacional, MSS., V, 377, cap. xxi, § 5.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Bibl. nacional, MSS., D, 118, fol. 405, n. 66.

Alfonso de Arenas was visited with abjuration, two hundred lashes, and five years of galleys followed by five more of exile.[1] In the little conventicle arrested, in 1708, by the Toledo tribunal (p. 71), four women and a man were punished, in 1711, as impostors, the man, Pablo Díez, an apothecary of Yepes, with reconciliation, confiscation and perpetual prison, while one of the women, María Fernández, had two hundred lashes and exile.[2] In 1725, the Murcia tribunal inflicted the same scourging and eight years of exile on Mariana Matozes, who added to her other impostures a claim to the stigmata, and in 1726, in Valencia, Juan Vives of Castillon de la Plana had the same allowance of stripes, with a year's reclusion and eight years' exile from Valencia and Catalonia.[3] It is therefore not easy to understand the clemency shown by the Toledo tribunal, in 1729, to Ana Rodríguez of Madridejos, who is described as a scandalous impostor, deluded and deluding, audacious, sacrilegious, boasting of her exemption from the sixth commandment, heretically blasphemous, vehemently suspect and formally guilty of the heresy of Molinos and the Alumbrados, insulting to the Blessed Virgin and St. Bernard and contumacious in all her errors. Her contumacy gave way, thus saving her from relaxation and she escaped with formal abjuration, reconciliation and confinement for instruction in the Jesuit college of Navalcarnero, during such time as the tribunal might deem necessary for her soul.[4]

Further enumeration of these obscure cases is scarce worth while and we may pass to one which excited lively interest. María de los Dolores López, known as the Beata Dolores, had a successful and scandalous career for fifteen or twenty years, commencing at the age of twelve, when she left her father's house to live as a concubine with her confessor. Her fame spread far and wide and, for ten years, the Inquisition received occasional denunciation of her misdeeds without taking action until, in 1779, one of her confessors, to relieve his conscience, denounced both himself and her to the Seville tribunal. On her trial she resolutely maintained the truth of the special graces which she had enjoyed since the age of four. She had continued and familiar intercourse with

[1] Olmo, Relacion, pp. 201–3, 240.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. XI.—Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Royal Library of Berlin, Qt. 9548.

[4] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

the Virgin, she had been married in heaven to the child Jesus, with St. Joseph and St. Augustin as witnesses, she had liberated millions of souls from purgatory, with much more of the kind so familiar to us, to which she added one of the errors of Molinism by maintaining that evil actions cease to be sinful when God so wills it. She was thus not merely an impostor but a formal and impenitent heretic, for whom relaxation was the only penalty known to the Inquisition. Burning, however, had well-nigh gone out of fashion, and the tribunal honestly spared no effort to save her from the stake. Eminent theologians wasted on her their learning and eloquence. Fray Diego de Cádiz, the foremost preacher of his time, labored with her for two months, and finally reported that there was nothing to do but to burn her. It was all in vain. God, she said, had revealed to her that she should die a martyr, after which, in three days, he would prove her innocence. The law had to take its course and, on August 22, 1781, she was formally sentenced to relaxation. As this left her unmoved the execution was postponed for three days to try the effect of fresh exhortations. This failed and, during the sermon and ceremonies of the auto, she had to be gagged to suppress her blasphemy. As so frequently happened however, her nerves gave way on the road to the brasero; she burst into tears and asked for a confessor, thus gaining the privilege of strangulation before the faggots were fired.[1]

Imposture continued to flourish. In 1800 the Valladolid tribunal was occupied with an extensive "complicidad," resulting in the prosecution of Madre María Ignacia de la Presentacion, a Mercenarian of the convent of Toro, for pretended miracles, along with nine frailes of the same Order as accomplices.[2] Contemporary with this was a case at Cuenca, which almost transcends belief. The wife of a peasant of Villar del Aguila, Isabel María Herraiz, known as the Beata de Cuenca, who had a reputation for sanctity, announced that Christ had revealed to her that, in order to be more completely united to her in love, he had transfused his body and blood into hers. The theology of the period is illustrated by the learned disputation which arose, some doctors arguing this to be impossible because it would render her more

[1] Menéndez y Pelayo, III, 405.—MSS. of Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, T. 4, n. 56.—Cartas del Filósofo rancio, II, 495 (Madrid, 1824).

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

holy than the Blessed Virgin and would deprive the sacrament of the exclusive distinction of being the body and blood of the Lord; others held it to be possible but that the proofs in the present case were insufficient; others, again, accepted it and urged the virtues of the beata and the absence of motive for deception. The people felt no scruple, and were encouraged in their credulity by two Franciscan frailes, Joaquin de Alustante and Domingo de Cañizares, and a Carmelite, Sebastian de los Dolores. Her believers worshipped her, carrying her through the streets in procession, lighting candles before her and prostrating themselves in adoration. The scandal attained proportions calling for repression, and the Inquisition arrested her, June 25, 1801, together with her accomplices. It is possible that she was severely handled, for she died in the secret prison without confession, and was consequently burnt in effigy. The cura of Villar and two of the frailes were banished to the Philippines; two laymen received two hundred lashes each, with service for life in a presidio, and her hand-maid, Manuela Pérez, was consigned for ten years to the *Recojidas* or house of correction for women.[1]

While this comedy was in progress in Cuenca, a similar one was performing in Madrid, in the highest social ranks. Sor María Clara Rosa de Jesus, known as the Beata Clara, had acquired great reputation by her visions and miracles. She was, or pretended to be, paralyzed and unable to leave her bed and, when she announced that a special command of the Holy Ghost required her to join the Capuchin Order, Pius VI granted her a dispensation to take the vows without residence. Atanasio de Puyal, subsequently Bishop of Calahorra, obtained licence to erect a private altar in her chamber, where mass was celebrated daily, and she received communion, pretending to take no other nourishment. All the great ladies of the court were accustomed to implore her intercession in their troubles and gave her large sums to be expended in charity. It is to the credit of the Inquisition that it broke up this speculative imposture by arresting her, in 1801, together with her mother and confessor as accomplices. It was

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[1] Llorente, Hist. crít., cap. XLIII, art. iv, n. 1.—Archivo hist. nacional, Inq. de Toledo, Leg. 115, n. 25; Inq. de Valencia, Leg. 100.

By edict of June 23, 1805, all writings in which credit of any kind was given to the favors which the beata pretended to have received from heaven were absolutely prohibited.—Suplemento al Indice expurgatorio, p. 25 (Madrid, 1805).

not difficult to prove their guilt and, in 1803, they were mercifully sentenced to reclusion.[1]

For three hundred years, up to the time of its suppression, the Inquisition, thus vainly labored to put an end to these speculations on the credulity of the faithful. It did its best, but the popular craving for the marvellous, for concrete evidence of divine interposition in human affairs, was too universal and too strong to be controlled, even by its supreme authority. After its downfall, the career of the notorious Sor Patrocinio proves how ineradicable was this and serves to bring medievalism down to our own time.

María Rafaela Quiroga, known in religion as Sor María Cipriana del Patrocinio de San José, in 1829 took the veil in the convent of San José, and soon commenced to have visions and revelations, followed by the development of the stigmata. Her reputation spread and cloths stained with the blood of her wounds were in request as curative amulets. When the death of Fernando VII, September 29, 1833 was followed by the Carlist war, the clericals, who favored Don Carlos, saw in her a useful instrument. She was made to prophesy the success of the Pretender and to furnish proof of the illegitimacy of the young Queen Isabel. As in the case of the Portuguese María de la Visitacion, this dangerous factor in the political situation called for governmental intervention and, after some resistance, in November 1835, the Sor was removed from the convent to a private house, where she was kept under the care of her mother and of a priest, while three physicians were summoned to examine the stigmata. They pronounced them artificial and promised a speedy cure if interference was prevented. This was verified and, in spite of a scab being torn off from one of them, they were healed by December 17th. On January 21, 1836, an official inspection by a number of dignitaries confirmed the fact, which was assented to by the Sor and, on February 7th, she made a full confession, stating that a Capuchin, Padre Firmin de Alcaraz, had given her a caustic with directions to use it on hands, feet, side and head, telling her that the resultant pain would be a salutary penance. Prosecution was duly commenced against her and the Vicar, Prioress and Vicaress of the convent, Padre Firmin having prudently disappeared. Sentence was rendered, November 25, 1836, from which an appeal was taken, resulting in a slight increase of rigor. The convent was suppressed; the

[1] Llorente, *loc. cit.*, n. 2.—Archivo. hist. nacional, Inq. de Valencia, Leg. 100.

vicar, Andrés Rivas, was banished from Madrid for eight years, and the three women were sent to convents of their Order, Sor Patrocinio being conveyed, on April 27, 1837, to the nunnery at Talavera.[1]

Years passed away and she seemed to be forgotten when the reaction of 1844 suggested that she might again be utilized. In 1845 the convent of Jesus was built for her; she returned with the stigmata freshened and her saintly reputation enhanced. Imposing ceremonies rendered her entrance impressive, and she was conveyed to her convent under a canopy, like a royal personage. In conjunction with Padre Fulgencio, confessor to Don Francisco de Asis the king-consort, and with her brother Manuel Quiroga, whom she made gentleman of the royal bed-chamber, she became the power behind the throne. Dr. Argumosa, who had cured her stigmata, was persecuted and Fray Firmin Alcaraz, who had emerged from his hiding-place, was made Bishop of Cuenca. In 1849 she was held to have forced Isabel to dismiss the Duke of Valencia (Narvaez) and his cabinet. This was followed by what was known as the *Ministerio Relámpago*, or Lightning Ministry, which held office for three hours on October 19, 1849, and was forced to retire by the threatening aspect of the people. Narvaez was recalled and forthwith relegated to a distance Sor Patrocinio, her brother, Padre Fulgencio and some of their confederates.

She was soon recalled, however, and wielded an influence which Narvaez could not resist. His successor, Bravo Murillo, sought to get a respite by persuading the Nuncio Brunelli to send her to Rome, but this availed little, for she soon returned, more powerful than ever, with the blessing of Pius IX. Under her guidance, during the remainder of the reign of Isabel II, the camarilla practically ruled the kingdom and precipitated the revolution of 1868, which, for a time, supplanted the monarchy with a republic. With the fall of Isabel she disappeared from public view, in the retirement of the convent of Guadalajara, of which she was the abbess. There she lingered in seclusion, until January 27, 1891, when she died serenely, comforted in her last moments with a telegraphic blessing from Leo XIII.[2]

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[1] Extracto de la Causa seguida á Sor Patrocinio (Madrid, 1865).

[2] Revista Cristiana, Marzo-Abril, 1891 (Madrid).

Spain is by no means the only seat of these manifestations. In 1848 there was at Niederbronn, near Strassburg, a bride of Christ named Elizabeth Eppinger who, though denied the supreme favor of the stigmata, had trances and visions

The Inquisition could suppress Judaism, it could destroy Protestantism, it could render necessary the expulsion of the Moriscos, but it failed when it sought to eradicate the abuses of Mysticism, which not only signalized the ardor of Spanish faith, but were so difficult of differentiation from beliefs long recognized and encouraged by the Church. There seems to be, in the average human mind, an insatiable craving for manifestations of the supernatural. Modern science, with its materialism, may weaken or even eradicate this in the majority, and may explain psychologically much of what seems to be marvellous, but the success in our own land of the curious superstition known as Christian Science shows us how superficial is latter-day enlightenment, and should teach us sympathy rather than disdain for the fantastic exhibitions of credulity which we have passed in review.

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and the gift of prophecy. She founded the Order of *Filles du Redempteur*, over which she presided as Sœur Alphonse.—Abbé Busson, Lettres sur l'Extatique de Niederbronn (Besançon, 1849–53).

The grace of the stigmata is likewise not uncommon. About 1825 there flourished Katharine Emmerich, the nun of Dülmen, and contemporary with her were three girls in Tyrol, Maria von Mörl, Domenica Lazzari and Crescenzia Nicklutsch, all of whom enjoyed also the customary visions and ecstasies. The learned Joseph Görres was one of the believing pilgrims who put on record his experiences. At the same time Provence boasted of a similar *beata*, Madame Miollis, known as the *stigmatisée du Var*, at Villecroze.—Die Tyrolen ekstasischen Jungfrauen (Regensburg, 1843).—Nicolas, L'extatique et les stigmatisées du Tyrol (Paris, 1844).—Boré, Les stigmatisées du Tyrol, 2e. Ed. (Paris, 1846).

The more recent case of Louise Lateau, in Belgium, is well known. All this, however, is trivial in comparison with the development of stigmatisation among the followers of Pierre-Michel Vintras, in France. In 1850 it was reckoned that no less than three hundred were favored with this distinguishing mark of divine approval.—André, Affaire Rose Tamisier, p. 5 (Carpentras, 1851).

CHAPTER VI.

SOLICITATION.

THE seduction of female penitents by their confessors, euphemistically known as *solicitatio ad turpia* or "solicitation," has been a perennial source of trouble to the Church since the introduction of confession, more especially after the Lateran Council of 1216 rendered yearly confession to the parish priest obligatory. It was admitted to be a prevailing vice, and canonists sought some abatement of the evil by arguing that the priest notoriously addicted to it lost his jurisdiction over his female parishioners, who were thus at liberty to seek the sacrament of penitence from others.[1] A Spanish authority, however, holds that this requires the licence of the parish priest himself and, when he refuses it, the woman must confess to him, after prayer to God for strength to resist his importunities.[2]

It was an evil of which repression was impossible, notwithstanding penalties freely threatened. A virtue of uncommon robustness was required to resist the temptations arising from the confidences of the confessional, and so well was this understood that an exception was made to the rule requiring perfect confession, for reticence as to carnal sins was counselled, when the reputation of the priest rendered it advisable.[3] Few women thus approached, whether yielding or not, could be expected to denounce their pastors to the bishop or provisor, and for her who yielded the path to sin was made easy through the universal abuse of absolution by her accomplice, and this, although objected to on ethical grounds, was admitted to be valid.[4] On the other hand, the peccant confessor could rely on obtaining absolution from a sympathizing colleague, at the cost of penance which had become habitually trivial.

The intercourse between priest and penitent was especially

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[1] S. Th. Aquin. Summæ Suppl. Q. VIII, art. 4.—Astesani Summæ, Lib. v, Tit. xiii, Q. 2.—Summa Sylvestrina s. v. *Confessor*, I, §§ 10–11.

[2] Guidonis de Monte Rocherii Manip. Curator. P. II, Tract. iii, cap. 9.

[3] S. Antonini Summæ, P. III, Tit. xiv, cap. 19, § 8.

[4] S. Th. Aquin. in IV Sentt., Dist. XIX, Q. 1, art. 3.—Joh. Friburgens. Summæ Confessor., Lib. III, Tit. xxxiv, Q. 65.

dangerous because there had not yet been invented the device of the confessional—a box or stall in which the confessor sits with his ear at a grille, through which the tale of sins conceived or committed is whispered. Seated by his side or kneeling at his feet, there was greater risk of inflaming passion and much more opportunity for provocative advances. It was not until the middle of the sixteenth century that the confessional was devised, doubtless in consequence of the attacks of heretics, who found in these scandals a fertile subject of animadversion. The earliest allusion to it that I have met occurs in a memorial from Siliceo of Toledo to Charles V, in 1547.[1] In 1565 a Council of Valencia prescribed its use and contemporaneously S. Carlo Borromeo introduced it in his Milanese province, while in 1614 the Roman Ritual commanded its employment in all churches.[2] It was easier to command than to secure obedience, for the priesthood offered a passive resistance which even the Inquisition found it almost impossible to overcome. As early as 1625 it forbade parish priests from hearing confessions in their houses; between 1709 and 1720 we find it occupied in endeavoring to enforce the use of confessionals and, to prevent evasions, such as hearing confessions in cells and chapels, and not in the body of the church.[3] How long-continued was the opposition, and how transparent were the artifices to elude the regulations, are visible in an edict of November 3, 1781, which led to considerable trouble. After alluding to the repeated orders on the subject, and the deplorable results of their disregard, it prescribed that women should be heard only through the gratings of closed confessionals, or of open stalls in the body of the churches, or in chapels open and well lighted. It forbade the use of handgratings or handkerchiefs, sieves, bundle of twigs, fans, or other derisive substitutes, and it prescribed minute and highly suggestive regulations as to oratories and private chapels, while a similar series concerning male penitents shows the dread of contamination even with them.[4]

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[1] Burriel, Vidas de los Arzobispos de Toledo (Bibl. nacional, MSS. Ff, 194, fol. 9).

[2] Concil. Valentin, ann. 1565, Tit. ii, cap. 17 (Aguirre, V, 417).—C. Mediolanensis I, ann. 1565, cap. 6 (Harduin. X, 653).—C. Provin. Mediolanens. IV, ann. 1576 (Acta Eccles. Mediolanens. I, 146).—Rituale Roman., Tit. iii, cap. 1.

[3] MSS. of David Fergusson, Esq.—Archivo de Simancas, Inq., Sala 39, Leg. 4, fol. 34, 55, 81.—Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 2, fol. 236, 237.—Bibl. nacional, MSS., PV, fol. C, 17, n. 38.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 6, fol. 9.

The crime of solicitation was subject to episcopal jurisdiction and, throughout the middle ages, there was no general legislation prescribing its penalties. Some apocryphal canons visited it with well-deserved severity and, in 1217, Richard Poore, the reforming Bishop of Salisbury, threatened it with fifteen years of penance followed by confinement in a monastery.[1] The spiritual courts, however, were notoriously lenient, and the prevalent sexual laxity tended to sympathy which disarmed severity in the rare cases coming before them. When, during the Reformation, this offence afforded a favorite topic for the heretics, there arose a demand for sharper treatment. In 1587, Iñigo López de Salcedo gives this as a reason for rigorous punishment, and he greatly lauds Matteo Ghiberti, the reforming Bishop of Verona († 1543) for decreeing a series of heavy penalties for attempts on the virtue of female penitents, culminating in deprivation and perpetual imprisonment when they were successful.[2]

This virtuous rigor, however, was purely exceptional. The usual tolerant view adopted is manifested in a case which, in 1535 at Toledo, came before the vicar-general, Blas Ortiz, a man so respected that he was promoted to the inquisitorship of Valencia soon afterwards. Alonso de Valdelamar, parish priest of Almodovar, was charged with a black catalogue of offences—theft, blasphemy, cheating with Cruzada indulgences, charging penitents for absolution, frequenting public brothels and solicitation. It was in evidence that he refused absolution to a girl unless she would surrender herself to him, that he seduced a married penitent whose husband was obliged to leave Almodovar in order to get her away from him, while Doña Leonor de Godoy admitted that he repeatedly used violence on her in the church itself. His sentence, rendered February 26, 1535, stated that the fiscal had fully proved his charges, but for all these crimes he was punished only with thirty days' penitential reclusion in his church, with a fine of ten ducats, besides four reales to the fiscal, a ducat to the episcopal advocate, ten days' wages to the notary who went to Almodovar to take testimony, and the costs of the trial. From this the fiscal appealed to the archbishop but the next day with-

[1] Gratiani Decret. Caus. xxx, q. i, can. 8, 9, 10.—Constitt. R. Poore, cap. 9 (Harduin. VII, 91).

[2] Salcedo, Practica criminalis canonica, p. 276 (Compluti, 1587).

For an instructive sketch of Ghiberti by Miss M. A. Tucker, see English Hist. Review, Jan.-July, 1903.

drew the appeal; Valdelamar accepted it and was sent back to his parish to pursue his course of profligacy. Evidently the episcopal tribunal was more concerned with the profits of its jurisdiction than with the suppression of solicitation.[1]

It may be inferred from this that peccant confessors were not likely to be prosecuted, unless there were other circumstances or offences to stimulate action, and this is confirmed by another case, about the same time, which also shows the readiness of the tribunal to claim jurisdiction. Pedro Bermúdez, incumbent of Ciempozuelos, employed a priest named Pareja as vicar, from 1525 to 1529. They quarrelled; Pareja was dismissed, found employment at Valdemoro, and commenced suit against Bermúdez. The latter retorted by instigating a certain Catalina Roldan, who had borne a child to Pareja, and her mother, to complain to Romero, a visiting inquisitor from Toledo, about the seduction, asking that he be forced to provide a dower and find a husband for her. Romero took up the case. Bermúdez busied himself in collecting testimony and was aided by a priest named Solorzano, whose enmity had been excited by Pareja having served as commissioner in taking evidence as to his seduction of a married woman, for which he was prosecuted in Alcalá. The proof collected against Pareja was conclusive. Two of his penitents admitted to having yielded to him, and several others testified as to his advances in the act of confession. When one of them was asked whether she confessed to him their mutual sin, she said that he told her not to do so, and afterwards admitted her to communion. There was also evidence as to his violating the seal of confession, and to irreverence in administering the sacrament. The trial pursued the usual course, the main charges being his misdeeds with his female penitents, which he admitted more or less explicitly. When the papers were sent to the Suprema, it returned them, saying that the charges for the most part were beyond the competence of the tribunal, and appertained to the episcopal court, to which they should be transferred, while the tribunal could proceed with the little that remained. The charges thus, after omitting the solicitation, were reduced to four—that he persuaded his accomplices that their mutual sin need not be confessed, that he told them that they could take the sacrament without confessing, that he said it was better to have masses celebrated than to pay debts, and that

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 233, n. 100.

almost all the witnesses held him to be a bad Christian, a heretic and an evil man.

Pareja and his advocate argued that the case was outside of inquisitorial jurisdiction, but the tribunal pushed it to the end on these subsidiary points and, on May 23, 1532 sentenced him to perpetual deprivation of hearing the confessions of women, to a fine of twenty thousand maravedís, and to have Toledo as a prison for two years, during which he was to fast and recite psalms on Fridays. As he was not required to abjure, even for light suspicion, the charge of heresy was abandoned, and as solicitation was not included in the sentence, he was liable to further prosecution by the Ordinary. Yet the character of the penalties shows that solicitation was the real gravamen, over which the tribunal was seeking indirectly to acquire jurisdiction.[1]

Evidently, if there was to be any cure or mitigation of this corroding cancer, some less sympathetic tribunal than the episcopal court was requisite, and the Inquisition was eager to supply the want, yet matters were allowed to drift for a quarter of a century longer. Possibly it may have been the Lutheran alarm of 1558 that led Archbishop Guerrero of Granada to seek the remedy and to call to the attention of the Holy See the frequency of the crime and the need of its more energetic repression.[2] His appeal was heard, and Paul IV, in a brief of February 18, 1559, expressed his sorrow at learning that certain priests of Granada misled their penitents and abused the sacraments, wherefore he granted, to the inquisitors of Granada, jurisdiction over the heresy implied in the crime and withdrew all exemptions of the religious Orders.[3] What activity the Granada tribunal manifested in the exercise of its new function is not recorded, but the field thus thrown open was sufficiently inviting for Valdés, in 1561, to obtain from Pius IV a brief granting to him and to his delegates throughout Spain the same faculties.[4] It required some ingenuity to bring the crime within the purview of the Inquisition, but it was alleged that no one whose faith was correct could thus abuse the sacraments of the Church of God. The point is not without importance, for it made the matter one of faith and not of morals, leading, as we shall see, to a notable limitation in the efficacy of the reform attempted.

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 231, n. 71.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 374.

[3] Pauli PP. IV Bull. *Cum sicut nuper*, 16 Apr., 1559 (Bullar. Roman. II, 48).

[4] Páramo, p. 880.

The regular clergy sought to escape to the milder mercies of their own superiors, and claimed that, in the constitution of Pius IV, in 1562, which subjected them in general to the Inquisition, there was an exception of cases in which the superiors had taken the earlier action.[1] The application, however, of this exception to the crime of solicitation was negatived, in 1592, by a decree of Clement VIII, which declared that the jurisdiction of the Inquisition in this matter was exclusive and not cumulative, and it ordered the members of all privileged Orders to denounce to the Inquisition their guilty brethren.[2] In 1608, Paul V granted the same powers to the Inquisition of Portugal and, in 1612, he settled in favor of the faith a question which had arisen, whether the briefs comprehended the solicitation of men as well as of women.[3] Even before this, solicitation in Italy had been subjected to the Roman Inquisition, for it issued, December 15, 1613 a decree ordering confessors to instruct their penitents that they must denounce to the tribunals all attempts to solicit them to evil and, on July 5, 1614, it included, what it described as a frequent offence, the discussion of indecent matters with women in the confessional, even without confession.[4]

Thus the Church was gradually realizing the necessity of more stringent measures to curb the evil propensities of those to whom it confided the salvation of souls, but as yet it had made only local regulations. Gregory XV recognized that a general law was required, to cover all the lands of the Roman obedience, and not merely those possessed of an Inquisition and, at the same time, to define more comprehensively the nature of the offence. The briefs thus far had limited this to seduction in the act of hearing confessions. Papal legislation was always construed in the strictest manner, and confessors felt safe if they confined their seductions to the time preceding and following the actual utterance of the confession. Had the moral and spiritual welfare of priest and

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[1] Pii PP. IV, Const. 51, *Pastoris æterni*, 1 Apr. 1562. It is perhaps suggestive that in the Luxemburg Bullarium (III, 71) the omission of the word *non* completely reverses the purport of the brief. It will be found correctly printed in Cherubini's edition.

[2] Páramo, p. 881.

[3] Pauli PP. V, Const. *Cum sicut nuper*, 16 Sept. 1608 (Trimarchi de Confessario abutente etc. Tractat., pp. 7, 10.—Genuæ, 1636).—Archivo de Simancas, Inq., Leg. 1465, fol. 16.

[4] Trimarchi, pp. 10, 11.

penitent been the only matter involved, it would have been easy to include in general terms any indecent or illicit passages between them, no matter when or where committed, but solicitation had been made to involve suspicion of heresy, in order to bring it under the Inquisition, and it became regarded as a purely technical offence, punishable only when it could be connected directly with the sacrament, leading to the unfortunate corollary that otherwise it was a trivial matter, undeserving of special consideration.

Accordingly Gregory, in his brief *Universi Dominici Gregis*, August 30, 1622, while enlarging the definition, confined it to what was said or done in the place destined to hearing confessions, whether it was before or after confession, or even if there was only a pretext of confession. He extended the provisions of his predecessors to all lands, and delegated all inquisitors and Ordinaries as special judges, with exclusive jurisdiction to inquire into and diligently prosecute such cases, according to the canons in matters of faith. He further decreed the penalties of suspension of functions, deprivation of benefices and dignities with perpetual disability for the same and, for regulars, of active and passive voice; besides these there were the temporal penalties of exile, galleys, perpetual and irremissible imprisonment and, in cases of exceptional wickedness, of degradation and relaxation. In view of the difficulty of proof, single witnesses should suffice for condemnation, when circumstances afforded due presumption. Confessors, who found that their penitents had been previously solicited, were required to admonish them to denounce the offenders, and for neglect of this they were to be duly punished. This latter provision was of difficult enforcement, for Urban VIII, in 1626, felt obliged to address all archbishops, instructing them to call the attention of confessors to it, and to insert a corresponding clause in all licences. The regular clergy seem to have been the subject of special anxiety for, in 1633, the superiors of all religious houses were ordered to assemble the inmates yearly and warn them as to the observance of these decrees, and this was also to be done in all chapters, general, provincial and conventual.[1]

The Holy See was in earnest, but the result did not correspond to its efforts. France and Germany paid virtually no attention to the decrees, and in Spain the Inquisition made no change in its procedure or in the mildness of its penalties. The only effect of

[1] Bullar. Roman. III, 484.—Trimarchi, pp. 14–18.

Gregory's brief was to raise the question whether it did not confirm, at least cumulatively, to the bishops the jurisdiction of which they had been practically deprived. No distinction was expressed between lands with and those without an Inquisition, and the original briefs of Paul IV and Pius IV had not deprived the bishops of jurisdiction, although the latter had made little effort to assert it against the exclusive claims of the tribunals. We chance to hear of the case of Dr. Miguel Bueso, who was surrendered by the Archbishop of Valencia, in 1608, for trial on this charge and, after punishment, was returned to the archiepiscopal court.[1] Soon after this de Sousa argues that, in spite of the papal decrees, bishops have cumulative jurisdiction, although the inquisitor-general can evoke cases.[2] In 1620, Inquisitor-general Luis de Aliaga had a struggle with his brother Isidor de Aliaga, Archbishop of Valencia, over the case of Gaspar Flori, rector of Urgel, who was on trial by the vicar-general for various offences, including solicitation. The tribunal demanded cognizance of this special charge; the vicar-general asserted cumulative jurisdiction, adding that he had already tried two cases of the kind. The inquisitor-general argued strenuously that, as a matter of faith, it belonged to the Inquisition; if it were not a matter of faith it would go unpunished, for there would be no obligation to denounce, and without this women would never imperil their honor, for experience showed how rarely they did so voluntarily, and they had to be compelled by the refusal of absolution. Notwithstanding all this the archbishop of Valencia held good; his vicar-general tried the case and executed the sentence.[3] There were few episcopal courts, however, so audacious as this, and the claim of the Inquisition to exclusive jurisdiction was generally conceded.

The brief of Gregory XV was not published in Spain but, by some means, the Ordinary of Seville obtained a copy and exhibited it to the inquisitors. The Suprema promptly, on January 14, 1623 addressed a consulta to Philip IV, stating that it had not learned that the brief had reached any other bishop and dwelling eloquently on the frequency and heinousness of the crime, the energy and rigor of the Inquisition in its repression, and the disastrous consequences of concurrent episcopal jurisdiction, where the leniency

[1] Archivo hist. nacional, Inq. de Valencia, Lib. VIII de autos, Leg. 2, fol. 114.

[2] Ant. de Sousa, Opusc. circa Constit. Pauli V, Tract. I, cap. 20.

[3] Archivo de Simancas, Inq., Lib. 939, fol. 371.—Archivo hist. nacional, *ubi sup.*

of punishment encouraged evildoers, and the publicity of procedure conveyed knowledge to husbands and kinsmen. The king was therefore asked to apply for the exemption of Spain from the operation of the brief; this was speedily arranged and, on April 10, Ambassador Alburquerque reported the forwarding of a decree of the Congregation of the Inquisition, stating that it was not the papal intention that the brief should apply to the Spanish dominions. Cardinal Millino, at the same time, wrote that the pope had declared that the Inquisition should continue to prosecute such cases in its customary form and manner.[1]

This simply left the matter where it was before, but the Inquisition boldly asserted that it had been given exclusive jurisdiction and, when Urban VIII granted, to the Bishop of Astorga, cognizance of these cases among the regular clergy, it had the effrontery to raise a competencia with him.[2] On May 19, 1629, it sent to the tribunals copies of Gregory's brief, with instructions to follow its prescriptions, as punishment should be uniform in a crime of such frequent occurrence. Although, it added, the brief appeared to confer only cumulative jurisdiction, the pope had declared to the king that in his dominions it was exclusive so that, if any Ordinary should undertake to hear such a case, he was to be inhibited and a prompt report be made to the Suprema. To make matters sure, this was followed by an order of August 9th, that this exclusive cognizance should be asserted in the Edict of Faith.[3]

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[1] Archivo de Simancas, Inq., Lib. 940, fol. 212; Gracia y Justicia, Inq., Leg. 631, fol. 27.

[2] MSS. of Bodleian Library, Arch, S, 130.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 6, fol. 274, 393.—Archivo de Simancas, Inq., Leg. 1465, fol. 16.

The clause concerning solicitation in the Edict of Faith, published at Valencia, Feb. 24, 1630, shows this and also the devices used to elude the technical definition of the offence. "Or, whether any confessor or confessors, clerics or religious of whatever station pre-eminence or condition, in the act of confession or immediately before or after it, or with occasion or appearance of confession, although there is no opportunity and no confession may have followed, but in the confessional or any place where confessions are made, or which is destined for that purpose, when the impression is produced that confession is being made or heard, have solicited or attempted to solicit any one, inducing or provoking them to foul and indecent acts, whether between the penitent and confessor or others, or have held indecent and illicit conversation with them. And we exhort and order all confessors to admonish their penitents, whom they understand to have been solicited, of the obligation to denounce the solicitors to this Holy Office, which has exclusive cognizance of this crime."—Archivo hist. nacional, Inq. de Valencia, Lib. 7 de Autos, Leg. 2, fol. 114.

It was not long before this produced another quarrel with Archbishop Aliaga of Valencia. In 1631, Vicente Palmer, rector of Játiva, was prosecuted in the archiepiscopal court for sundry offences, including a charge of solicitation preferred by Ana Martínez. The notary employed was a familiar who informed the tribunal. It promptly notified the Ordinary to omit that specification, to which Aliaga replied that his court had always possessed jurisdiction over the matter, and the brief of Gregory XV had confirmed the cumulative jurisdiction of both tribunals; if Urban VIII had rendered that of the Inquisition exclusive, he had not seen the brief, but if shown to him he would of course obey it. Then came a pause during which Palmer returned to Játiva and, from the pulpit, denounced all who had testified against him, declaring that all who accused ecclesiastics were excommunicated and he would not hear them in confession, especially Ana Martínez; the town was in an uproar and one man died without confession. After some months the tribunal, in its customary arrogant fashion, with threats of excommunication, summoned the archbishop to surrender the papers and admit that he was inhibited. To this he replied at much length, pointing out that it was unreasonable to ask him to strip himself of an established jurisdiction on the simple assertion of the inquisitors that they held a brief of Urban VIII, which they would not exhibit. He offered to submit the question to the pope or to form a competencia in the regular way, but both suggestions were rejected, athough the tribunal adopted a more moderate tone. The records are imperfect and we do not know the outcome, but probably the Suprema quietly let the affair drop out of sight through delay, in preference to provoking an investigation which would have manifested the fraudulence of its claims.[1]

The audacity of the claim increased with time and, in the formula of the Edict of Faith, in use in 1696, there was an absolute assertion that Gregory XV had declared that, in the Spanish dominions, the offence was subjected to the exclusive cognizance of the Inquisition and not to that of the bishops, their vicars, provisors or ordinaries.[2] Notwithstanding this, when bishops

[1] Archivo hist. nacional, Inq. de Valencia, Lib. 7 de Autos, Leg. 2, fol. 114.

[2] "Cuyo conocimiento pertenece al Santo Oficio de la Inquisicion, sin embargo del Breve de la Santidad de Gregorio XV expedido en treinta de Agusto de 1622 años, por declaracion suya, para las Inquisiciones de los Reynos de su Magestad, toca privativamente el castigo de este delito al Santo Oficio y no á los obispos ni á sus vicarios, provisores ni ordinarios."—Bibl. nacional, MSS., D, 118, p. 148.

asserted their rights, the Suprema shrank from a direct contest. Thus, in 1755, when the Bishop of Quito undertook to try cases of the kind, the Suprema merely presented a long and argumentative consulta to the king. So, in 1807, the Bishop of Badajoz tried Joseph Méndez Rodríguez, priest of Llerena, for solicitation, apparently without remonstrance on its part and when, in 1816, Rodríguez was prosecuted by the tribunal of Llerena for propositions and *mala doctrina*, the Suprema ordered it to obtain from the bishop the papers of the former trial and add them to the new proceedings.[1]

While the Inquisition was thus aggressive in grasping exclusive jurisdiction, it hesitated for some time as to the vigorous use of its powers. It could evidently do little more than the inert episcopal courts unless it included solicitation in the Edicts of Faith, which specified offences and the obligation of denouncing them, but this involved the ever-present dread of scandal, and the necessity of calling attention to a matter so delicate. This explains the initial fluctuations of policy. When jurisdiction was first conferred, the Suprema ordered the omission of solicitation and then, by edict of July 17, 1562, that it should be included.[2] This speedily brought forth a vigorous remonstrance, which earnestly urged the necessity of secrecy to prevent scandal and the rendering of confession odious. It should never be admitted that such wickedness was possible; it had, in fact, always existed, but such a remedy had never been imagined, which would lead men to keep their wives and daughters from the confessional, nobles to refrain from putting their daughters into convents, religion to be despised and Christianity itself to be abhorred. Good confessors would be driven to abandon the confessional, and the clergy, seeing that their weaknesses were to be punished by the Inquisition, would withdraw their support from it, leading to serious results. At least the punishment should be secret, so that the people, seeing no results, might be led to believe that there were no wicked men

[1] Archivo de Simancas, Inq., Lib. 28, fol. 246; Lib. 890.

[2] Ibidem, Lib. 939, fol. 107; Lib. 942, fol. 23, 31; Leg. 1465, fol. 16.—It is scarce worth while to refer to the wild story of Gonzáles de Móntes (Inquis. hist. artes detectæ, p. 185) that in Seville this brought in so many denunciations that twenty secretaries and as many inquisitors were unable to take them down within the thirty days allowed and that four prolongations of the time were required.

administering the sacrament.[1] This final suggestion was superfluous, for clerical offenders, short of those incurring degradation and relaxation, were always punished in secret.

The opposition to this public admission of clerical frailty grew so strong that the Suprema, in a carta acordada of May 22, 1571, stated that, after many discussions, it had been decided that the disadvantages attendant on it required its omission, and inquisitors were told to find some other means, including notice to the Ordinaries to instruct confessors to admonish penitents to denounce offenders to the Holy Office. The exception thus made in favor of soliciting confessors evidently led to a marked diminution in the number of denunciations, causing the Suprema to hesitate for, in a carta of September 20, 1574, repeating the orders to omit, the Suprema spoke of it as possibly a temporary regulation.[2] The conviction seems to have grown that in no other way could the abuse be checked and, in a carta acordada of March 2, 1576, inquisitors were ordered to replace the clause in the Edict of Faith.[3]

Notwithstanding the publicity of the Edict, which imposed excommunication for failure to denounce, the trials show that the most fertile source of denunciation was the refusal of confessors to absolve penitents who had been solicited, unless they would accuse their guilty partners to the Inquisition. In spite of the assurance of secrecy, women were naturally reluctant, whether they had yielded or not, to expose themselves to the necessity of reciting details more or less revolting, and subjecting themselves at least to suspicion. One feature which rendered this exposure peculiarly distressing was the necessity of ratification, when all the foul or incriminating matter was rehearsed in the presence of two more men and, as much of this testimony was taken on the spot, by commissioners and notaries appointed *ad hoc*, in small places where everything was known, such revelations would only be made under the severest pressure. Again there was the enmity which was sure to be excited for, in these cases, the device of suppressing the names of witnesses was no protection against identi-

[1] Bibl. nacional, MSS., D, 118, fol. 216, n. 60.

[2] Archivo de Simancas, Inq., Leg. 1665, fol. 16; Lib. 939, fol. 107; Lib. 942, fol. 31.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 254.—Archivo de Simancas, Inq., Lib. 83, fol. 25.

The Roman Inquisition tardily followed the example of the Spanish in a decree of 1677.—Berardi de Sollicitatione et Absolutione Complicis, p. 6 (Faventiæ, 1897).

fication, which was a risk not lightly to be encountered, especially when the culprit was a parish priest, whose capacity for revenging himself was unlimited. The Inquisition sorrowfully admitted that, even when it had one accusing witness, corroborative evidence was almost impossible to obtain.[1]

Even where no direct enmity was excited, the incidental troubles to which a denunciation might give rise are illustrated in the case of Sor María de Santa Rita, a nun, 29 years of age, in the convent of La Magdalena at Alcalá de Henares, in 1737. During the absence of the regular confessor, she confessed thrice a week for five weeks to Maestro Diego de Azumanes, pastor of Alcalá. On her alluding to certain carnal temptations, he pushed his inquiries to the furthest extent and then, day after day, he poured into her ears a flood of foul and indecent talk, with personal applications to her and to himself in a manner most provocative of lust—or disgust. The regular confessor, on his return, instructed her to report Azumanes to the Inquisition. In doing so she unluckily mentioned that the superior of the house, Sor Teresa de San Bartolomé, a virgin with thirty-eight years of conventual experience, observing her repugnance to confess to Azumanes, told her not to mind him; it was true that he was too clear and explicit in discussing such matters, leading to temporary excitement of the passions, but she would soon overcome this. The tribunal ordered a commissioner to examine Sor María and, on receiving his report, instructed him to interrogate Sor Teresa, which he did with a directness that must have been excessively unpleasant, and it is easy to conjecture how miserable must have been Sor María's subsequent life in the convent. The tribunal, it may be added, did nothing, except to ascertain that no other denunciations had been made against Azumanes. He was allowed to go on infecting the minds of his penitents with his obscenity, until his death a few years afterwards, in happy ignorance that any complaint had been made against him.[2] When there were so many reasons to deter women from denunciation, it is easy to understand how small a proportion of the cases of solicitation reached the Inquisition. In 1695, Fray Luis Aritio, a Recollect, was accused

[1] "La experiencia acredita que muchos contestes, singularmente mugeres y en causas de solicitacion, nada declaran, ya por miedo, ya por vergüenza, ya por una falsa caridad, de que tiene el Santo Oficio freqüentes y lastimosas experiencias."—Instrucion que han de guardar los Comisarios, n. 21.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 227, n. 7.

to the tribunal of Valencia by two women and, on his trial, he confessed to ten.[1]

The most available means of overcoming this repugnance was to render denunciation a binding obligation on the woman. To effect this as far as possible, when, in 1571, the clause in the Edict of Faith was suspended, the Suprema issued an edict requiring confessors, under pain of excommunication, not to absolve penitents confessing to having been solicited, unless they would promise to denounce the offender.[2] It was admitted, however, that there were degrees of danger which would release the woman from the obligation, and casuists endeavored to define this with their usual acuteness and lack of unanimity. One learned writer, about 1620, even laid down the general principle that natural law is superior to positive law, and the preservation of reputation belongs to the former, while the obligation to denounce belongs to the latter.[3] The Roman Inquisition, in 1623, made a concession to this weakness, by providing that, when noble or modest women could not be induced to denounce, there might be granted to their confessors faculties to absolve them, on condition that, when the cause of fear was removed, they would fulfil the duty, but this permission apparently was abused for, in 1626, inquisitors and bishops were warned to grant such faculties only when there were serious grounds.[4] That danger was really sometimes incurred would appear from some fragmentary cases in the Valencia records. In one of these, a baffled confessor threatens his penitent with death if she betrays him; in another a priest, on finding himself denounced, similarly threatens the confessor who had been the medium of denunciation, unless he will write that the women had withdrawn their statements.[5] The Spanish Inquisition, however, made no allowances. It was apparently to put an end to the refinements of casuistry that when, in 1629, it distributed to the tribunals the brief of Gregory XV, it granted to all inquisitors a faculty to punish confessors who taught that penitents were not obliged to denounce such solicitors.[6] To render this more effective,

[1] Ibidem, Inq. de Valencia, Leg. 2, n. 15.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 371.

[3] Bibl. nacional, MSS., B, 159, fol. 161–2. For various speculations on the subject see Rod. a Cunha pro PP. Pauli V Statuto, Q. xix (Benavente, 1611).—Ant. de Sousa Opusc. circa Constit. Pauli V, Tract. ii, cap. 7–10.

[4] Card. Cozza, Dubia selecta circa Solicitationem, Dub. XLII (Lovanii, 1750).

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 365, n. 46.

[6] Bibl. nacional, MSS., V, 377, cap. xx.

in 1713, it ordered that all women bringing charges of solicitation should be interrogated whether any confessor had neglected to impose on them the obligation of denunciation, and if so his name, residence and all the circumstances were to be ascertained, so that he could be called to account.[1]

While the Spanish Inquisition was thus creditably rigid in exacting denunciations, it was equally strict in construing the limits of the technical offence as defined in the papal decrees. As stated above, morals had nothing to do with the matter; the business of the tribunals was not to prevent women from being ruined by their spiritual fathers, but only to see that the sacrament of penitence was not profaned in such wise as to justify suspicion of the orthodoxy of the confessor. In 1577, inquisitors were warned that it did not suffice for prosecution that confessors had illicit relations with their penitents, or that they solicited in the confessional when there really was no confession and, in 1580 it was expressly stated that they were not to be prosecuted if they said that they did not intend to have their penitents confess.[2] This covered assignations under pretext of confession, to deceive onlookers, which we are told was a frequent custom and, as there were no confessional stalls, and the churches were largely deserted, there was little danger of interruption. It was argued that there was no confession and no sacrament, so there could be no heresy, but the Roman Inquisition, in 1614, decided it to be solicitation, and the brief of Gregory XV, in 1622 settled the question, although it required another brief of Urban VIII, in 1629, to render it authoritative in Spain.[3] This involved the question as to the knowledge which either party might have of the other's intention, opening the door to the endless refinements of antecedent or consequent invincible ignorance, in which the casuists disported themselves.[4]

Even more dubious and fruitful of discussion was the question as to what constituted the solicitation itself. About *torpezas* or physical indecencies, there could be no rational doubt, though

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[1] MSS. of Royal Library of Copenhagen, 218b, p. 264.

[2] Archivo de Simancas, Inq., Leg. 1465, fol. 16.—MSS. of Bibl. nacional de Lima, Protocolo 223, Exp^te^ 5270.

[3] Rod. a Cunha, Q. XIV, XV.—Ant. de Sousa, Tit. I, cap. 19.—Matteucci Cautela Confessarii, Lib. I, cap. 5, n. 3 (Venetiis, 1710).—Cozza, Dub. XVII.—Bibl. nacional, MSS., V, 377, cap. XX.

[4] Ant. de Sousa, Tract. I, cap. XV.

even here the laxity of Probabilism gave scope for arguing them away.[1] It is such things that usually meet us in the trials, in a shape admitting of no debate, but there was a wide range of less incriminating acts, such as words of flattery and endearment, praising the penitent's beauty or telling her that if he were a layman he would marry her. Theoretically, what were known to the moralists as *parvitas materiæ*—trifles insufficient for animadversion—were not admitted in solicitation. Pressing the hand, touching the foot, foul expressions and the like were admitted to be subjects for denunciation, but the gradations of such advances are infinite, and the elaborate discussions in some of the works on the subject are examples of perverted ingenuity, apparently directed to teach libidinous priests how to gratify sensuality without incurring risk.[2] The question of lewd and filthy talk was an especially puzzling one, for the confidences of the confessional presuppose a licence on subjects usually forbidden between the sexes, which may readily be abused by a brutal or foul-minded priest, and it is impossible to frame a definition which in practice shall rigidly differentiate moral instruction from heedless pruriency or deliberate corruption. How difficult it is to draw the line in such matters is indicated by a case before the Valencia tribunal in 1786. A nun of the convent of Santa Clara in Játiva complained of the indecent and unnecessary questions repeatedly put to her in confession by the Observantine Fray Vicente González. Under the advice of the definitor of the Order she empowered him to denounce González to the Inquisition. Then the regular confessor of the convent pronounced that the questions were necessary and proper, and persuaded the definitor to write to the tribunal to that effect.[3]

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[1] There were many probabilist authorities who held that the fact that such acts as kissing, pressing the hands, handling the breasts, etc., were committed in the confessional did not change them from venial to mortal sins. See Del Bene de Officio S. Inquis. P. II, Dub. 237, Sect. 3, n. 3 (Lugduni, 1666). Cf. Cozza, Dub. III, n. 18.

In 1743 a lively controversy arose between the rigorists and the Jesuits over the *Tatti mammillari* caused by a proposition of Father Benzi S. J. that stroking the cheeks of nuns and handling their breasts were venial, when unaccompanied with depraved intentions.—Concina, Explicazione di quattro Paradossi, cap. 1 § 1 (Lucca, 1746).

[2] Cozza, Dub. III, IV, V.—Fran. Bordoni Sacrum Tribunal Judicum, cap. XXIII, n. 53–61 (Romæ, 1648); Ejusd. Manuale Consultorum, Sect. XXV, n. 91 (Romæ, 1693).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 365, n. 46, fol. 26.

There were other intricate questions arising from human perversity. A Cunha tells us that the more probable opinion affirms the guilt of a confessor who acts as a pimp with his penitent for the benefit of another, and also in the more frequent case in which he solicits the penitent to serve as procuress for him with her daughter or a friend. De Sousa, however draws a distinction and asserts positively that, in the former case, he is liable under the papal briefs and, in the latter, he is not, nor is he if he tries to seduce a woman who is confessing to another priest.[1] Then there was a nice question as to priests without faculties to hear confessions, or who were under suspension or excommunication, on which the doctors were evenly divided.[2] Distantly akin to this were cases in which laymen would secrete themselves in confessionals and listen to confessions, whether from prurient motives, or through jealousy, or to obtain opportunities for seduction. If they carried deceit to the point of conferring absolution, they incurred serious penalties, as we shall see hereafter; if they merely solicited the penitent, the weight of authority is that there is no sacrament and no liability to the papal briefs.[3]

There was another phase of the subject on which the doctors were hopelessly divided—what was known as passive solicitation, where the woman was the tempter. This case, we are told, was rare, and we can readily believe it, although there are not wanting zealous defenders of the cloth who assert that in the majority of cases the penitent is really the guilty party. The earliest allusion to the matter is by Páramo, in 1598, whose treatment of it shows that as yet there had been no formal decision; if the confessor resists, he says, he should denounce the woman; if he yields, he should denounce both her and himself, though perhaps it would be best to consult the pope.[4] As regards the confessor, the authorities differ irreconcileably, but they are virtually unanimous in holding that, as the woman is not mentioned in the papal briefs, she is not subject to the Inquisition.[5] Yet, notwithstanding the

[1] Rod. a Cunha, Q. XVII.—Ant. de Sousa, Tract. I, cap. xiv.—Jo. Sánchez, Disputationes Selectæ, Disp. XI, n. 43, 44 (Ludguni, 1636).

[2] Rod. a Cunha, Q. XIV.—Ant. de Sousa, Tract. I, cap. xi.—Cozza, Dub. XXXVII.—Trimarchi, p. 160.—Bibl. nacional, MSS., B, fol. 160.

[3] Trimarchi, p. 145.—Cozza, Dub. XXXVIII.

[4] Páramo, p. 886.

[5] A Cunha, Q. IX, XI.—De Sousa, Tract. I, cap. vi, vii, xvii.—Alberghini Manuale Qualificatorum, cap. XXXI, § 1, n. 10, 11, 17.—Trimarchi, pp. 193, 199, 201, 212.—Cozza, Dub. IX, X, XI.—Bodoni Manuale, Sect. XXV, n. 169.—Bibl. nacional, MSS., V, 377, cap. XX, §§ 5, 10.

absence of papal authority, we happen to find María Izquierda prosecuted for this offence, in 1715, by the Valencia tribunal and, in 1772 Antonia Coquis, wife of Bruno Vidal, by that of Madrid.[1]

It will be seen that solicitation subject to inquisitorial action was so purely technical an offence, and one so difficult of precise definition, that it offered many doubtful points affording ample opportunity of evasion by the adroit. Gregory XV had sought to be precise and explicit, but the ingenuity of casuists and evil-doers continued to find exceptions and, in 1661, the Roman Inquisition rendered sixteen decisions on disputed points, but its ingenuity was baffled by so intricate a subject, and it was obliged to leave some matters rather darkened than illuminated.[2] Then it was pointed out that the papal briefs were silent as to handing love-letters to penitents during confession and, as everything not specifically prohibited was held to be licit, this was assumed to be allowable, until Alexander VII stamped the proposition as erroneous.[3] After this the perverted ingenuity of the casuists had free scope until, in 1741, Benedict XIV, in the solemn bull *Sacramentum Pœnitentiæ*, deplored that human wickedness was perverting to the destruction of souls that which God had instituted for their salvation. He renewed and confirmed the brief of Gregory XV, and added to its definitions all attempts in the confessional to lead penitents astray by signs, nods, touching, indecent words and writings, whether to be read there or subsequently. In eloquent words he warned all those in authority to see that the wandering sheep, endeavoring to re-enter the fold, should not be abandoned

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 376.—Archivo de Simancas, Inq., Registro de Solicitantes, A, 7, fol. 2 (Lib. 1002, fol. 2).

[2] The more important of these decisions were—

3 There is no *parvitas materiæ* in solicitation.

8 When the solicitation is mutual, the confessor is to be denounced.

9 A confessor yielding to solicitation through fear is to be denounced.

10 Solicitation in other sacraments does not fall within the papal bulls.

11 Solicitation to other than carnal sins during confession does not require denunciation.

12 When a confessor praises the beauty of a penitent, if the praise is serious and without evil intention, he is not liable to denunciation; if otherwise, he is.

13 If a confessor sitting in a confessional solicits a woman standing before him without pretext of confession he is probably not liable to denunciation.

14 A confessor who makes during confession a present to the penitent, without evil intention is not liable to denunciation; otherwise he is.—Berardi de Sollicitatione, p. 5.

[3] Bullar. Roman. T. VI, Append. p. 1.

to the cruel beasts seeking their destruction, and he branded the sacrilegious seducers as ministers of Satan, rather than of Christ.[1] Still, it was only the technical heresy and not morality that was considered, and illicit relations between spiritual father and daughter, outside of the confessional, were left unpunished as before.

At the same time he endeavored to suppress the most flagrant abuse connected with solicitation—an abuse which, more than anything else, smoothed the path for the seducer—the absolution of the woman by her partner in guilt. Alexander VII, in 1665, had only gone so far as to condemn the proposition that this absolution relieved her from the obligation of denouncing her seducer—a proposition which proves how audacious were the laxer moralists of the period who asserted it.[2] Benedict now formally prohibited the guilty confessor from hearing the confession of his accomplice, except on the death-bed when no other confessor could be had; he deprived him of the power of granting absolution, which consequently was invalid, and the attempt to do so imposed *ipso facto* excommunication, strictly reserved to the Holy See.[3] As this excommunication suspended all the functions of the priest until removal, its observance would have gone far to check any abuse that was not incurable, but neither priest nor penitent paid to it the slightest attention. It is impossible to trace, in the business of the Spanish Inquisition, any result from Benedict's well-meant legislation. Trials for solicitation continued as numerous as ever, and the only difference observable is that, in the second half of the eighteenth century, the sentences almost invariably assume that the culprit has incurred excommunication for absolving his accomplice; that, until he obtains absolution from this, he must abstain from using his functions, that he must consult his conscience as to his ministrations hitherto while under this irregularity, and that his penitents must be discreetly warned to repeat their confessions which, having been made to him, were invalid. This continued to the end and is a feature in the case of Fray Josef Montero, the last one sentenced by the Córdova tribunal, April 24, 1819.[4]

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[1] Bullar. Benedicti PP. XIV, T. I, p. 23–4.

[2] Bullar. Roman. *ubi sup.*

[3] Bullar. Benedicti PP. XIV, *loc. cit.*

[4] Archivo hist. nacional, Inq. de Toledo, Leg. 1; Inq. de Valencia, Leg. 365, n. 46.—Archivo de Simancas, Inq., Lib. 890.

It is no wonder that confessors endeavored to evade the technical definitions of the papal briefs for, if they could do so, no matter how heinous was their guilt there was practically no penalty. Juan Sánchez asserts that a priest who has commerce with his penitent is not obliged to specify the fact when making confession, for it is not incest and there is no papal prohibition of it.[1] All authorities, from that time to this, tell us that he can obtain absolution from any confessor, for it is not a reserved case, which shows the universal benignity of the bishops and the popes, who have the power of reserving to themselves the absolution of what sins they please.[2] It is easy to understand, therefore, how, in the trials, the inquisitors bent their energies to obtain definite evidence as to the exact location and time of the acts of solicitation, and how the accused sought to prove, not his innocence, but his dexterity in evading the definitions of the papal decrees. A suggestive example is the case of Doctor Pedro Mendizabal, cura of the parish of Santa Ana in the City of Mexico. He was denounced, June 21, 1809, by Doña María Guadalupe Rezeiro, by command of her confessor, when she stated that, in January, 1807, she made to him a general confession, too long to be finished in one day. On returning to his church to complete it, she was told to go up to his room, when he said he was too busy to listen to her. She retired but, on her way down stairs, his servant recalled her and, on entering his apartment, he threw his arms around her, professed ardent love and promised to support her if she would become his mistress, which she refused. As he had thus eluded the definitions of Benedict XIV, four calificadores out of six reported that he was not technically guilty of solicitation. The denunciation was filed away and, in 1817, there came another, of which he had warning in order that he might spontaneously accuse himself, as he did. It was from an attractive young girl of 17, and investigation developed four more cases of girls of whom he was confessor. Abundant

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[1] Joh. Sánchez Disputt. Select., Disp. xi, n. 3, 4.—Juan Sánchez was one of the laxer moral theologians of the seventeenth century, some of whose propositions incurred papal censure, but this escaped. Hurter characterizes him as "in morum doctrina versatissimus."—Nomenclator Theol. Cathol. I, 414.

[2] Ant. de Sousa, Tract. II, cap. xx.—Berardi de Sollicitatione, p. 129.—Il Consulente Ecclesiastico, Vol. IV, p. 19 (1899).—S. Alph. de Ligorio Theol. Moral. Lib. VII, n. 519. Podestà, however, tells us that in his time, in the diocese of Naples, it was reserved to the bishop.—Examen ecclesiasticum, T. II, n. 601 (Venetiis, 1728).

evidence showed habitual indecent liberties—hugging, kissing, sitting in his lap, in presence of their families or even in public resorts. He had been ordered out of two houses and, on appeal to the archbishop, he had been forbidden to confess one of the girls who was a boarder in a convent. The distraction of the mother of the first accuser, endeavoring to save her daughter from one whose authority as a priest overawed her, is very touching and suggestive. Yet in all this there was no proof of anything in the act of confession—as one of the calificadores piously remarked, "God, in his goodness, preserved him from this." Two calificadores argued at much length that he was not guilty of solicitation; then two others proved that he was guilty, and finally two more laboriously demonstrated that the first pair were correct. This is the last document in the case. It is dated November 3, 1819, and, as the Inquisition was suppressed in June, 1820, and as there is no endorsement on the record showing that the case was concluded, Mendizabal undoubtedly escaped to continue his corrupting career, especially as he had four out of six calificadores in his favor.[1]

The technicalties, which eliminated morality from consideration, resulted in curious contrasts. In November 1762, Fray Clemente de Cartagena went to Toledo to assist in the profession of his neice Gerónima, in the Bernardine convent, where he already had a sister. He and his sister were in the confessional near the altar, when some duty called her away and she told Gerónima to go to her uncle. She seated herself in the confessional, while he occupied the penitent's place outside and, in an affectionate talk, he asked her to kiss him. The next day he said to her that he had forgotten at the moment that they were in the confessional; this made no impression on her, until she heard the nuns talking about the exceeding delicacy of such matters, and she consulted Fray Fernando de San Josef, who ordered her to denounce her uncle. This she did in writing, and Fray Fernando conveyed it to the tribunal, which duly took up the case. We shall see that prosecutions required two distinct and separate denunciations; inquiries, according to custom, were made of all the other tribunals; fortunately for Fray Clemente nothing was found against him and the case was suspended, but if there had been, or if subsequently he chanced to draw upon himself a denunciation, the innocent kiss to his neice

[1] Proceso contra el Dr. Pedro Mendizabal (MS. *penes me*).

would count as though he had deliberately seduced a penitent.[1] It was the spot and not the nature of the act that was decisive.

Against this may be set the case of Cristóbal Ximeno, parish priest of Manzanera, a brute who was in the habit of violating the young girls of his church, who came to his house for examination in the *Doctrina Cristiana*, as a preparation for communion at marriage, until mothers would not trust their daughters there alone. They were his penitents, but the outrage was not in the confessional and he had nothing to fear under the papal decrees. At length, however, he made himself liable to the Inquisition by pretending to confess Pasquala Torres, at her marriage, without absolving her and then, when administering communion to her and her bridegroom, dropping the host into the ciborium—a sacrilege for which he was duly punished by the Valencia tribunal.[2] So complete, indeed, is the dissociation of morals and solicitation, that some doctors hold that, when a priest is confessing a sick woman, if she falls into delirium or stupor, he can violate her without exposing himself to denunciation. It is satisfactory, however, to be told that the weight of authority is opposed to this opinion.[3]

Yet there was one species of abuse of the confessional, not contemplated in the papal briefs, which the Spanish Inquisition, by a somewhat forced construction, classed with solicitation. This, which was known as flagellation, consisted in imposing penance of the discipline and administering it on the spot, or letting the penitent administer it herself, in either case requiring her to disrobe and expose herself to a greater or less degree. Sometimes this was mingled with the debased mystic ardor, of which we have seen examples above, leading both parties to expose themselves and lash one another. The earliest case that I have met of this occurred in 1606, at Nájera, when María Escudero, a widow aged 40, testified that she had long confessed to the Franciscan Fray Diego de Burgos. They exchanged vows of obedience to each other; he would visit her in her house when they would discipline each other with exposure almost complete, under agreement that their eyes should be kept closed. Then he introduced a pious exercise still more indecent, but he was always scrupulously correct

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 228, n. 18.
[2] Ibidem, Inq. de Valencia, Leg. 365, n. 46, fol. 32.
[3] Berardi, *op. cit.*, pp. 36–7.

in the confessional. She chanced to make a general confession to another priest who refused absolution unless she would denounce Fray Diego. The case was evidently novel and dragged on until 1609, when it reached the Suprema, which submitted the matter to two calificadores. One opined that the acts savored of the heresy of the Adamites and Alumbrados; the other attributed it merely to imprudent simplicity and ignorance. Apparently there was no precedent for guidance and the case seems to have been suspended.[1] A parallel case, with a different ending, was one in which there were a number of women concerned and the practices were foul almost beyond belief. The priest was an ignorant and simple man who, by the advice of another confessor, came with the women to denounce themselves. He was sentenced to rigid reclusion in a convent, where he died after giving a most edifying example, and the women were not prosecuted, as they were mostly barefooted Carmelites and Capuchins.[2]

The *flagelante* soon came to be recognized as an offender akin to the solicitor, and was held to be subject to the papal briefs. The old inquisitor, who relates the last case, and writers like de Sousa and Alberghini, all speak of stripping penitents and disciplining them as a species of solicitation, to be visited with the same penalties.[3] As a rule, in fact, it was regarded as rendering the offence more serious, for it inferred more than the technical suspicion of heresy, especially after Molinism had deepened the guilt of Illuminism, and we find allusions to *hereges flagelantes*. Cases become frequent in the records and we even, in 1730, find a Fray Domingo Calvo spontaneously denouncing himself to the Madrid tribunal for having caused himself to be flagellated, showing to what means perverted sexual instincts resorted for gratification.[4]

The extent to which these practices were sometimes carried is indicated in the trial, in 1795, of Padre Paulino Vicente Arevalo, priest of Yepes, as "solicitante y flagelante." He confessed to the most flagrant indecencies committed in this manner, with his female penitents, among whom were nine pupils or sisters of the Bernardine convent. Sometimes he made them discipline them-

[1] Archivo de Simancas, Inq. de Logroño, Procesos de fe, Leg. 1.

[2] Bibl. nacional, MSS., V, 377, cap. XXI, § 6.

[3] Ibidem, cap. XX, § 3.—De Sousa, Aphorism. Lib. I, cap. XXXIV, n. 40.—Alberghini, Man. Qualificator. cap. XXXI, § 1, n. 19.

[4] Archivo de Simancas, Inq., Lib. 1006, fol. 25.

selves in his presence and, as the scourge had to be applied to the peccant parts, he had choice of such exposure as he desired, an opportunity of which he admitted availing himself. The record is discreetly mute as to worse excesses but, as six of his penitents were required to repeat to another confessor all the confessions specified in the evidence, it follows that sins must have been committed for which he absolved them. For this perversion of so many young lives he was only sentenced to a year's reclusion in a monastery, thirty days' spiritual exercises, deprivation of the faculty of confession, perpetual exile from Yepes and eight years' exile from some other places—penalties which, although severe under the mild inquisitorial standard, were wholly inadequate to his offences.[1]

A considerable portion of the cases in the later years of the Inquisition are characterized as "solicitante y flagelante" and many of them illustrate the easy transition from Illuminism to solicitation. As early as 1651 we meet the case of the Dominican Fray Gerónimo de las Herreras, condemned by the Toledo tribunal to deprivation of the faculty of confession and three years' reclusion in a convent, as an "alumbrado y solicitante," convicted of repeated practices of obscenity with many women. When Molinism came to the front, those who taught it with its debauching consequences were more severely dealt with, as in the case of Buenaventura Frutos, cura of Mocejon, who, in 1722, was pronounced by the Toledo tribunal to be a formal heretic and dogmatizer, a contumacious solicitor and seducer. As such his sentence was read with open doors, he appeared in a sanbenito *de dos aspas,* was reconciled, verbally degraded and recluded irremissibly for life in a convent where, for two years he was shut up in a cell, under instruction.[2] Similar cases continued to occur occasionally, but more numerous in the later period were those in which solicitation is conjoined with *mala doctrina,* showing that the evil teaching was of a less dangerous character than fully developed Molinism—a mere soothing of the conscience of the penitent with assurances that what her confessor desired was not mortal sin—but even this was regarded as increasing the suspicion of heresy and requiring severer punishment.[3]

It is perhaps not without interest to note the advanced age to

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 227, n. 4.

[2] Ibidem, Leg. 1.

[3] Ibidem, Inq. de Valencia, Leg. 4, n. 2, fol. 79.

which some of these soliciting confessors retained the ardor which impelled them to the offence. Cases of septuagenarians are by no means rare. The Dominican, Fray Antonio de Aragon, sentenced, July 24, 1734, at Toledo, was 78 and the Observantine, Fray Miguel Granado, denounced, in 1786, to the Cuenca tribunal, was 80. In the former case the punishment was mitigated in consideration of his years, though a less sympathizing court would have heightened its rigor, in view of the evil which such a sinner must have wrought during so prolonged a career.[1]

When, in 1561, the Inquisition obtained jurisdiction over solicitation, it had no precedents on which to frame its procedure or to regulate the penalties. The episcopal courts had been inert and merciful, and the fact that the offence had been transferred from them inferred that the new jurisdiction was expected to be vigorous and rigorous. Its first care, however, was to preserve secrecy and avert scandal, so that no layman should be admitted to knowledge of clerical delinquencies. The earliest utterance is a carta acordada of 1562, prescribing that, when the denunciation affords conclusive evidence, it shall be considered by the inquisitors and Ordinary, without calling in the usual consultors, and the arrest shall be made with the utmost circumspection; the accused is to be admitted to bail; when the case is concluded, if he is a fraile he is to be confined in his convent with orders not to preach or hear confessions; or to have active and passive voice; if he is a secular priest, he is to be confined somewhere else than where the offence was committed, he is not to exercise his functions and the final disposition of the case is to rest with the Suprema.[2] In 1572, consultors were admitted to examine the evidence before arrest, but they were to be exclusively clerics, and the result was to be submitted to the Suprema before action. It made little difference that the heinousness of the offence was emphasized, and the necessity of exemplary punishment, when the culprit was treated with this exceptional tenderness.[3] In 1600, even the Ordinary was excluded from the preliminary deliberations and the Suprema was to be consulted before any action was taken.[4] The same precautions

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1; Inq. de Valencia, Leg. 66.

[2] Archivo de Simancas, Inq., Lib. 942, fol. 23; Leg. 1465, fol. 16.

[3] Ibidem, Lib. 939, fol. 107; Lib. 942, fol. 38; Leg. 1465, fol. 16.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 264.—Archivo de Simancas, Inq., Lib. 942, fol. 52.

as to publicity were to be observed with regard to the sentences, which were to be read in the audience-chamber with closed doors, the only witnesses present being a prescribed number of the brethren of the culprit—members of his Order if he was a fraile, or curas and rectors, if a secular priest.[1] The care taken to avert attention from these delinquencies is illustrated in the case of Fray Antonio de la Portería, in 1818; he was resident in the convent of Mondonedo, and the guardian was ordered to send him on some pretext to the house of the Order at Santiago, where he was duly tried.[2]

Even greater favoritism was manifested in the matter of evidence. We have seen that, in ordinary trials, while two witnesses were required as to each fact yet, in practice, a single witness sufficed, not only for arrest but for torture and that the testimony of the vilest persons was welcomed without discrimination. In solicitation, it was self-evident that there could be but one witness to each specific act, so that perforce the tribunals were instructed that they must be content with "singular" witnesses. A single denunciation however, did not suffice for arrest, but in 1571, and again in 1576, they were allowed to deliberate on it and consult the Suprema. Even this was thought to be too harsh and, in 1577, the rule was adopted that there must be two separate and independent denunciations before arrest and trial—a rule fraught, as we shall see, with far-reaching consequences for, when it was so difficult to induce women to accuse their seducers, innumerable culprits escaped because two of their victims did not happen to act independently.[3] Similar exceptional consideration was shown with regard to the character of the witnesses, repeated instructions being issued that this was to be carefully investigated, and the results be noted upon the record and reported to the Suprema, so that due weight be given to it, both in ordering arrest and apportioning penalties—precautions eminently commendable, but deplorably lacking in trials for other offences.[4] Justification for this solicitude was sought in the customary monkish abuse of women in general. It was a misfortune that their evidence was to be received at all but, from the nature of the crime, this was unavoidable, and

[1] Archivo de Simancas, Inq., Leg. 1465, fol. 16.

[2] Ibidem, Lib. 890.

[3] Ibidem, Lib. 939, fol. 107; Lib. 941, fol. 2; Leg. 1465, fol. 16.—Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 254.

[4] Archivo de Simancas, Inq., Lib. 939, fol. 107; Lib. 942, fol. 45; Leg. 1465, fol. 16.

Páramo tells us that by nature they are lying, deceitful, perjurers, crafty, changeable, frail, mutable and corruptible—a daily curse, the gate of the devil, the tail of the scorpion, a whitened sepulchre, an incurable sore, but they are the only witnesses to be had and two of them, if of good character, must suffice for full proof.[1] Such tirades show the different temper in which inquisitors approached the consideration of these cases and those of Jews or Protestants.

After arrest the culprit could be committed to the secret prison, but this was exceptional, the custom being to remand regulars to houses of their Order, and to admit seculars to bail, with the city as prison, in a manner to attract as little attention as possible. The trial took the usual course, interrogation being made as to intention and belief in the sacrament of penitence, on which inquisitorial jurisdiction was based. Of course all heretical tendencies were disclaimed, but, in the possible case of error and pertinacity, there was provision for confinement in the secret prison with sequestration of property and seizure of papers.[2]

In the Spanish Inquisition, solicitation uncomplicated by Illuminism or Molinism, inferred only light suspicion of heresy, requiring merely abjuration *de levi*. Consequently the accused was not exposed to torture. It is true that, academically speaking, though he could not be tortured as to intention and belief, he might be subjected to it if he denied facts, but in practice it was never employed, although the formal accusation contained the *otrosi* demanding it.[3] Yet, when there was *mala doctrina* or Illuminism torture was employed without scruple, as in the case, in 1725, of Manuel Madrigal, in Toledo, accused as "solicitante, Molinista y flagelante."[4] In the Roman Inquisition, however, after the brief of Gregory XV, the suspicion of heresy was vehement, the abjuration was *de vehementi* and there was no exception to the general rule of torturing on intention. The testimony of one woman of good character, supported by indications such as the evil repute of

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[1] Páramo, p. 875.

[2] Archivo de Simancas, Inq., Leg. 1465, fol. 16.

[3] Ibidem, Lib. 939, fol. 342.—De Sousa, Opusc. circa Constit. Pauli V, Tract. II, cap. 13, 21; Ejusd. Aphor. Inquis. Lib. I, cap. xxxiv, n. 64, 65.—Alberghini, Man. Qualif. cap. xxxi, § 2, n. 3, 4.—Bibl. nacional MSS., V, 377, cap. xx, 9.—Archivo hist. nacional, Inq. de Valencia, Leg. 61; Inq. de Toledo, Leg. 498.—MSS. of Royal Library of Copenhagen, 218b, p. 423.

[4] Archivo de Simancas, Inq., Lib. 876, fol. 208.

the confessor, or that of two women unsupported, sufficed. In every way Rome treated the offence with less charity than did Spain.[1]

The instructions as to the examination of accusers offer a strong contrast to the negligence habitual in trials for formal heresy, of which the penalties were so much more severe. Tribunals were warned that it required special attention and the utmost exactitude; the woman must declare precisely the spot and the time, whether confession was real or simulated, and she must repeat in full detail the words and acts of the confessor without omission. If any one was near enough to see or to hear, she must state who it was; if she had spoken to any one, the name must be given, and the inquisitor was urged to exercise his ingenuity according to the circumstances of the case. If she had subsequently confessed to the same priest, she must give her reasons and state whether he had absolved her. Special inquiry was to be made as to any cause of enmity on her part or that of her kindred; whether she had heard of his doing the same with other women; what she thought or knew as to his character, and whether any other confessor had told her that she was not bound to denounce him.[2] All these were salutary precautions which, if general and not exceptional, would have prevented much injustice.

This instruction would appear to require that, in case of consent, the witness should be forced to reveal her shame. Protection from this would seem necessary to overcome reluctance to make denunciation, and the Roman Inquisition, by decree of July 25, 1624, ruled that neither the woman nor the accused was to be questioned as to this and, if the information was volunteered, it was to be omitted from the record, while confessors were ordered to assure penitents that no such inquiries would be made.[3] If such a rule existed in Spain, it was not observed until near the end, for the records of trials show that the examination was pushed to the last point, and the results were fully set forth in the proceedings. As late as the middle of the eighteenth century, instructions to commissioners taking testimony in these cases require them to obtain all details as to words and acts and to write them out fully

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[1] Bodoni Man. Consultorum, pp. 224, 232, 235.—Cf. Trimarchum pp. 288–92.

[2] MSS. of Royal Library of Copenhagen, 218b, pp. 386–7.

[3] Cozza, *op. cit.*, Dub. XIV. This is still the rule. See Concil. Plenar. Americæ Latinæ, ann. 1899, Append. CXXXII, T. II, p. 761 (Romæ, 1900).

and distinctly, no matter how obscene they may be.[1] Soon after this, however, occurs the first intimation as to reticence that I have met, in instructions to a commissioner, January 27, 1759, as to taking testimony from a nun, in which he is told to notify her that, if she volunteers to relate her own ruin, this is not to be stated or included in the testimony.[2] Subsequently this became the rule, as appears by instructions in 1816 and 1819.[3]

The most important discrimination in favor of these delinquents was the requirement of two independent denunciations to justify arrest and trial. This was not reached without some hesitation. The earliest formal instructions that we have on the subject are embodied in a letter to the tribunal of Sardinia, in 1574, when forwarding to it the brief of Pius IV. As the crime is understood to be very prevalent in the island, the inquisitor is ordered to prosecute it with rigor, according to the procedure in cases of heresy, no exception being alluded to as respects single denunciations.[4] Instructions to the tribunal of Peru, about the same time, specify that a single witness suffices for prosecution and that Indian women can be admitted.[5] Then, as we have seen, there is an inclination in favor of the accused, in a carta acordada of March 2, 1576, ordering single accusations to be received, but the Suprema is to be consulted before taking action. This tendency increased, and fuller instructions to Sardinia, in 1577, require two witnesses with conclusive evidence as a condition precedent to arrest.[6] This was repeated in general instructions issued in 1580 and, after some variations, it remained an absolute rule until the end.[7] Even this was regarded by churchmen as too harsh. A Cunha holds that, while two witnesses may suffice for prosecution, there should be at least four for conviction, and he grows eloquent in pointing out the dignity of the priest, the scandal to the Church and the exultation of the heretic. De Sousa likewise considers two witnesses insufficient for conviction, though, if they are of exemplary character, their evidence may justify some moderate penalty.[8]

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 299.

[2] Ibidem, Leg. 228, n. 24.

[3] Archivo de Simancas, Inq., Leg. 1473 (Cartilla de Comisarios, §§ ix, x).—Ibidem, Lib. 890, fol. 156.

[4] Ibidem, Lib. 83, fol. 25.

[5] MSS. of Bibl. nacional, de Lima, Protocolo 233, Exptᵉ 5270.

[6] Archivo de Simancas, Inq., Leg. 1465, fol. 16. [7] Páramo, p. 879.

[8] A Cunha, *op. cit.*, Q. XXIII.—De Sousa, *op. cit.*, Tract. II, cap. 12.

It is probable that, for awhile, practice was not uniform in all tribunals. In that of Valladolid, in 1621 and 1622, there are several cases in which arrest was voted on the evidence of a single witness and these votes were confirmed by the Suprema.[1] On the other hand, about 1640, an inquisitor tells us that, when the accused denies, conviction requires the evidence of three witnesses whom he has been unable to disable for enmity, low rank of life, or doubtful repute. Some authors, he adds, insist that four are necessary, but he admits that, when there are two whose characters stand thorough investigation and there are supporting indications, conviction may follow.[2] It is impossible not to recognize the charitable motives that prompted this reluctance to punish.

The requirement thus established of two independent denunciations threw serious impediments in the way of suppressing a crime in which it was so notoriously difficult to find accusers. The routine gradually established was, when a denunciation was received, to search the records for a previous one. If none were found, letters were addressed to all the other tribunals requesting a similar examination of their registers and, if this was unsuccessful, the denunciation was filed away to await the chances of another accuser presenting herself, thus giving the accused, if guilty, the opportunity of continuing his profligate career, and leading the woman to believe that the case was too trivial to deserve the attention of the Inquisition. These long intervals of impunity illustrate the difficulty of obtaining denunciations, and the preponderant chances of escape, when prosecution was thus obstructed.

Numberless cases show how prolonged was often this period of immunity in a career of crime, to say nothing of the yet more frequent instances where the second denunciation never came. Thus at Valencia, on September 22, 1734, María Theresa Terrasa accused Fray Agustin Solves of having taken her, after confession and communion, to a room back of the altar and committed violence on her. This was laid aside for fourteen years when, on November 12, 1748, Sor Vitoria Julian, of the convent of San Julian, appeared and denounced him for having, some fifteen years before, solicited her some twenty times in the confessional of the

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1.

[2] Bibl. nacional, MSS., V, 377, cap. xx.—In modern practice, under the regulations issued by the Roman Inquisitors, in 1867, a first and a second denunciation only cause the accused to be watched and a third one is necessary to justify action.—Berardi, p 126.

convent of which he was the regular confessor, though she had not understood until now the obligation of denunciation. He had meanwhile been removed to the convent of Villajoiosa and had doubtless profited fully by the interval thus afforded.[1] This is by no means an extreme instance. In the list of soliciting confessors, kept by the Madrid tribunal, there occurs, in 1772, the name of Fray Andrés Izquierdo as accused in Valladolid, with a reference back to the years 1751 and 1752. Fray Bartolomé de Montijo appears as denounced in 1740 and again in 1776. Fray Fernando López, ex-provincial of the *Escuelas pias*, was denounced in 1780 for tampering with the children under his charge, and again in 1795, when he was tried and exiled. The Jesuit Juan Francisco Nieto, was denounced in Toledo in 1708 and again in 1731 in Madrid. Fray Joseph de San Juan was accused in Toledo in 1732 and in Granada in 1772. Fray Pedro de la Madre de Dios was denounced in Barcelona in 1722 and again in 1744. Even two denunciations, in many cases, did not suffice to put an end to these corrupting careers, and it required three or four. Fray Alonso de Arroya was denounced in 1768, 1788 and 1803; Fray Francisco de la Asuncion Torquemada in 1735, 1770 and 1776; Domingo Galindo, rector of Nules, in 1790, 1792, and 1795; Fray Francisco Escriva in 1769, 1775, 1786 and 1787; and Padre Feliciano Martínez, S. J., in 1767, 1771, 1784 and 1800. It is scarce worth while to multiply instances of which the records furnish an abundant supply.[2]

As the majority of offenders were frailes, who had no settled residence, it became necessary, in order to meet the exceptional requirement of two denunciations, to establish communication between the several tribunals. This was felt as early as 1601, when each one was ordered to send to all the rest, information as to *solicitantes*, whose cases had been suspended without prosecution. This seems to have received scant obedience, while cases of solicitation were constantly becoming a more important portion of inquisitorial duty, leading to a more comprehensive effort in 1647. The tribunals were required to search their records for thirty years back and make out lists of those charged with solicitation with all necessary details; copies of these lists were to be sent to the Suprema and to all other tribunals, and every year the

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 365.

[2] Archivo de Simancas, Inq., Lib. 1002, fol. 2–4.—Archivo hist. nacional, Inq. de Valencia, Leg. 66; Inq. de Toledo, Leg. 233, n. 108, fol. 90, 97, 140, 181.

new cases were to be similarly circulated. A complete alphabetical list of the whole was to be compiled and copies were to be furnished to all tribunals making application.[1] If this was obeyed at the time, it must soon have fallen into desuetude, for the custom became universal, when a denunciation was received, of addressing all the sister tribunals with the inquiry as to whether the name of the accused appeared on their records. To facilitate these frequent researches, in compiling the *Libros Vocandorum* and other registers, a separate volume was reserved for solicitation.[2]

When all impediments were overcome and conviction was reached, the penalties inflicted were singularly disproportionate to the gravity of the offence, especially when compared with the severity exercised on those whose guilt consisted in putting on clean linen on Saturdays and avoiding the use of pork. The earliest definition as to punishment occurs in the Sardinia instructions of 1577, where the prescriptions embody the general features of the policy pursued to the end, including the secrecy preserved by reading the sentence in the audience-chamber. The penalties, it is stated, are customarily arbitrary, varying with the character, degree and frequency of the offence but, in all cases, there must be abjuration *de levi* and perpetual deprivation of the faculty of administering the sacrament of penitence; as to the other sacraments and preaching, or reclusion or exile, it is discretional. For religious there may be discipline in the chapters of their convents, while a notary reads the sentence or, in atrocious cases, a discipline in the audience-chamber; there may also be other penances, such as reclusion and suspension or deprivation of sacerdotal functions, deprivation of active and passive voice, being last in choir and refectory, and penance for heavy sin, discipline, prayers etc. For secular priests, besides the general penalties, there may be reclusion, deprivation or suspension of functions and benefice, fines, secret disciplines, fasts and prayers.[3]

How these general rules were reduced to practice, at this period, may be gathered from a few examples in Toledo, all of whom had of course the regular abjuration de levi and reprimand. In 1578 the Carmelite, Fray Agustin de Cervera, against whom there

[1] MSS. of Royal Library of Copenhagen 218b, p. 264.—Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 2, fol. 38.

[2] Archivo de Simancas, Inq., Lib. 1002.

[3] Ibidem, Leg. 1465, fol.16.

were ten witnesses, was sentenced to perpetual deprivation of confession, reclusion for a year in a convent of his Order, where he was to receive a discipline, and Friday fasting on bread and water. The Dominican Fray Domingo de Revisto, against whom there were forty-nine witnesses, besides others who came after the conclusion of the case, was perpetually deprived of confessing and recluded in a desert convent for ten years, during which, for a year, he was deprived of active and passive voice, of preaching and of saying mass. In 1581, Pedro de Villalobos, acting cura of Halía, had many witnesses as to his acts in the confessional and an infinite number as to his general licentiousness, for he kept a concubine, had debauched two sisters and their aunt, and committed much else of the same kind. These latter sins were outside of inquisitorial jurisdiction; for the solicitation he was exiled from Halía for three years, of which the first was to be passed in a monastery with suspension from celebrating, he was perpetually suspended from confessing, and was fined in fifteen thousand maravedís. Fray Juan Romero was accused by five women; he admitted using words of endearment, but innocently, as he claimed to be impotent. Either the claim or the fact seems to have been regarded as an aggravation, for he was deprived of confessing and was recluded for ten years, without active and passive voice, to be last in choir and refectory, with a monthly discipline during the first year, a discipline in the audience-chamber and one in the convent of San Pablo while his sentence was read.[1]

These examples will suffice to show the spirit in which aggravated cases were treated. Those of less gravity had concessions in the variable factors, but the deprivation of confessing was perpetual. About 1600, Miguel Calvo summarizes the practice, with a distinct inclination towards greater severity, and adds that, when the culprit has solicited men, the penalties are to be increased.[2] On the other hand, in 1611, a Cunha pleads for moderation, and warns the inquisitor not to drive the culprit to despair, while de Sousa endeavors to argue away the stern penalties prescribed by Gregory XV, and repeats the warning as to despair.[3]

It was wholly superfluous to plead for leniency. The Spanish Inquisition paid no attention to Gregory's brief, although, in 1629,

[1] Archivo de Simancas, Inq., Leg. 1465, fol. 16.—MSS. of Royal Library of Copenhagen, 218b, p. 265.

[2] Archivo de Alcalá, Hacienda, Leg. 544[3] (Lib. 4).

[3] A Cunha, Q. XXIV.—De Sousa, Tract. II, cap. 16, 18, 21.

it ordered the tribunals to follow its prescriptions, for it even began to show an increased tendency towards benignity. The severest sentence I have met at this period concerned a peculiarly scandalous case before the tribunal of Valladolid where, in 1625, the Trinitarian Fray Juan de Ramírez was accused by five youths and one woman, and besides he had once celebrated mass without confessing. He was verbally degraded, deprived perpetually of confessing and condemned to ten years of reclusion, lifelong exile from Burgos and a circular discipline in his convent. This was justice tempered with mercy, but there was much mercy and little justice, in 1637, in the case of the Franciscan Fray Alonso del Valle before the same tribunal. He was accused by two sisters of his Order; there was a vote in discordia and the Suprema ordered suspension of the case, but, before this could be done, there supervened two more witnesses with evidence of the foulest character. The result was a sentence April 14, 1638, of deprivation of confessing women, one year's reclusion and four years of exile from Toro and Astorga. Equally fortunate was the Dominican Fray Juan Gómez, accused by two women, with one of whom, for fifteen years, he had illicit relations in the chapels used for confession. Some sisters of his Order likewise denounced him and, for all this he was sentenced, February 4, 1638, to be deprived of confessing women and to Friday fasting for six months. Even greater was the benignity shown, in 1642, to the Licenciate Morales, cura of Robadillo, against whom there were two accusers. The vote of the consulta de fe on the *sumaria* was not unanimous, when the Suprema cut the affair short by ordering suspension, with a private reprimand of the accused in the apartments of the inquisitor.[1]

[1] Archivo de Simancas, Inq., Leg. 552, fol. 6, 22, 23, 29.

There was more wholesome severity in Rome. In 1626 the Congregation of the Inquisition reserved to itself the designation of the penalty (Collect. Decret. Sac. Congr. S. Officii, p. 397—MS. *penes me*). Some ten years later Trimarchus (*op. cit.*, pp. 302, 304) after enumerating the punishments decreed by Gregory, adds that in practice, if the culprit has only once solicited an ordinary woman, deprivation of confessing suffices; if two, repeatedly, add suspension of priestly functions and, for a regular, especially if there has been scandal, perpetual reclusion in a convent or, for a secular, perpetual service in a hospital. If the penitent solicited is a nun or the wife of a magnate, or there are many women and much popular scandal, degradation or the galleys.

Although Gregory included relaxation, Benedict XIV (De Synodo Diœcesana, Lib. ix, cap. vi, n. 7) says that in no case, however aggravated, can it be found that relaxation had been inflicted, and this is repeated by Fray Manuel de Nájera in his *Enchiridion canonico-morale de Confess.* p. 161 (Mexico, 1764).

Evidently the Inquisition was beginning to regard the offence with a compassionate eye, and it would be superfluous to adduce more cases of its tenderness. Still the regular scheme of punishments was nominally held in force, and is duly recapitulated by an old inquisitor about 1640, who includes fines for secular priests and adds that the galleys might be inflicted, and that those who relapsed deserved them. Abjuration *de vehementi* was never imposed and, although the papal constitution permitted relaxation, this was never used, though it is well that there is a faculty for it in extreme cases.[1] Even the fines here alluded to were not heavy. Another authority of about the same date says that, if the priest is rich, he may be mulcted in from six to ten thousand maravedís.[2] The heaviest pecuniary penalty that I have met was imposed, in 1744, on Fernández Puyalon, cura of Ciempozuelos, who was fined in half his property, but here solicitation was complicated with heretical propositions, which, as we have seen, greatly enhanced guilt.[3]

As regards the galleys, I have met with but one case of their employment—that of the Licentiate Lorenzo de Eldora, assistant cura in Torre de Beleña, tried in Toledo in 1691. He had already been punished for the same offence in Granada, and had relapsed, which explains the severity of the sentence suspending him from orders and banishing him from a number of places for ten years, of which the first five were to be spent in the galleys.[4] That this punishment was reserved for relapse may be inferred from a case which, about the same time, was occupying the Barcelona tribunal and which certainly deserved it. The Mercenarian Padre Estevan Ramoneda was accused in 1690, but it was not until 1694 that a second denunciation enabled action to be taken. After many evasions, in ignorance of the exact charge, he confessed to much more than was required. Since entering a convent, in 1660, as a boy of fifteen, his life had been one of sexual abominations, almost warranting the belief that the monasteries of the time were outposts of Sodom. The number of women whose testimony was obtained was only eight, but among these were some with whom extraordinary obscenities were practised in church. He had no defence to offer and, in his sentence, September 11,

[1] Bibl. nacional, MSS., V, 377, cap. xx.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

[3] Ibidem, Inq. de Toledo, Leg. 229, n. 32.

[4] Ibidem, Leg. 1.

1696, all reference to his unnatural crimes of all kinds was carefully omitted. He was deprived of confession, had a circular discipline in his convent, and was recluded for four years in the house of N. Señora del Olivar, from which he was allowed to return in October 1700.[1] This was considered sufficient punishment for a brute whose life had been spent in corrupting men, women and beasts.

There is one feature in these cases which shows how great was the dread of scandal. We frequently find details of the worst excesses committed in the churches. According to the canon law (Cap. 5, Extra, v, xvi) a church thus polluted required to be reconciled, but there is no trace in any of the records of the observance of this rule. It was presumably for the purpose of averting knowledge of such disgraceful occurrences that casuists discovered that pollution occurred only when the act was public and not occult.[2]

It was a favorite device, when a confessor had reason to fear that a denunciation was impending, for him to denounce himself, in the expectation of merciful treatment. Roman practice encouraged this by conferring virtual immunity in such cases, as was experienced by the Minim Hilario Caone of Besançon, who fled from Spain, in 1653, and presented himself before the Roman Inquisition, stating that for ten years he had heard confessions in the church of San Francisco de Paula in Seville, and that he had come in post to confess that he had solicited in confession some forty women, mostly with success. When questioned as to belief and intention, he answered satisfactorily and was only sentenced to abjure *de vehementi*, to visit the seven privileged altars of St. Peter's, and for three years to recite weekly the chaplet of the Virgin. This was not exceptional mercy for, in the same year, an equivalent sentence was pronounced on Vincenzo Barzi, who similarly denounced himself, and the existing rule is to impose only spiritual penance on the self-accuser, with advice to avoid in future those whom he has solicited.[3]

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[1] Proceso contra Fray Estevan Ramoneda (MSS. of Am. Phil. Society).

[2] Quia ex sola publica effusione seminis aut sanguinis humani ecclesia polluitur.—Clericati de Virtute Pænitentice Decisiones, p. 214 (Vinetiis, 1706).

[3] MSS. of Trinity College, Dublin. Class II, Vol. IV, pp. 63, 294.—Berardi, *op. cit.*, p. 129.—Cf. Benedicti PP. XIV de Synodo Diœcesana, Lib. VI, cap. xi, n. 8.

The Spanish Inquisition, at least at first, was not so lenient and it followed its rule with *espontaneados* of examining for confirmation those whom the delinquent named as the objects of his solicitations. In the early cases there is little difference in the sentences between those who denounced themselves and those who were accused. In 1582, the Franciscan Fray Sebastian de Hontoria accused himself to the Toledo tribunal for having, as vicar of a nunnery, corrupted several of the nuns under peculiarly aggravating circumstances. On examination they confirmed his confession, and he was sentenced to a circular discipline in the convent of San Juan de los Reyes, to be deprived of confessing, and reclusion in a convent for ten years, without active or passive voice and being last in choir and refectory.[1] He had confessed fully and freely. In another case, in 1589, before the same tribunal, the Franciscan Fray Marcos de Latançon, in accusing himself, suppressed the worst features of his offence. He confessed that, at Orche, he had handled indecently some five or six unmarried and perhaps six or eight married women, but averred that this was without any licentious feeling or intention to induce them to sin. Five of the girls were examined, whose concurrent testimony showed that the confessions were heard in a chamber in which there was a bed. As each one entered he locked the door; when the confession was half through he would interrupt it with the foulest indecencies and violence, after which the confession was resumed and absolution was granted. For this profanation of the sacrament the sentence was the same as in the last case, except that the reclusion was for only four years.[2]

So long as the practice of examining the woman was continued, self-denunciation always had the advantage that they would very frequently, in defence of their honor, deny everything. The result of this, and the prevailing tendency towards leniency, are indicated in rules expressed about 1640, which tell us that, if one witness has already testified against the culprit, self-denunciation ensures a lighter penalty; there is no imprisonment and it is customary to deprive him of confessing women. If he accuses himself before there is any evidence against him, and if the women are numerous and they confirm his statements, the case proceeds to deprivation of confessing; if they deny, the case is suspended,

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Ibidem, T. XI.

with a warning to him. If there is but one and the case is not grave, he is merely reprimanded.[1]

The custom of examining the women compromised by the self-accuser gradually grew obsolete, doubtless because they mostly protected themselves from exposure by denial. Thus, in 1707, in the Madrid tribunal, when Padre Pablo Delgado, provost of the Casa del Espiritu Santo, accused himself, there seems to have been no examination of the women and his case was promptly suspended, with a monition to abstain for six months from confessing women.[2] So, in the case of the Observantine Fray Gabriel Pantoja, who denounced himself, May 8, 1720, to the Toledo tribunal, for offences committed during the previous ten years, which show him to have lost no opportunity of seducing women, in the confessional or out of it, and of promising absolution if they would yield to his desires, the absence of his name from the record of *autos particulares* shows that none of the women were examined and that no action was deemed necessary.[3] Indeed, what chiefly impresses one, in a series of these cases, is the matter of fact way in which every body—priests, penitents and inquisitors—seems to take it for granted that such things were a matter of course and that the confessor should be in pursuit of every woman who came before him. So, in a letter of the Mexican tribunal, May 13, 1719, to its commissioner, in the case of Fray Antonio Domínguez, who had denounced himself, the instructions are that the culprit is to be exhorted to abstain in future and to sunder an illicit connection with a daughter of confession; he is to be absolved sacramentally which, as the rule in all cases of self-denunciation, is to be made known to all confessors in the district "for the solace and comfort of their souls"—thus assuming them to be all guilty of the same offence.[4]

Still, practice as yet was not uniform. In 1740, the Recollect Fray Joseph Rives accused himself before the Valencia tribunal, when the evidence of two women was taken, showing the beastliness to which such men resorted to inflame the passions of their penitents. A formal trial resulted, ending in his deprivation of confession and three years' exile from Valencia and the scenes of

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[1] Bibl. nacional, MSS., V, 377, cap. xx, § 8.
[2] Archivo de Simancas, Inq., Lib. 876, fol. 32.
[3] Archivo hist. nacional, Inq. de Toledo, Leg. 231, n. 70.
[4] MSS. of David Fergusson Esq.

his excesses.[1] This was probably one of the latest cases in which an *espontaneado* suffered. A writer shortly afterwards complains of the uncertainty of practice, as the Suprema constantly issued varying decisions under conditions precisely similar, but he states the rule to be that, when a priest accuses himself, the registers are searched and, if nothing is found of record against him, he is discharged with a charitable warning, and a recommendation to abstain from the confessional save when necessary to avert scandal.[2] Complete immunity soon followed for self-accusation. In 1780 the Suprema seems to have desired to introduce uniformity, and enquired of the tribunals whether they were accustomed to make *espontaneados* abjure and then absolve them, or whether they suspended the cases, to which Valencia replied that the custom was to suspend, without abjuration or absolution, unless there was complication of *mala doctrina*.[3] When self-denunciation thus secured immunity it naturally was frequent. In a list of a hundred and eight cases in Madrid, between 1670 and 1772, thirty-two, or thirty per cent., are *espontaneados*.[4]

In fact, during the later period, the whole matter seems to have excited but a languid interest, and to have been treated commonly with indifference. We meet with instances in which accusations are pigeon-holed without even making the prescribed inquiries of other tribunals, or cases are suspended without examining the accuser.[5] So relaxed was discipline that when, in 1806, the Franciscan Fray Francisco de Paula Lozano had been deprived by Córdova of the faculty of confessing, and not only disregarded the inhibition but complicated his offence by opening a letter from the tribunal of Granada to the cura of Salar, he was tried by Granada and merely reprimanded with a warning of what would happen to him if he persisted in his evil courses.[6]

It would be interesting sociologically if complete statistics could be compiled, from the time when jurisdiction was conferred on the Inquisition, but this is impossible, for there are only a few

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 365, n. 45, fol. 4–12.
[2] MSS. of Royal Library of Copenhagen, 218b, p. 387.
[3] Archivo hist. nacional, Inq. de Valencia, Leg. 4, n. 2, fol. 79.
[4] Archivo de Simancas, Inq., Lib. 1006.
[5] Archivo hist. nacional, Inq. de Toledo, Leg. 227, n. 10; Leg. 228, n. 28.
[6] Archivo de Simancas, Inq., Lib. 890.

fragmentary sources of the earlier period, although for the eighteenth century there are satisfactory materials in the special registers kept of this class of cases. In no case, however, do they furnish a standard by which to estimate the frequency of the crime, for the difficulty of inducing women to accuse left the great majority of cases buried in secrecy, in addition to which a marked feature of the records is the disproportion between the accusations and the trials, owing principally to the impediment arising from the requirement of at least two accusations, so that the trials and sentences are comparatively few in number. The working of this is exhibited, as early as 1597, in a report by Inquisitor Heredia of Barcelona of a visitation of part of his district, in which ten cases of solicitation were brought before him. Of these seven are noted as suspended in consequence of there being but one witness; another is suspended because the offender had been already tried and punished, leaving but two in which arrest and trial were ordered. In the visitation the whole number of cases was eighty-eight and the only offences more numerous than solicitation were unnatural lusts, of which there were fifteen, propositions which furnished twelve, the assertion that marriage is better than celibacy which furnished eleven, while blasphemy was on an equality with ten. All, or nearly all, of these latter classes doubtless led to prosecutions, while solicitation resulted in only two trials.[1]

Llorente explains the discrepancy between the accusations and the convictions by misconstruction put on the interrogations of confessors, leading simple-hearted nuns to imagine themselves solicited.[2] This implies eagerness on the part of women to bring such accusations when, as we have seen, the main difficulty was to induce them to denounce, by threats of excommunication and refusal of absolution; in the majority of cases it was done only by order of a subsequent confessor, and this frequently five, ten, or more years after the occurrence. The fact is that only a small portion of offenders were denounced, and of these but a fraction were brought to trial. So far moreover from the evidence being only the excited imaginations of young girls, it rarely happened that a case reached trial without resulting in conviction—the preliminaries were too carefully guarded, and the dread of scandal

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[1] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 5.

[2] Llorente, Hist. crít., cap. XXVIII, art. 1, n. 17.

too vivid, to permit the arrest of a priest against whom the evidence was not conclusive.

The number of cases pushed to sentence was therefore not large. The Toledo record, from 1575 to 1610, only furnishes fifty-two in a total of eleven hundred and thirty-four of all kinds.[1] In the later period, when the activity of the tribunals had greatly slackened, solicitation formed a much larger proportion of their business.[2] We have a record of all cases despatched in Toledo, from 1648 to 1794, in which those for solicitation amount to only sixty-eight. This seems but few and yet, when we compare this total with that of other offences, in which there were no special impediments to prosecution, it becomes surprisingly large, for there were but sixty-two cases of bigamy, thirty-seven of blasphemy, seventy-four of propositions and one hundred of sorcery and divination. Between 1705 and 1714, the whole number of sentences was but twenty-six and of these eight were for solicitation, while between 1757 and 1763 it contributed six cases out of a total of eight.[3]

When we turn to the number of accusations we find them unexpectedly large. The registers of solicitations, kept during the final century of the Inquisition, afford trustworthy statistics showing that, from 1723 to the final suppression in 1820, the total number of cases entered amounts to thirty-seven hundred and seventy-five. Of these, it is worthy of note that the secular clergy only furnished nine hundred and eighty-one, leaving for the regulars twenty-seven hundred and ninety-four, or nearly three-quarters. Partly this is explicable by the greater popularity of the regulars as confessors but, to a greater extent, by the opportunities of the beneficed priests, who were usually well off, to gratify their passions without incurring the dangers of polluting the confessional.[4] One

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] The Dominican Maestro Alvarado, in his heated defence of the Inquisition, in 1811, calls attention to the fact that, in its later period, its penitents were largely ecclesiastics, because firstly their theology exposed them to uttering compromising propositions; secondly, "porque solos los clérigos y frailes son los que confiesan y todos saben muy bien lo peligroso de este materia y los muchos que en él han naufragado."—Cartas del Filosofo Rancio, I, 316 (Madrid, 1824).

[3] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[4] These statistics are compiled from various registers, covering respectively portions of the period. There are some minor breaks, which would increase the aggregate somewhat, but not materially. See Archivo hist. nacional, Inq.

noteworthy fact is the large proportion of those occupying prominent positions as Provincials, Guardians, Ministers, Priors, Comendadores, Visitadores, Superiors, Rectors, Lectors, and the like, whose titles appear in the registers with a frequency greater than their mere numbers would seem to justify.

In 1797, Tavira, then Bishop of Osma and subsequently of Salamanca, assumed that the crime of solicitation had greatly increased and was increasing, which he attributed partly to the influence of Illuminism and Molinism, but still more to its cognizance having been taken from the bishops and the requirement by the Inquisition of two denunciations before prosecution.[1] That the latter provision conferred practical immunity on many culprits is self-evident, but this was probably less effective than would have been the habitual indifference and leniency of the spiritual courts, their dread of scandal and the inevitable disgrace which deterred women from appearing in their public proceedings. There is practically no reason for supposing that the crime was

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de Toledo, Leg. 233, n. 108; Inq. de Valencia, Leg. 66.—Archivo de Simancas, Libros 1002, 1003, 1004.

There is perhaps some interest in recording the respective responsibilities of the various classes and orders of the clergy for these delinquents, as follows:

Secular priests, canons etc	981	Escuelas Pias	16
Franciscans, Conventual and Barefooted	552	Basilians	16
Observantines	506	S. Francisco de Asis	5
Capuchins	183	N. Señora de la Vitoria	5
Recollects	56	Order of Santiago	4
Carmelites	355	Order of Calatrava	3
Dominicans	288	Theatins	3
Augustinians	156	Servites	3
Trinitarians	144	Misioneros	2
Mercenarians	131	Agonizantes	2
Jesuits	92	Hermits of St. Paul	2
Minims	69	San Juan	2
Benedictines	35	Premonstratensians	2
Geronimites	30	Ex-Jesuits	2
San Pedro de Alcántara	29	Carthusians	1
Clérigos Menores	20	St. Ursula	1
Congr. of San Filippo Neri	20	San Diego	1
Bernardines (Cistercians)	20	Not specified	38

The comparatively small number of Jesuits, who devoted themselves so greatly to the confessional, is partly explicable by the expulsion of the Society in 1767.

[1] Puigblanch, La Inquisicion sin Mascara, pp. 422–5 (Cádiz, 1811).

either more or less prevalent, at the close of the eighteenth century, than it had been ever since, in the thirteenth, auricular confession was made obligatory, or than it has been since the nineteenth century opened. The strain of the confessional is too great for average human nature, and the most that the Church can do, in its most recent regulations, is to keep these lapses of the flesh from the knowledge of the faithful.[1]

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[1] Instruct. S. Inquis. Roman. 20 Feb. 1867 (Collect. Concil. Lacens. III, 353).—Berardi, *op. cit.*

CHAPTER VII.

PROPOSITIONS.

ALTHOUGH the Spanish Inquisition was founded for the suppression of crypto-Judaism, it promptly vindicated its jurisdiction over all aberrations from the faith. There were, at the time, no other formal heresies in Spain, but the people at large were not universally versed in all the niceties of theology, and the supineness of the spiritual courts permitted a licence of speech in which the trained theologian could discern potentialities of error. All this the Inquisition undertook to correct and ultimately, under the general denomination of "Propositions," there developed an extensive field of action, which towards the end became the principal function of the institution. Reckless or thoughtless expressions, uttered in anger or in jest, or through ignorance or carelessness, gave to pious zeal or to malice the opportunity of secret denunciation, which in time impressed upon every Spaniard the necessity of caution, and left its mark upon the national character. As we have seen, the closest family ties did not release from the obligation of accusation, and every individual lived in an atmosphere of suspicion, surrounded by possible spies of his own household.[1] Men of the highest standing for learning or piety, moreover, were exposed to the torture of prolonged prosecution and possible ruin, for words spoken or written to which an heretical intent could be ascribed, in relation to the obscurest points of theology, and thus the development of the Spanish intellect was arrested at the time when it promised to become dominant in Europe. From every point of view, therefore, the miscellaneous offences, grouped under

[1] A priest, who could speak from experience, concisely described, in 1820, the conditions produced by the system "En donde la doctrina infernal de la delacion tenia en una habitual consternacion á las familias y á los individuos que se correspondian con la mutua desconfianza que inspiraba el continuo recelo de encontrar en amigo, en el padre, en el hijo, en la esposa, un verdugo que armado con el puñal del fanatismo religioso contribuyese á los asesinatos naturales que solo Dios conosce y a los civiles que no son tan desconocidos."—P. Antonio Bernabeu, España venturosa, p. xvi (Madrid, 1820).

the general term of Propositions, was by no means the least noteworthy subject of inquisitorial activity.[1]

How soon began the espionage, which eventually brought every man under its baneful influence, is seen in the case of Juan de Zamora, condemned in the Saragossa auto of February 10, 1488, to perpetual prison, because at Medina, in chatting with some casual aquaintances, he was said to have spoken disrespectfully of the Eucharist and to have denied the real presence, while, in the auto of May 10, 1489, Juan de Enbun, a notary, was penanced for saying that he cared more for ten florins than for God.[2] Even more significant of the danger overhanging every man was the case of Diego de Uceda, before the Toledo tribunal, in 1494, on the very serious charges of having said that the Eucharist was only bread, that so villanous a crew as the Jews could not have put Christ to death, and that he ate meat on fast-days. He explained that, some six or eight years before, at Fuensalida, a priest in celebrating found the wafer broken and angrily cast it on the floor, ordering the sacristan to bring him another; the people were scandalized and Diego sought to quiet them by explaining that the wafer before consecration was only bread. The next

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[1] Theologians had a storehouse of epithets with which to characterize the various classes of propositions. A few of the more usual, with their significance, are given by Alberghini (Man. Qualificator. cap. xii, n. 1–18) as follows:—

Heretical—one which is contrary to Catholic truth.

Erroneous—that which does not directly contradict the faith, but some conclusion evidently deducible from the faith.

Savoring of heresy—not contradicting the faith by evident consequence, but by very probable and morally certain consequence.

Ill-sounding—that which has a double sense, one Catholic and the other heretic, but usually accepted in the latter.

Rash—that which is not governed by reason and lacks all authority.

Scandalous or *offensive to pious ears*—that which gives occasion to another to err, such as "heretics are to be tolerated and not to be slain."

Schismatic or seditious—tending to disrupt the unity of the Church.

Impious—contrary to Catholic piety.

Insulting—defamatory of some Christian profession or illustrious person.

Blasphemous—insulting to God.

Simancas (Enchirid., Tit. xxiv) gives a similar list. Dandino (De Suspectis de Hæresi, pp. 477–512) a more elaborate exposition. There was no limit, however, to the vituperative vocabulary of the Church. A choice collection of additional ones will be found in the bull *Auctorem fidei* of Pius VI (1794), condemning the Jansenist Council of Pistoja.

[2] MS. Memoria de diversos Autos, Auto 27, n. 10; Auto 37, n. 5 (See Appendix to Vol. I).

charge arose from a remark in a discussion on an exuberant sermon on the Passion. As for the third, he proved that he was a devout Catholic, punctual in all observance, with a special devotion to St. Gregory, to whose intercession he attributed his relief from a chronic trouble of stomach and liver, that had forced him at one time to eat meat on fast-days. He lay in the secret prison for six months, with sequestration of property, and was finally sentenced to compurgation, which he performed with the Count of Fuensalida and two priests as his compurgators, but had he not been a man of standing and influence he might have been burnt as an impenitent heretic.[1] There was no prescription of time for heresy, and trivial matters occurring years before might thus at any moment be brought up, when they had faded from the memory of all but those who had a grudge to satisfy.

The ever-present danger impending over every man is well illustrated by the case of Alvaro de Montalvan, a septuagenarian, in 1525. Returning to Madrid, after a day's pleasure excursion in the country, Alonso Rúiz, a priest, who was of the party, took occasion to moralize on the troubles of life, in comparison with the prospects of future bliss. Alvaro (who subsequently pleaded that he was in his cups) remarked that we know what we have here but know nothing of the future. Some six months later, one of the party, in his Easter confession, chanced to mention this, and was instructed to denounce Alvaro. He was arrested and, on searching the records, it was found that, nearly forty years before, in 1486, during a term of grace, he had confessed to some Jewish observances without intention, and was discharged without reconciliation or penance. On this new charge he was made to confess intention and was sentenced, October 18, 1525, to reconciliation, confiscation and perpetual prison, the latter being commuted, November 27, 1527, to confinement in his own house.[2]

There was scarce anything, however innocently spoken, that might not be tortured into a censurable sense and as, in so wide and vague a region, no formal rules could be enunciated to restrain inquisitorial zeal, it afforded ample opportunity for oppression and cruelty, especially before the tribunals were thoroughly subordinated to the Suprema. The occasional visitations by an

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 112, n. 73.

[2] D. Manuel Serrano y Sanz (Revista de Archivos, Abril, 1902, pp. 260–80). This Alvaro de Montalvan was father-in-law of Francisco de Rojas, author of La Celestina, who was also a Converso.

inspector might reveal abuses but could not prevent them. That of de Soto Salazar at Barcelona affords ample evidence of the recklessness with which inquisitors exercised their power. In 1564 we hear of a physician, Maestre Pla, prosecuted for saying that his wife was so exhausted that she looked like a crucifix dead with hunger. Juan Garaver, a swineherd, was forced to appear in an auto with a mitre, followed by scourging, for saying that if he had money and enough to eat, the devil might take his soul—which the Suprema decided to belong to episcopal and not to inquisitorial cognizance. It rebuked the tribunal sharply for relaxing Guillen Berberia Guacho for a single proposition, without calling in learned men to persuade and advise him, especially as one of the witnesses stated that he uttered the words in French. Clemensa Paresa was fined ten ducats and penanced for saying "You see me well enough off in this world and you will not see me punished in the other," and Juana Seralvis, for the same utterance was condemned to public penance. Badia, priest of Falset, was fined twenty ducats, with spiritual penances, for saying that he would not forgive God. Juan Canalvero was fined six ducats and penanced for saying that he would cheat his father or God in buying or selling. There were many other similar cases, in some of which the Suprema ordered the fines to be returned and the names to be stricken from the registers.[1]

The very triviality of these cases illustrates the atmosphere of suspense and distrust in which the Spanish population existed, nor can their full import be realized unless we remember that, slight as the penalties may seem, they were the least part of the punishment, for penancing by the Inquisition was fatal to limpieza. How readily a man's career could thus be ruined by rivals or enemies is seen in the case of the Dominican Alonso de los Raelos in the Canaries. In 1568 some assertions of his respecting purgatory attracted attention, but led to no formal trial, because he did not deny its existence, and theologians are not agreed as to its exact locality and character. Some years later, there were feuds in the Order, due to an attempt to erect the Canaries into a separate province, when the prior, Blas de Merino,

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[1] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 9, 20.

The utterance of Clemenza Paresa seems to have been a popular saying. In 1572 Rodríguez Rúiz was penanced for it in the Canaries.—Ibidem, Canarias, Exptes de Visitas, Leg. 250, Lib. 3, fol. 8.

who hoped to become provincial, and who regarded Fray Alonso as a possible rival, accused him to the tribunal for this proposition. He was thrown into prison and, in 1572, was sentenced to penance and reclusion, thus rendering him ineligible.[1]

We have seen in the previous chapter the penalties regarded as sufficient for the crime of seduction in the confessional, and a comparison between these and the punishments inflicted for utterances in the heat of discussion and indicative of no settled tendency to heresy, reveal the very curious standard of ethics prevalent at the period. In 1571, a priest named Miguel Lidueña de Osorio was accused in Valencia of having said that the bishops at the Council of Trent deserved to be burnt, because they assumed to be popes, and moreover that St. Anne was deserving of higher honor than St. Joaquin. For this he was required to abjure *de vehementi*, he was suspended from orders, recluded for six years and banished perpetually from Valencia.[2] It was not often that flagrant cases of solicitation were visited with such severity.

The infinite varieties and intangible nature of the offence rendered impossible the formulation of hard and fast rules for the tribunals, which were thus left to their discretion in a matter which was constantly forming a larger portion of inquisitorial business. The space devoted to it by Rojas, in his little book, indicates its growing importance, and he tells us that he was led to treat it thus at length because so many of the accused admit the facts, while denying belief and intention, and he had seen such diametrically opposite modes of treatment and punishment adopted in different tribunals. He is emphatic in insisting on the allowance to be made for the ignorance and rusticity of most of the culprits, and he points out that, in view of the restrictions on the defence, the inquisitor should be especially careful to give weight to whatever could be alleged in favor of the accused, whether he were ignorant and rude, or learned and subtle. The manner and occasion of the utterance ought to be carefully considered, as well as the nativity of the speaker, if he comes from lands where heresy flourishes. How much depended on the temper of the tribunal is exhibited in a case in which a man, going to hear mass and finding that it was over, said "faith alone suffices" and was prosecuted for the remark. Rojas decided that he was not to be held as asserting that faith without works suffices, which would be heretical, for

[1] Archivo de Simancas, Inq., Canarias, Exptes de Visitas, Lib. 3, fol. 16–17.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 30.

doubtful words are to be interpreted according to circumstances, but a more zealous or less conscientious inquisitor could readily have convicted him. For ordinary cases, he tells us, the accused should rarely be confined in the secret prison; the abjuration may be *de levi* or *de vehementi* according to circumstances, and the extraordinary punishment should be scourging or fines.[1]

As the Suprema gradually assumed control over the tribunals, there grew up certain more or less recognized rules of procedure. Thus, if there was evidence of heretical utterances, and the accused confessed them but denied intention, he was to be tortured; if this brought confession of intention, he was to be reconciled with confiscation in a public auto as a formal heretic; if he overcame the torture he had to abjure *de vehementi* in an auto, with scourging, vergüenza, exile etc., according to his station and the character of the propositions. This, we are told, was merciful, for the common opinion of the doctors was that, if the propositions were formally heretical, the offender should be relaxed, in spite of his denying intention. Mercy was carried even further for, if ignorance was alleged with probable justification, the accused was not tortured nor condemned as a heretic, but abjured *de levi*, with discretional penalties. There was moreover, as we have seen, a vast range of propositions in which heresy was only inferential, characterized as scandalous, offensive to pious ears etc., for which abjuration *de levi* was considered sufficient, with spiritual penances.[2]

In this enumeration of penalties there is no allusion to fines, which, however, were by no means neglected. In 1579, for instance, the Bachiller Montesinos, in defending an adultress, put in an argument of cynical ingenuity to prove that she had committed no sin. This was transmitted to the Toledo tribunal, whose calificadores found in it four heretical propositions besides a citation from St. Paul amounting to heretical blasphemy. Montesinos threw himself on the mercy of the tribunal, wept and wrung his hands, protested that he must have been out of his senses, owing to old age, and offered every excuse that he could suggest. He escaped with abjuration *de levi*, six months' suspension from his functions as an advocate, and a fine of eight thousand maravedís. Many similar cases could be cited from the Toledo record, but two more will suffice. In 1582, the Bachiller Pablo Hernández denounced himself for having, in the heat of discussion, been led on

[1] Rojas de Hæret. P. I, n. 2, 67, 96; P. II, n. 310–13.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

to say that in canonizations the pope had to rely upon witnesses who might be false and therefore it was not necessary to believe that all so canonized were saints. He was sentenced to abjure *de levi*, to pay six thousand maravedís, and to have his sentence read in his parish church while he heard mass. From this he appealed to the Suprema, which remitted the humiliation in church, but thriftily increased the fine to twenty thousand maravedís. In 1604 the tribunal had a richer prize, in an old German named Giraldo Paris, a resident of Madrid who seems to have been a dabbler in alchemy. He was accused of saying that the Old Testament was a fable, that St. Job was an alchemist, the Christian faith was a matter of opinion and much more of the same kind. The evidence must have been flimsy for, serious as were these charges, there was *discordia* on the question of arresting him, and it required an order from the Suprema before he was confined in the secret prison. He gradually confessed the truth of the charges, but was not sentenced to reconciliation, escaping with absolution *de vehementi*, a year's reclusion in a monastery, the surrender of all books and papers dealing with alchemy and quintessences, and a fine of three thousand ducats. The general impression produced by a group of these cases is that scourging was reserved for those too poor to pay a moderate fine, and that fines were scaled rather upon the ability of the culprit than on the degree of his guilt.[1] In determining penalties, however, it was advised that considerable weight in extenuation should be allowed for drunkenness, and for the readiness and frankness of the culprit in confessing, as well as for his ignorance or simplicity.[2]

There were two special propositions, which were so widely held and came so repeatedly before the tribunals that they almost form a special class. One of these was the assertion that the married state is as good as or better than that of celibacy as prescribed for clerics and religious. That this was plainly heretical could not be doubted after the anathema of the Council of Trent in 1563, and its prevalence is a noteworthy fact.[3] In the Toledo record, from

[1] MSS. of the Library of Univ. of Halle, Yc, 20, T. I.

[2] Elucidationes S. Officii, § 36 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

[3] C. Trident Sess. XXIV, De Statu Matrimonii, can. 10.—"Si quis dixerit statum conjugalem anteponendum esse statui virginitatis vel cœlibatus et non esse melius ac beatius manere in virginitate aut cœlibatu quam jungi matrimonio: anathema sit."

1575 to 1610, there are thirty cases of this: in strictness, as the assertion of a doctrine contrary to the teachings of the Church, and condemned as heretical, it should have been visited with reconciliation, or at least with abjuration *de vehementi* and heavy penalties, but, as the heresy was one of Tridentine definition and a novelty, it was mercifully treated with abjuration *de levi* and usually with a moderate fine or vergüenza, or even with less. Extreme leniency was shown to Sebastian Vallejo, in 1581, who had declared that if he had a hundred daughters he would not make nuns of them, in view of the licentiousness of the frailes, for those in the convents were as lecherous as those outside; no parent should put his children in religion until they were of full age and, as to marriage, he advanced the customary argument that it was established by God, while monachism was the work of the saints. He came to denounce himself and pleaded drunkenness in extenuation, which probably explains his escape with a reprimand. Soon after this María de Orduña was treated with equal mercy, on denouncing herself for the same offence, the reason alleged being that she was a very simple-minded woman.[1] As the offence was thus lightly regarded, it follows that torture was not permitted in the prosecution.[2] The error was difficult of eradication. In 1623 a writer calls attention to the number of cases still coming before the tribunals, and suggests for its repression that the sentences be read in the churches of the offenders, so that a knowledge of the erroneous character of the assertion should be disseminated.[3] Some twenty years later it still was sufficiently frequent to be treated as a separate class, though we are told that it was visited with less severity than of old, as it presumably arose from ignorance and was not to be considered as a heresy.[4] This is remarkable in view of the ease with which it might have been regarded as Lutheran.

A still more frequent proposition, which gave much trouble to eradicate, was that fornication between unmarried folk is not a mortal sin. Although the theologians held that this assertion in itself was a mortal sin,[5] there was really in it nothing that savored of heresy, and its cognizance by the Inquisition was an arbitrary

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

[3] Archivo de Simancas, Inq., Lib. 926, fol. 25.

[4] Bibl. nacional, MSS., V, 377, cap. 2.

[5] S. Antonini Confessionale.

extension of jurisdiction without justification. Perhaps there was some confused conception that it was derived from the Moors whose sexual laxity was well known, but the usual argument offered in its defence, by those who entertained it, was the toleration by the State of public women and of brothels, whence the inference was natural that it could not be a mortal sin.

It seems to have been between 1550 and 1560 that the Inquisition commenced its efforts to suppress this popular error. The earliest record of its action that I have met occurs in the great Seville auto of September 24, 1559, where there were no less than twelve cases, of whom eight abjured *de levi*, one *de vehementi*, six were paraded in vergüenza, four were scourged with a hundred lashes (of whom one was a woman) and two heard mass as penitents.[1] The requirement of abjuration shows that suspicion of heresy was already attributed to the proposition, but this as yet was not universally accepted for, in 1561, the Suprema wrote to the tribunal of Calahorra that Pedro Cestero, whom it had penanced for this offence, ought to have been prosecuted as a heretic, for it would seem to be heresy.[2] Thus heresy was injected into it and we speedily find it to be a leading source of business in the Castilian tribunals. Seville was notably active. In the auto of October 28, 1562, there were nineteen cases.[3] In that of May 13, 1565, out of seventy-five penitents, twenty-five were for this proposition. The punishments were severe. All abjured *de levi* and appeared in their shirts with halter and candle; all but one were gagged; fourteen were scourged with an aggregate of nineteen hundred lashes; five were paraded in vergüenza, two were fined in two hundred ducats apiece, and two others in a thousand maravedís each; six were exiled and one was forbidden to leave Seville without permission. Besides these there was one man who had a hundred lashes for saying that there was no sin in keeping a mistress, and three women were penanced for saying the same of living in concubinage, of whom two had a hundred lashes apiece and the third was paraded in vergüenza. Two men appeared for saying that keeping a mistress was better than marriage, of whom one had the infliction of the gag. To these we may add two who held that marriage was better than the celibacy of the frailes, and we

[1] Archivo de Simancas, Hacienda, Leg. 25, fol. 3.
[2] Ibidem, Inq., Sala 40, Lib. 4, fol. 264.
[3] Schäfer, Beiträge, II, 324.

have a total of thirty-three cases, or nearly one-half of all in the auto, for errors concerning the relations of the sexes.[1]

Active as was this work it did not satisfy the Suprema which, in a carta acordada of November 23, 1573, speaks of the prevalence of the offence as indicated in the reports of autos, and the little progress thus far made in its suppression; greater vigor was therefore ordered and, in future, all delinquents were to be prosecuted as heretics. This was followed by another, October 2, 1574, ordering the proposition to be included in the Edict of Faith, and yet another December 2d, of the same year, repeating the complaint of its frequency and the little improvement accomplished. It was apparently an error of ignorance and, to remedy this, a special edict was ordered to be published everywhere, declaring it to be a heresy condemned by the Church, and that all uttering and believing it would be punished as heretics; all preachers moreover were to be instructed to warn and admonish the people from the pulpits.[2]

All this was wholesome, and yet it is difficult to understand this ardent zeal for the morals of the laity, when compared with the slackness as to solicitation. Be this as it may, the activity of the tribunals under this stimulus was rewarded with an abundant harvest of culprits. We chance to hear of eight cases in the auto of 1579 at Llerena and of five at Cuenca in 1585.[3] A more effective showing is that of the Toledo record from 1575 to 1610, in which the number of cases is two hundred and sixty-four—by far the largest aggregate of any one offence, the Judaizers only amounting to a hundred and seventy-four and the Moriscos to a hundred and ninety.[4] These statistics comprehend only the tribunals of the crown of Castile; those at hand for the kingdoms of Aragon are scanty but, from such as are accessible, it would appear probable either that there was less energy or a much smaller number of culprits. The only cases that I have happened to meet are two in a Saragossa auto of June 6, 1585, while, in a Valencia list for the five years 1598–1602, comprising in all three hundred and

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[1] Archivo de Simancas, Inq., Leg. 787.

[2] Ibidem, Lib. 82, fol. 228; Lib. 939, fol. 108; Lib. 942, fol. 38.—MSS. of Royal Library of Copenhagen, 218b, p. 168.

[3] Bibl. nacional, MSS., S, 121, fol. 54.—Archivo de Simancas, Inq., Leg. 1157, fol. 155.

[4] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

ninety-two cases, there are but four of this offence and not a single one in the reports for the three years 1604–6.[1]

Notwithstanding the characterization of the offence as heresy, torture was not to be employed in the trial, although confinement in the secret prison and sequestration were permitted.[2] The energy and severity with which it was prosecuted virtually suppressed it in time. In 1623 a writer speaks of it as less common than formerly and, in a list of the cases tried at Toledo, commencing in 1648, the first one of this offence occurs in 1650, the next in 1665 and the third in 1693. Thenceforth it may be said practically to disappear from the tribunals, although as late as 1792, Don Ambrosio Pérez, beneficed priest of Candamas was tried for it in Saragossa and in 1818 there was a case in Valencia.[3] Thus the Inquisition succeeded in suppressing the expression of the opinion though, as it took no action against the sin, its influence on the side of morality was inappreciable.

A reference to the cases of propositions tried by the Toledo tribunal between 1575 and 1610 (see Vol. II, p. 552) will indicate the very miscellaneous character of the utterances for which its interposition was invoked. These involved culprits of all classes of society and as, for the most part, they concerned theological questions of more or less obscurity, this method of enforcing purity of faith frequently brought under animadversion the foremost intellects of Spain and rendered the Inquisition the instrument through which rivals or enemies could mar the careers of those in whom lay the only hope of intellectual progress and development. What between its censorship and the minute supervision, which exposed to prosecution every thought or expression in which theological malevolence could detect lurking tendencies to error, the Spanish thinker found his path beset with danger. Safety lay only in the well-beaten track of accepted conventionality and, while Europe, in the seventeenth and eighteenth centuries, was passing through a period of evolution, Spanish intellect became atrophied. The splendid promise of the

[1] Bibl. nacional, MSS., PV, 3, n. 20.—Archivo hist. nacional, Inq. de Valencia, Leg. 99; Leg. 2, n. 10.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 342; Leg. 552, fol. 1.—MSS. of Royal Library of Copenhagen, 218b, p. 260.

[3] Archivo de Simancas, Inq., Lib. 926, fol. 25; Lib. 1002.—Archivo hist. nacional, Inq. de Toledo, Leg. 1.—MS. *penes me.*

sixteenth century was blasted by the steady repression of all originality and progress, and Spain, from the foremost of the nations, became the last.

The minuteness of the captious criticism which exposed the most eminent men to the horrors of inquisitorial prosecution can best be understood by two or three cases. Of these perhaps the most notable is that of the Augustinian Fray Luis de Leon, who was not only one of the most eminent theologians of his day, and who was unsurpassed as a preacher, but who ranks as a Castilian classic in both prose and poetry.[1] It is so suggestive of inquisitorial procedure in such matters that it is worthy of examination in some detail.

To a brilliant intellect Luis de Leon united a personal activity which led him to take a prominent part in the feverish life of the schools, not only in disputations but in the frequent rivalries and competitions, through which professorial vacancies were filled, for in Salamanca the professors were elected for terms of four years by the students of the faculty to which the chair belonged, after a disputation between the candidates. In these he had abundant opportunities of making enemies for, at the age of 34, he had been elected to the chair of Thomas Aquinas, from which he passed to that of Durandus. These opportunities he largely improved, if we may trust his characterizations of the numerous opponents

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[1] Hurter, Nomenclator Theologiæ Catholicæ, I, 158.—Nic. Antonii Bibl nova, s.v. *Ludovicus de Leon.*—Greg. Mayans y Siscar, Vida del M. Luis de Leon, n. 37.—Ticknor, History of Spanish Literature, II, 87, 89 (Ed 1864).

There is considerable literature on the subject of Fray Luis's troubles with the Inquisition. The records of his first trial, omitting superfluities, occupy 925 pages in Vols. X and XI of the *Coleccion de Documentos inéditos.* His second trial has more recently seen the light, with an introduction by Padre Francisco Blanco García, Madrid, 1896. *Fray Luis de Leon. Eine Biographie aus der Geschichte der spanischen Inquisition u. Kirche* (Halle, 1866) by Dr. C. A. Wilkens is an eloquent and sympathetic account of his career, while Dr. Fr. Heinrich Reusch's *Luis de Leon u. der spanische Inquisition* (Bonn, 1873) is a scholarly investigation of the case, in so far as documents accessible at the time would permit. The Lic. Arango y Escandon has contributed the *Proceso del P. M. Luis de Leon* (Mexico, 1856, revised and enlarged in 1866), in which he justifies both the Inquisition and the sufferer. The latest contribution to the subject, based on additional documents, is by the Dominican Fray Luis G. Alonso Getino, in the *Revista de Archivos* (1903–4) in justification of the Inquisition. Padre Blanco has also written an *Estúdio biográfico-crítico de Fr. Luis de Leon,* which I have not had an opportunity of consulting. The old rivalry between Dominicans and Augustinians seems to be still alive.

whom he sought to disable as witnesses in the course of his trial. Even in his own Order he had enemies, owing to his active and influential participation in its internal politics.

Theological disputes are rarely wanting in rancor, no matter how minute may be the points at issue. In Salamanca, not only were there frequent disputations but, as the leading school of theology, questions were frequently submitted to it by the Suprema on which conferences and congregations were held, leading to interminable wrangles. Azpilcueta tells us that this disputatious mania led the participants to uphold what was falsè, for the purpose of exhibiting their dexterity, not only misleading their auditors but often blinding themselves to the truth, and Luis de Leon himself says that the warmth of debate sometimes carried them beyond the bounds of reason, and so confused them that they could scarce recall what they themselves had said. One of his witnesses, Fray Juan de Guevara, corroborates this with the remark that Maestro Leon de Castro (Luis de Leon's chief accuser) sometimes might not understand what was said, but this happened to all theologians when heated in the disputations.[1]

A fairer field for inquisitorial intervention could scarce be devised and, from one point of view, its restraint of this dialectic ardor might not be amiss, but its influence on intellectual development was deplorable, when it made every man feel that he stood on the brink of an abyss into which, at any moment, he might be precipitated. Nor was such dread uncalled for; while Luis de Leon was on trial, three other Salamanca professors were in the same predicament—Antonio Gudiel, Gaspar de Grajal and Martin Martínez, while yet another, Dr. Barrientos, was released just prior to the arrest of Luis. Denunciation was an easy recourse for a defeated disputant; an incautious utterance in heated debate, imperfectly understood, or distorted in remembrance, furnished the means. Even lectures in the ordinary courses contributed their share, when zealous students disagreed with their teachers or made mistakes in their hasty notes.

The two prime movers in the prosecution of Fray Luis were Leon de Castro and Bartolomé de Medina. De Castro was an elderly man, a *jubilado* professor of Grammar, who had frequent wordy encounters with Fray Luis, usually to his discomfiture.

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[1] Azpilcueta Comment. Cap. *Si quis autem*, n. 44–47.—Coleccion de Documentos, X, 193; XI, 276.

He had based great hopes on a Commentary on Isaiah, the publication of which was delayed by the Suprema requiring him to submit it to examination; he had to spend some months at the court before he could obtain permission for its sale, and then it proved a failure, entailing on him a loss of a thousand ducats—all of which he attributed to Fray Luis, who happened at the time to be in Madrid. Bartolomé de Medina was a younger man, ambitiously working his way upward, and meeting several rebuffs from Fray Luis, which accentuated the traditional hostility between the Dominicans and Augustinians, to which they respectively belonged. They were habitually opposed in the disputations, but it seems somewhat eccentric to find Medina accusing Luis and his friends Grajal and Martínez of introducing novelties and innovations, seeing that his own reputation is chiefly based on his invention of the greatest novelty of the period—the Probabilism which revolutionized the ethical teaching of the Church and gave rise to the new science of Moral Theology.[1]

It was not difficult for these enmities to find means of gratification. Robert Stephen's edition of the Latin Bible, with the notes of François Vatable, had involved that printer in endless disputes with the Sorbonne, which accused him of having heretic ated the comments of the thoroughly orthodox editor. In 1555, the University of Salamanca undertook its correction, but the result did not satisfy the sensitiveness of Spanish theology, and the edition was forbidden in the Index of 1559. Yet the work was wanted in Spain and, at command of the Suprema, in 1569, the university undertook the task anew. Numerous congregations were held, in which every point was hotly disputed. Medina, who had not yet attained his master's degree, took no part in the meetings, but Leon de Castro and Fray Luis had many passages at arms. De Castro accused him of scant respect for the Vulgate text of the Bible, and of preferring the authority of the Hebrew and Greek originals. He stigmatized Luis, who was of converso descent, of being a Jew and a Judaizer and, on one occasion, declared that he ought to be burnt. In truth the question of the Vulgate was one of importance. The new heresies were largely based on the assumption of its imperfection, and sought to prove this by reference to the originals. Scholastic theology rested on the Vulgate and, in self-defence, the Council of Trent, in 1546,

[1] Coleccion, X, 261; XI, 256, 259.

had declared that it was to be received as authentic in all public lectures, disputations, preaching and expositions, and that no one should dare to reject it under any pretext.[1] Yet it was notorious that, in the course of ages, the text had become corrupt; the Tridentine fathers included in their decree a demand for a perfected edition, but the labor was great and was not concluded until 1592, when the Clementine text was issued, with thousands of emendations. Meanwhile to question its accuracy was to venture on dangerous ground and to invite the interposition of the Inquisition. As one of the calificadores, during Fray Luis's trial, asserted "Catholic doctors affirm that now the Hebrew and Greek are to be emended by the Vulgate, as the purer and more truthful text. To emend the Vulgate by the Hebrew and Greek is exactly what the heretics seek to do. It is to destroy the means of confuting them and to give them the opportunity of free interpretation."[2] Fray Luis not only did this in debate but, in a lecture on the subject four years before, he had maintained the accuracy of the Hebrew text, contending that St. Jerome the translator was not inspired, nor were the words dictated by the Holy Ghost, and moreover that the Tridentine decree in no way affirmed such verbal inspiration.[3]

On another point he was also vulnerable. Ten or eleven years previously, at the request of Doña Isabel de Osorio, a nun in the convent of Santo Spirito, he had made a Castilian version of the Song of Solomon, with an exposition. This he had reclaimed from her but, during an absence, Fray Diego de Leon, who was in charge of his cell, found it and made a copy, which was largely transcribed and circulated. At a time when vernacular versions were so rigidly proscribed this was, at the least, a hazardous proceeding and Bartolomé de Medina heightened the indiscretion by charging that, in his exposition, he represented the work as an amatory dialogue between the daughter of Pharaoh and Solomon.

In December 1571, de Castro and Medina presented formal denunciations of Fray Luis, Grajal and Martínez, to the Salamanca commissioner of the Valladolid tribunal, charging them with denying the authority of the Vulgate and preferring the interpretations of the rabbis to those of the fathers, while the circulation of Canticles in the vernacular was not forgotten. Other accusers,

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[1] C. Trident. Sess. IV, De Edit. et Usu SS. Libb.

[2] Coleccion, X, 115, 129.

[3] Ibidem, X, 102, sqq.

including students, joined in the attack, making thirteen in all, with a formidable body of denunciations. Grajal was soon afterwards arrested and Fray Luis, warned of the impending danger, presented himself, March 6, 1572, to Diego González, the former inquisitor of Carranza, then on a visitation at Salamanca, with a copy of his lecture on the Vulgate and the propositions drawn from it, and also his work on Canticles. He asked to have them examined and professed entire submission to the Church, with readiness to withdraw or revoke anything that might be found in the slightest degree objectionable.[1]

In any other land, this would have sufficed. The inculpated works would have been expurgated or forbidden, if necessary. Luis would have retracted any expressions regarded as erroneous, and the matter would have ended without damage to the faith. Under the Inquisition, however, the utterance of objectionable propositions was a crime to be punished, and the submission of the criminal only saved him from the penalties of pertinacious heresy. On March 26th the warrant for the arrest of Fray Luis was issued and, on the 27th he was receipted for by the alcaide of the secret prison of Valladolid. He was treated with unusual consideration, in view of his infirmities and delicate health for, on his petition, he was allowed a scourge, a pointless knife to cut his food, a candle and snuffers and some books.[2] The trial proceeded at first with unusual speed. By May 15th the fiscal presented the formal accusation, in which Fray Luis was charged with asserting that the Vulgate contained many falsities and that a better version could be made; with decrying the Septuagint and preferring Vatable and rabbis and Jews to the saints as expositors of Scripture; with stating that the Council of Trent had not made the Vulgate a matter of faith and that, in the Old Testament, there was no promise of eternal life; with approving a doctrine that inferred justification by faith, and that mere mortal sin destroyed faith; with circulating an exposition of Canticles explaining them as a love-poem from Solomon to his wife—all of which was legitimately based on the miscellaneous evidence of the adverse witnesses.[3] This, as required, Fray Luis answered on the spot, article by article, attributing the charges to the malice of his enemies, denying some and explaining others clearly and frankly.

It was a special favor that he was at once provided with counsel

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[1] Coleccion, X, 96–110. [2] Ibidem, X, 179. [3] Ibidem, X, 206–8.

and allowed to arrange his defence—a favor which brought upon the tribunal a rebuke from the Suprema, January 13, 1573, as contrary to the *estilo*, which must be followed, no matter what might be the supplications of the accused. Fray Luis identified many of the witnesses—out of nineteen he recognized eight—and he drew up six series of interrogatories, mostly designed to prove his allegations of mortal enmity. Of these the inquisitors threw out three as "impertinent" and the answers to the others were, to a considerable extent, unsatisfactory, as was almost inevitable under a system which made the accused grope blindly in seeking evidence. As time wore on in this necessarily dilatory business, Fray Luis grew impatient at the stagnation which seemed to preclude all progress, not being aware that in reality it had been expedited irregularly.[1]

It would be wearisome to follow in detail the proceedings which dragged their slow length along. Additional witnesses came forward, whose depositions had to go through the usual formalities; Fray Luis presented numberless papers as points occurred to him; he defended himself brilliantly and, through the course of the trial there were few of the customary prolonged intervals, for his nervous impatience kept him constantly plying the tribunal with arguments and appeals which it received with its habitual impassiveness. At length, after two years, early in March, 1574, it decided that there was no ground for suspicion against him in the thirty articles drawn from the testimony of the witnesses, while he could not be prosecuted criminally on the seventeen propositions extracted from his lecture on the Vulgate, seeing that he had spontaneously presented them and submitted himself to the Church. The fiscal, however, appealed from this to the Suprema and his appeal must have been successful, for the trial took a fresh start.[2]

After some intermediate proceedings, Fray Luis, on April 1st was told to select *patrones theólogos* to assist in his defence. He at once named Dr. Sebastian Pérez, professor in the royal college which Philip II had founded at Párraces, in connection with San Lorenzo del Escorial, and two days later he added other names.

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[1] Coleccion, X, 249; XI, 255-84.

[2] There is no record of this in the process, but Fray Luis refers to it repeatedly both to the tribunal and to the Suprema, and there is no disclaimer.—Coleccion, XI, 48, 190, 196.

In place of accepting them the tribunal endeavored to compel him to take men of whom he knew nothing and who, in reality, were the calificadores who had already condemned his propositions. The struggle continued until, on August 3d, the Suprema wrote that he could have Pérez, but his limpieza must first be proved and Philip's consent to his absence be obtained. We have seen how prolonged, costly and anxious were investigations into limpieza and, as Fray Luis remarked, this was to grant and to refuse in the same breath. At last, after endless discussions, in October he despairingly accepted Dr. Mancio, a Dominican and a leading professor of theology at Salamanca. Mancio came in October, again towards the end of December, and finally on March 30, 1575, while Fray Luis meanwhile was eating his heart in despair. At length, on April 7th Mancio approved of Fray Luis's defence, declaring that he had satisfied all the articles, both the series of seventeen and that of thirty, which had been proved against him or which he had admitted having uttered.[1]

If Fray Luis imagined that this twelve months' work to which such importance had been attributed, had improved his prospects, he was speedily undeceived. We hear nothing more of Dr. Mancio or of his approval. The propositions, with the defence, were submitted again to three calificadores (men who had been urged upon him as patrones) and it illustrates the uncertainties of theology and the hair-splitting subtilties in which the doctors delighted, that not only were the original seventeen articles declared to be heretical for the most part, but five new ones, quite as bad, were discovered in the defence which had elicited Dr. Mancio's approval, and these five thenceforth formed a third category of errors figuring in the proceedings.[2] It is not easy for us to comprehend the religious conceptions which placed men's lives and liberties and reputation at the hazard of dialectics in which the most orthodox theologians were at variance.

When Fray Luis was informed that five new heretical propositions had sprouted from the hydra-heads of the old ones, he was dismayed. Sick and exhausted, the prospects of ultimate release from his interminable trial seemed to grow more and more remote. Arguments and discussions continued and were protracted. New calificadores were called in, who debated and opined and presented written conclusions on all three series of propositions. It

[1] Coleccion, X, 562–7; XI, 7–18, 21–128.

[2] Ibidem, XI, 154–86.

would be useless to follow in detail these scholastic exercises, of which the chief interest is to show how, in these infinitesimal points, one set of theologians could differ from another and how completely the enmity of the two chief witnesses, Leon de Castro and Bartolomé de Medina, was ignored. Thus wore away the rest of the year 1575 and the first half of 1576. There was no reason why the case might not be continued indefinitely on the same lines, but the inquisitors seem to have felt at last that an end must be reached, and a consulta de fe was finally held, in which Dr. Frechilla, one of the calificadores who had condemned the propositions, represented the episcopal Ordinary.[1]

The case illustrates one incident of these protracted trials. During its course it had been heard by seven inquisitors, of whom Guijano de Mercado was the only one who served from the commencement to the end, and his colleague in the consulta, Andrés de Alava, had appeared in it only in November, 1575, and had not been present in any audiences after December. There was, moreover, an unusual feature in the presence of a member of the Suprema, Francisco de Menchaca, indicating perhaps that the case was regarded as one of more than ordinary importance. There were five consultors, Luis Tello Maldonado, Pedro de Castro, Francisco Albornoz, Juan de Ibarra and Hernando Niño, but the two latter fell sick, when the examination of the voluminous testimony was half completed, and took no further part in the proceedings.

On the final decision, September 18, 1576, Menchaca, Alava, Tello and Albornoz voted for torture on the intention, including the propositions which the theologians had declared that Fray Luis had satisfied, after which another consulta should be held. They humanely added that it should be moderate in view of the debility of the accused. Those better acquainted with the case, Guijano and Frechilla, were more lenient. They voted for a reprimand, after which, in a general assembly of professors and students, Fray Luis should read a declaration, drawn up by the calificadores, pronouncing the propositions to be ambiguous, suspicious and likely to cause scandal. Moreover his Augustinian superior was to be told, extra-judicially, to order him privately to employ his studies in other directions and to abstain from teaching in the schools. The vernacular version of Canticles was to be suppressed, if the inquisitor-general and Suprema saw fit.[2] Com-

[1] Coleccion, XI, 187–253.

[2] Ibidem, XI, 351–3.

paratively mild as this sentence might seem, it gratified to the full the vindictiveness of his enemies—it humiliated him utterly and destroyed his career.

As there was discordia the case necessarily reverted to the Suprema, which seems to have recognized that both votes assumed the nullity of the laborious trifling, by which the calificadores had found dangerous heresies in his acknowledged propositions. Discussion must have been prolonged however, for the final sentence was not rendered until December 7th. This fully acquitted Fray Luis of all the charges, but ordered a reprimand in the audience-chamber and a warning to treat such matters in future with great circumspection, so that no scandal or errors should arise. The Suprema could scarce say less, if the whole dismal farce, of nearly five years, was not to be admitted as wholly unjustifiable, and it enclosed the sentence in a letter instructing the tribunal to order Fray Luis to preserve profound silence and to avoid dissension with those whom he suspected of testifying against him. It was probably on December 15th that the sentence was read and the reprimand administered. Fray Luis took the necessary oaths, he made the promises required, and was discharged as innocent after an incarceration, *incomunicado*, which had lasted for four years, eight months and nineteen days. His requests were granted for a certificate *de no obstancia* and for an order on the paymaster of the schools to pay him his professorial salary from the date of his arrest to the expiration of his quadrennial term.[1]

During this prolonged imprisonment, Fray Luis seems to have been treated with unusual consideration. He was allowed to send for all the books needed for his defence and for study—even for recreation, for we find him, July 6, 1575, asking for the prose works of Bembo, for a Pindar in Greek and Latin and for a copy of Sophocles.[2] He relieved the distractions of his defence and the anxieties of his position by the composition of his *De los Nombres de Christo*, which has remained a classic. Yet these were but slender alleviations of the hardships and despairing tedium of his prison cell. On March 12, 1575, he is begging for the sacraments; though he is no heretic, he says, he has been deprived of them for three

[1] Coleccion, XI, 353–8.—Fray Luis attributed this unexpected mercy to the influence of Inquisitor-general Quiroga, to whom, in 1580, he dedicated his Exposition of the XXVI Psalm, with warm expressions of gratitude.—García, Segundo Proceso, p. 17.

[2] Coleccion, XI, 147.

years. This petition was forwarded to the Suprema, which replied by drily telling the tribunal to complete the cases of Fray Luis, Grajal and Martínez as soon as opportunity would permit.[1] At an audience of August 20th, of the same year, when remanded to his cell, he paused to represent that, as the inquisitors well knew, he was very sick with fever; there was no one in his cell to take care of him, save a fellow-prisoner, a young boy who was simple; one day he fainted through hunger, as there was no one to give him food, and he asked whether a fraile of his Order could be admitted to assist him and to aid him to die, unless they wished him to die alone in his cell. This was not refused but, as the condition was imposed that the companion should as usual share his imprisonment to the end, the request was in vain. Then, on September 12th, in his reply to the five propositions suddenly sprung upon him, he feelingly referred to the years of prison and the sufferings caused by the absence of comforts in his weakness and sickness, as a torture long and cruel enough to purge all suspicions.[2] Even more pitiful was a petition to the Suprema in November of the same year—"I supplicate your most illustrious body, by Jesus Christ, on my giving ample security, to order me to be placed in one of the convents of this city, even in that of San Pablo (Dominican), in any way that it may please you, until sentence is rendered, so that if, during this time, God should call me, which I greatly fear, in view of my much trouble and feeble health, I may die as a Christian among religious persons, aided by their prayers and receiving the sacraments, and not as an infidel, alone in prison with a Moor at my bed-side. And since the rancor of my enemies and my own sins have deprived me of all that is desirable in life, may the Christian piety of your most illustrious body give me this consolation in death, for I ask nothing more."[3] It is perhaps needless to say that this touching appeal did not even receive an answer.

After the term of his professorship had expired, about March 1, 1573, his special enemy, Bartolomé de Medina, was elected in his place and was promoted, in August 1576, to the leading chair in theology, while Fray García del Castillo succeeded to that of Durandus. On Fray Luis's return, he was warmly and honorably received in an assembly of the Senate, convoked for the purpose, where the Commissioner of the Inquisition declared that the Holy

[1] Coleccion, XI, 50, 52. [2] Ibidem, XI, 188, 193–4. [3] Ibidem, XI, 196–8.

Office had ordered his restoration to honor and to his professorship. Luis however refused to disturb Castillo and, in January 1577, an extraordinary chair on the Scriptures was created for him. The next year, on the chair of moral philosophy falling vacant, he obtained it and subsequently he became regular professor of Scripture—one of the highest positions in the University. His colleague Grajal had been less fortunate, having perished in prison before the termination of his trial.[1]

Fray Luis's mental vigor was unimpaired, although his delicate frame never wholly recovered from the effects of his long imprisonment. Such an experience of the dangers attendant on the discussions of the schools might seem sufficient to dampen his disputatious ardor, but in a theology, which sought to reduce to hard and fast lines all the secrets of the unknown spiritual world, there was risk of heresy in every speculation. In an *acto* of the University, held January 20, 1582, the debate widened into a discussion upon predestination and free-will, in which Fray Luis and Fray Domingo de Guzman were bitterly opposed to each other. It was continued in another theological Act the next week; the students became excited and called upon Father Bañez to repress these novelties, which he did in a lecture declaring that the views of Fray Luis savored of Pelagianism. The latter was angered and the next day, in an assembly of all the faculties, the question under debate was: If God confers equal and sufficing grace on two men, nothing else interfering, can one be converted and the other reject the aid? The discussion between Fray Luis and Bañez was hot, and the

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[1] Reusch, 113–14.—Arango y Escandon, p. 91.—Padre Alonso Getino (Revista de Archivos, Agosto–Sept., 1903) promises to give us an account of the trial of Martínez who was obliged to abjure *de levi* (Menéndez y Pelayo, II, 693).

Leon de Castro varied his persecution of Luis de Leon, Grajal and Martínez, by attacking the great Biblia Regia, which Arias Montano, the most learned Spaniard of the age, edited at the instance and with the support of Philip II. After its appearance with the approbation of the Holy See, de Castro, in 1575, in his zeal for the Vulgate, filled Spain, Flanders and Italy with denunciations of it and its editor. Montano, who was in Flanders, hastened to Spain by way of Italy to defend himself, but, finding much agitation on the subject in Rome, tarried there and wrote to Quiroga to protect him—an appeal which he repeated in 1579. He was not prosecuted, but the Inquisition fell foul of his biblical commentaries and placed on the Index a long list of expurgations, besides condemning some of his propositions—fortunately for him long after his death.—Coleccion de Documentos, XLI, 316, 321, 328, 387.—Index of Zapata, 1632, pp. 86–89.

excitement increased. Then on January 27th there was another assembly which wrangled over the intricate questions involved in prevenient aid and human coöperation.[1]

This was the commencement of the long debate *De Auxiliis*, between Jesuits and Dominicans, which lasted for a century, until both sides were silenced by the Holy See, without either being able to claim the victory. Fray Luis had excited many enmities—though not as many as he was in the habit of claiming—and the occasion was favorable for striking at him and at those whom he supported. Fray Juan de Santa Cruz drew up an account of the discussions, with a censure of the erroneous and heretical propositions defended; it was not a personal denunciation of any one, but he declared that the agitation and disquiet of the schools demanded a settlement by the Inquisition. This he presented, February 5th, at Valladolid, to the inquisitor, Juan de Arrese and, from the marginal notes, it appears that, besides Fray Luis, two Jesuits and a Benedictine were marked for prosecution. In March, Inquisitor Arrese came to Salamanca on a mission to suppress astrology and took the opportunity to gather testimony on the scholastic quarrel. Various witnesses, some of them Augustinians, came forward spontaneously with evidence, and the Mercenarian, Francisco Zumel presented a series of propositions, purporting to be drawn from a lecture by Fray Luis on predestination, of which the worst was that Christ on the cross was destitute of God and was provoked to sin. Zumel was a bitter enemy of Luis, who had defeated him, four years before, in competition for the chair of moral philosophy; both had their partizans and their quarrels were the cause of much trouble.[2]

Fray Luis's experience of the Inquisition naturally led him to seek exculpation. Three times he appeared voluntarily before Arrese and made verbal and written statements, in which he rendered an account of his share in the debates. He admitted that he had defended a position opposite to what he had previously taught, which was not without a certain temerity, as differing from the ordinary language of the schools, and not proper for public debate, as it was delicate, difficult of comprehension and liable to lead the hearers into error. He protested that he had not intended to offend Catholic doctrine and, if he had said anything incon-

[1] García, Segundo Proceso, pp. 20–23, 29–30.

[2] Ibidem, pp. 20–1, 26–7, 44.

siderately, he submitted it to the censure and correction of the holy tribunal. He also laid much stress on the notorious hatred of the Dominicans towards him, and the manner in which they lost no opportunity of decrying his doctrine, his person and his morals.[1]

Inquisitor Arrese returned to Valladolid with the evidence, after which there was pause before the case of Fray Luis was taken up. There would seem to have been some hesitation concerning it, for the Suprema took the unusual step of summoning him before it, from which he excused himself on the plea of illness and forwarded a physician's certificate in justification. The next document in the case is a letter of August 3d, from the Suprema to the tribunal, calling for the papers in the cases of the Salamanca theologians, with its opinion concerning them. In its reply the tribunal said that Fray Luis had confessed to everything testified against him, submitting himself to correction, and conceding that what he had said was not devoid of temerity; he had evidently spoken with passion and after the debate had begged pardon of Domingo de Guzman for telling him that what he advocated was Lutheran heresy. In view of all this the tribunal proposed to call him before it and examine him when, if nothing further resulted, he should be gravely reprimanded and, as the school of Salamanca was gravely excited and, as some Augustinians were boasting that his utterances had been accepted by the tribunal as true, he should be required publicly to read in his chair a declaration drawn up for him censuring the propositions, and also to declare that he had spoken wrongly when he had characterized the opposite as heresy.[2]

This would have been a profound humiliation for the proud and domineering theologian, but again Quiroga seems to have interposed to save him. There is a blank in the records for eighteen months, explicable by the affair being in the hands of the Suprema. What occurred during the interval is unknown, but the outcome appears in the final act of the trial, February 3, 1584, at Toledo. There Fray Luis stood before Inquisitor-general Quiroga who reprimanded and admonished him charitably not in future to defend, publicly or privately, the propositions which he had admitted were not devoid of temerity, adding a warning that otherwise he would be prosecuted with all the rigor of the law, to all of which Fray Luis promised obedience.[3] That he had in no

[1] García, pp. 28–35. [2] Ibidem, pp. 52–4. [3] Ibidem, p. 53.

way lost the respect of his fellows is seen in his election to the Provincialate of the Augustinian Order, in 1591, shortly before his death.

In addition to their exhibiting the attitude of the Inquisition towards the most distinguished intellects of the period, these two trials of Fray Luis illustrate its arbitrary methods, operating as it did in secret. His fault, if fault there was, was the same in both cases—the enunciation of opinions on which the most learned doctors differed. In both cases he denounced himself, freely confessed what he had spoken or written, and submitted himself unreservedly to the judgement of the church. In the first case he was arrested; he endured nearly five years of incarceration and only escaped torture or the ruin of his career through the kindly interposition of Quiroga. In the second, there was no arrest, the case was decided on the *sumaria*, or suspended, and although Quiroga probably again intervened, it was only to save the accused from a humiliation which would have gratified malevolence. Judged by its own standard, the Inquisition abused its powers—either, in one case, by unpardonable severity or in the other by excessive moderation, but it was responsible to no one and had no public opinion to dread.

Just as the case of Fray Luis was ending, prosecution was commenced against another Salamanca professor, of equal or even greater distinction. As a man of pure letters, no one at the time was the peer of Francisco Sánchez, known as el Brocense, from his birth-place, las Brozas. Vainglorious, quarrelsome, caustic and reckless of speech, he made numerous enemies, but probably he would have escaped the Inquisition had he confined himself to his chair of grammar and rhetoric. He delighted however in paradoxes, and he held himself so immeasurably superior to the theologians, and was so confident in the accuracy of his own varied learning, that he could not restrain himself from ridiculing their pretensions, from exposing the errors of pious legends and denouncing some of the grosser popular superstitions, thus rendering himself liable to inquisitorial animadversion, whenever malice or zeal might call the attention of the tribunal to his eccentricities. He flattered himself that he did not meddle with articles of faith, but he failed to realize how elastic were the boundaries of faith, and that, in attacking vulgar errors, he might be regarded as undermining the foundations of the Church. Scandal was a

convenient word which bridged over the line between the profane and the sacred.[1]

His habitual intemperance of speech was stimulated by a custom in the Salamanca lecture-rooms of students handing up questions for the lecturer to answer, and it would appear that malicious pleasure was felt in thus provoking him to exhibit his well-known idiosyncrasies. It was an occasion of this kind that prompted the first denunciation, January 7, 1584, by Juan Fernández, a priest attending the lectures. Others followed, and the character of his utterances appears in the propositions submitted to the calificadores:—That Christ was not circumcised by St. Simeon but by his mother the Virgin.—That there ought to be no images and, but for apparent imitation of the heretics, they would have been abolished.—That those were fools who, at the procession of Corpus Christi, knelt in the streets to adore the images, for only Christ and his cross were to be adored.—Only saints in heaven were to be adored and not images, which were but wood and plaster.—Christ was not born in a stable, but in a house where the Virgin was staying.—That the eleven thousand virgins were only eleven.—Doubts whether the Three Kings were kings, as Scripture speaks only of Magi.—That the Magian kings did not come at Christ's birth, but two years after, and found him playing with a ball.—That theologians know nothing.—That many Dominicans thought the faith was based on St. Thomas Aquinas; this was not so and he did not care a —— for St. Thomas.—When asked why St. Lucia was painted without eyes, he said that she had not torn them out, but she was reckoned the patron saint of eyes from her name—Lucia *a lucere*.

That these free-spoken propositions should be duly characterized by the calificadores as heretical, rash, erroneous, insulting and so forth was a matter of course and, on May 18th, the consulta de fe voted for imprisonment in the secret prison with sequestration, subject to confirmation by the Suprema. The latter delayed action until August 29th and then manifested unusual consideration for the eccentricities of Sánchez, which were doubtless well

[1] The existing records of the trials of Sánchez are printed in Vol. II of the "Coleccion de Documentos inéditos."

The only one of his works which I have had an opportunity of examining is his "Minerva" (Salmanticæ, 1587), which sufficiently illustrates his capacity of enlivening the details of etymology and syntax with his caustic assertion of superior knowledge.

known. He was merely to be summoned before the tribunal, to be closely examined and to be severely reprimanded, with a warning to give no further occasion for scandal, as otherwise he would be treated with all rigor.[1]

His first audience was held on September 24th. There is a refreshing and characteristic frankness in his reply to the customary question whether he knew the cause of his summons. He supposed it was because, about Christmas-time, in his lecture-room, he was asked why St. Lucia was painted with her eyes on a dish and why she was patron saint of eyes, when he replied that she was not such a fool as to tear out her eyes to give them to others; the vulgar believed many things that had no authority save that of painters, and it was on account of her name that she was patron saint of eyes. Then, he added, some days later he was asked why he talked against what the Church holds; this angered him and he told them they were great fools who did not know what the Church is; they must think that sacristans and painters are the Church; he would be speaking against the Church if he spoke against the Fathers and Councils. If they saw eleven thousand virgins painted in a picture, they would think that there were eleven thousand, but in an ancient calendar there was only *undecim M. virgines*—there were ten martyrs and Ursula made the eleventh. Then, some three years ago, the Circumcision was represented in the cathedral of Salamanca, where appeared the Virgin, Simeon and the child Jesus. He said to many of those present that it was a pity such impertinences were permitted in Salamanca; that the Virgin did not go to the temple until the forty days were expired, and no priest was required for the circumcision, for it is rather believed that the Virgin performed it in her own house. He mentioned various other criticisms which he had made on pictures, such as the Last Supper, where Christ and the apostles should be represented on triclinia, and the Sacrifice of Abraham where Isaac should be a man of 25. For this all he was called in Salamanca a rash and audacious man, and he supposed this was the cause of his summons; if there was more, let him know it and he would obey the Church; if in what he had said he had caused scandal, he was ready to retract and to submit to the Church.[2]

This fearless frankness was preserved in the examination that followed on the charges not explained in his avowal. When asked

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[1] Coleccion, II, 1–37.

[2] Ibidem, II, 40–45.

whether he knew these things to be heretical and if his intention was to oppose the Church, he replied that in the form of the charges he held them to be heretical, but he had uttered them only in the way he stated, with the intention of a good Christian and for the instruction of others, but, if he had erred, be begged mercy with penance, and was ready to make whatever amends were required. His confessions were duly submitted to calificadores who reported, reasonably enough, that he denied some, explained others and left others as they were, but that as a whole he deserved to be reprimanded and punished, because he exceeded his functions without discretion and, if not restrained, he would come to utter manifold errors and heresies. Under ordinary routine his punishment would have been exemplary, but the tribunal was controlled by the instructions of the Suprema and, on September 28th, he was duly reprimanded and warned to abstain in future from such utterances, for they would be visited with rigorous punishment. He promised to do this and was dismissed.[1]

With any one else this narrow escape, which shows the strong disinclination to deal harshly with him, would have ensured lasting caution, and even on Sánchez it seems to have imposed restraint for some years. The impression, however, wore away and the irrepressible desire to manifest his contempt for theology and theologians, and to display the superior accuracy of his wide learning, gradually overcame prudence. In 1588, he printed a little volume entitled *De erroribus nonnullis Porphyrii et aliorum* which, when subsequently examined by calificadores, was said to prove that the author was insolent, audacious and bitter, as were all grammarians and Erasmists; that, if its conclusions were true, we might burn all the theology and philosophy taught by the schoolmen, from the Master of Sentences to Caietano, and by all the universities, from Salamanca to Bologna. Another of his works bore the expressive title of *Paradoxos de Theulugia*, which went to two editions and was censured as requiring expurgation. Theology seems to have had for him the fatal fascination of the candle for the moth and, with his temperament, he could not touch it without involving himself in trouble. He gradually resumed his free speech and repeated his old assertions which he had promised to suppress, and to these he added new ones, such as approving the remark of a canon of Salamanca that he who spoke

[1] Coleccion, II, 40–58.

ill of Erasmus was a fraile or an ass, adding that, if there were no frailes in the world, none of the works of Erasmus would have been forbidden. From 1593 to 1595, Dr. Rosales, the commissioner at Salamanca, repeatedly forwarded to the Valladolid tribunal reports and evidence as to his relapse in these evil ways, and urged that he should be summoned and corrected and told not to meddle with theology but to confine himself to his grammar, for he knew nothing else.[1]

The tribunal had these various charges submitted to calificadores, who duly characterized them in fitting terms, but it took no action until May 18, 1596, when it commissioned Rosales to put in shape the informations against Sánchez. Rosales was replaced by Francisco Gasca de Salazar, who was instructed, September 17th, to finish the matter without delay. He returned the papers as completed, September 29th, adding that Sánchez was so frank that he said these things publicly, as a man unconscious of error and, if examined, would tell the truth and give his reasons; he did not seem to err with pertinacity but like the grammarians, who usually deal in paradoxes, for which reason Gasca said that he had taken no notice of them.[2]

Probably some restraint exercised by the Suprema explains why, after these preparations, four years were allowed to pass without action. If so, this restraint was suddenly removed, for there is no evidence that any fresh imprudences on the part of Sánchez stimulated the tribunal when, September 25, 1600, it took a vote that, in view of the previous warning and continued repetition of the same propositions and additional ones, and especially of the *De Erroribus Porphyrii* and other books suspect in doctrine, he should be summoned to the tribunal and a house be assigned to him as a prison, while all his books and papers should be seized. The Suprema confirmed this; on October 20th the summons was issued and, on November 20th, the books and papers were forwarded. On November 10th Sánchez appeared before the tribunal and, with kindly consideration, the house of his son, Dr. Lorenzo Sánchez, a physician residing in Valladolid, was assigned as his prison. Three audiences were held, on November 13th, 16th, and 22d, in which he said that, if he had uttered or done anything contrary to the faith, he was ready to confess it and reduce himself to the unity of the Church. As the charges were not as yet made

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[1] Coleccion, II, 57–88.

[2] Ibidem, II, 89–109.

known to him, he tried to explain various matters which were not contained in them, such as denying free-will, as holding the opinion that Magdalen was not the sister of Lazarus, and that Judas did not hang himself.[1]

No more audiences were held. The next document is a petition, dated November 30th, in which Sánchez set forth that he was mortally sick and given over by the physicians; that he had through life been a good Christian, believing all that the Holy Roman Church believes, and now, at the hour of death, he protested that he died in and for that belief. If, having labored for sixty years in teaching at Salamanca and elsewhere, he had said or was accused of saying anything against the holy Catholic faith, which he denied, if yet by error of the tongue it was so, he repented and begged of the Inquisition pardon and penance in the name of God. When taking pen in hand he had always recommended himself to God and, if in his MSS. there should be found anything ill-sounding, he desired it stricken out and, if there were useful things, he asked the Inquisition to permit their printing, as he left no other property to his children, and also that his enemies and rivals might be confounded. Finally, as he was in prison, by order of the Inquisition, he supplicated that he might have honorable burial, suitable to his position, and that the University of Salamanca be ordered to render him the customary honors.[2]

Thus closed, in sorrow and humiliation, the career of one of the most illustrious men of letters that Spain has produced. Under the existing system the Inquisition could do no otherwise than it had done, and its treatment of him had been of unexampled forbearance. That forbearance, however, seems to have ceased with his death. The records are imperfect, and we have no knowledge of the course of his trial which, as usual, was prosecuted to the end, but the outcome apparently was unfavorable. On December 11th the calificadores who examined his papers made an unexpectedly moderate report. There was a certain amount of minute and captious verbal criticism, but the summing up was that he seemed somewhat free in his expositions of Scripture, attaching himself too much to human learning and departing too readily from received opinions, but he was easily excusable as these were private studies and mostly unfinished, so that his final opinions could not be assumed.[3]

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[1] Coleccion, II, 109–26. [2] Ibidem, II, 127–8. [3] Ibidem, II 130–5.

Notwithstanding this, his dying requests were not granted. The interment was private and without funeral honors. As regards the University of Salamanca, Dr. Lorenzo Sánchez reported, on December 22d, that his father had many enemies there, that there was much excitement and scandal, and it was proposed not to render him the customary honors, to the great injury of his children's honor, wherefore he petitioned for orders to pay the honors and also the salary for the time of his detention. To this supplication no attention was paid, and the same indifference was shown when, long afterwards, on June 25, 1624, another son, Juan Sánchez, a canon of Salamanca, represented that malicious persons asserted that his father had died in the secret prison, wherefore he petitioned for a certificate that his father had not been imprisoned in either the secret or public prison, and that no sentence had been rendered against him. The influence of all this on the fortunes of his descendants can readily be estimated. As for the MSS. which had occupied the dying man's thoughts, the final judgement passed upon them left little to be delivered to the children.[1]

Another contemporaneous case is worthy of mention if only because the Geronimite Joseph de Sigüenza has customarily been included among the victims of the Inquisition, in place of which he sought its jurisdiction in order to protect himself against the machinations of his brethren. At an early age he had entered the Order, where his talents and varied learning gained him rapid advancement. When the Escorial was completed, Philip II sent for him to preach the first sermon in the church of San Lorenzo; since then he had preached oftener than any one else and many of the gentlemen and ladies of the court had selected him as their confessor. Philip placed him in charge of the royal archives and of the *sagrarios* and reliquaries of the two libraries, which brought him into frequent communication with the king, and he had utilized this to cause appointments and dismissals, and to institute reforms in the college of Párraces. This caused jealousy and enmity, and Diego de Yepes, the prior of his convent of San Lorenzo, endeavored to procure his removal. Then he incurred the hostility of the prior of the college, Cristóbal de Zafra, who was a florid preacher. In a sermon before the king on the previous Nativity

[1] Coleccion, II, 136–65.

of the Virgin (September 8th) he had said that the Minotaur was Christ and the Labyrinth was the Gospel and Ariadne was Our Lady and the child she bore to Theseus was faith, and if any one desired to enter the Labyrinth he must pray to the Virgin for her child. Such sermons were the fashion, and Diego de Yepes eclipsed this, on January 1st, when he told his audience that when Delilah had exhausted Samson she removed him from her and delivered him to the Philistines, so when the Virgin had exhausted God she removed him and placed him in the manger, with other equally filthy topics. Fray Joseph sought to repress this style of preaching, insisting that it should be confined to expositions of the Evangel and moral instruction, which gained him enemies among those whose eccentricities and bad taste he reproved. Another source of enmity was that he was entrusted with the selection of students to attend the lectures on Hebrew of Arias Montano, when he came to San Lorenzo, which angered those who were omitted. A formidable cabal was formed for his ruin; careful watch was kept on his utterances in unguarded moments and in the pulpit, and it was not difficult to collect propositions which, when exaggerated or distorted, might furnish material for prosecution.

It was safer to trust to a prejudiced court within the Order than to the Inquisition. A visitation of the convent and college was ordered, with instructions to withdraw the licence of any preacher or confessor found to be insufficient. The visitors came on April 13, 1592 and reported on the 17th. The frailes were examined separately and secretly and, of twenty-two, all but one offered objections to opinions uttered by Fray Joseph. From their testimony was extracted a series of nineteen propositions, most of them utterly trivial. He was accused of decrying scholastic theology, of holding that preaching should be based on the bare Scriptures, of exaggerated praise of Arias Montano at the expense of other expounders of Holy Writ, of advising a fraile to study Scripture in place of books of devotion and much else of the same nature. The frailes had learned the processes of the Inquisition; they submitted these propositions for qualification to Gutiérrez Mantilla, the chief professor of theology in the college, who rendered three opinions, varying in tone, but the final one declared that some of the propositions inclined to Lutheranism and Wickliffitism and others to Judaism. Moreover, on May 18th he wrote to the king, announcing the discovery of a dangerous

heresy in the college of San Lorenzo which, if not checked at the outset, might bring upon Spain the dangers developed in other lands. It had spread among the students, some of whom, by the vigilance of the prior, were already in the Inquisition of Toledo, and he begged Philip to urge on the prior unrelaxing efforts to avert the evil.

All this had been done in secret, but enough reached the ears of Fray Joseph to convince him of the ruin impending at the hands of his brethren. Such matters belonged exclusively to the jurisdiction of the Inquisition and they could not prevent his appealing to that tribunal, in which he lost no time. On April 23d he presented himself at Toledo, with a letter from his prior, Diego de Yepes, stating that he was learned, able and a prior of the Order, but that some of his expressions in preaching and conversation had created scandal, in consequence of which he had been tried by visitors; this trial Yepes was ready to submit to the tribunal, and he asked that Fray Joseph be treated with its customary benignity. With this Fray Joseph handed in a written statement, containing what he had been able to gather as to the accusations, and submitting himself to the judgement of the Inquisition, both in correcting what was wrong and in accepting whatever punishment might be imposed.

The tribunal sent for the papers of the trial and assigned to him the convent of la Sisla as a prison, which he was not to leave without permission under the customary penalties. This confinement, however, was scarce more than nominal for, on May 14th, he represented that the king and court were at San Lorenzo, and his absence would be a great dishonor to him, wherefore he asked to have, by return of his messenger, permission to go there, which was immediately granted. Subsequently he was allowed the unusual favor of consulting with his counsel at the latter's house and, on October 21st, he asked licence to return to San Lorenzo for a month, because he was suffering from fever and his physician stated that his life was at risk at la Sisla—a request which was doubtless granted. The contrast is marked between his treatment and that of Luis de Leon.

Meanwhile the trial was in progress with all customary formalities. The propositions were submitted to calificadores and, on July 30th, the fiscal presented the accusation, denouncing him as an apostate heretic and excommunicated perjurer, demanding his relaxation and asking that he be tortured as often as necessary. He duly

went through the examinations on the accusation and publication of evidence, and presented eight witnesses, who testified to his distinguished reputation for learning, piety and orthodoxy, also that Fray Cristóbal de Zafra was noted for bringing fables and poetry into his sermons, and that Fray Justo de Soto, who had accused him of saying that Jews and Turks could be saved, was an ignoramus, knowing little of grammar and nothing of theology.

It was not until October 22d that was held the consulta de fe, which voted unanimously for acquittal; the Suprema confirmed the sentence, on January 25, 1593, when Fray Joseph was probably absent, for it was nearly a month before he appeared, on February 19th to hear it read. At his request a copy of it was given to him and thus ended a case in which the Inquisition was the protector of innocence against fraternal malignity.[1]

The extent to which Spanish intellect wasted itself in interminable controversies over the infinitely little, and the dangers to which all men were exposed who exercised the slightest originality, are illustrated in the case of Padre Alonso Romero, S. J., lector, of theology in the Jesuit college of Valladolid. For a proposition concerning the intricate question whether a man violates the law of fasting by eating nothing on a fast-day, his fellow-Jesuit, Fernando de la Bastida, with a number of students, denounced him to the Inquisition, August 29, 1614. The main proposition, and a number of others, on which it was based, or which were deduced from it, were pronounced by the calificadores, or at least by some of them, to be false, scandalous, rash and approximating to error. No less than seventeen witnesses were examined against him and when, on January 9, 1615, he presented himself, he admitted uttering the proposition, but said that he had consulted many learned men and the principal universities and he offered in defence the signatures of many Jesuits and of professors of Salamanca, Alcalá and Valladolid, to the effect that it was not subject to theological censure. The case proceeded to a vote *in discordia*, October 15th, when the Suprema ordered his confinement in a Jesuit house, that he should cease lecturing, and that the papers in his cell should be examined. On October 29th, while he was detained in the audience-chamber, his keys were taken and his

[1] Proceso contra Fray Joseph de Sigüenza (MSS. of Library of Univ. of Halle, Yc, 20, T. IV).

papers were seized, although during this audience he stated that, when he found that many learned men condemned his proposition, he had retracted it publicly and had defended the opposite, which he offered to do again. To the ordinary mind this would appear to render further proceedings superfluous, but the assumed injury inflicted on the faith demanded reparation, and the case went on.

Thirty-three propositions, dependent on the first one, were submitted to calificadores and condemned as before, while nineteen others, extracted from his papers, were explained by him and dropped. Drearily and slowly the proceedings dragged along. On March 3, 1616, the accusation was presented, but it was not until June 6, 1619, that the publication of evidence was reached. Yet the case seems still to have been in the preliminary stage for on July 10th the Suprema ordered that the propositions, which had now grown to fifty-seven in number, should be submitted to calificadores and on their report the tribunal should decide whether to transfer him to the secret prison. It waited more than six months before it reached a decision, February 5, 1620, to make no change but, when the Suprema learned this, it ordered him to the prison of familiars, which was done on August 12th. Then, on the 18th, he selected patrones to advise him and, on September 25th, he presented the interrogatories for the witnesses in defence. On May 12, 1621, he was informed that all that he had required had been done for him. On July 5th the consulta de fe voted that he should be warned and required to retract the proposition respecting fasting and those derived from it—which he had already done spontaneously six years before; as for the others, he was acquitted. The Suprema took nearly a year to consider this and did not confirm it until June 2, 1622, when the trial ended with the reading of the sentence on June 30th.[1] All this reads like a travesty and might well be the subject of ridicule were it not for the serious import on a nation's destiny of a system under which eight years of a man's life could be consumed on a matter which the outcome showed to be so frivolous, to say nothing of the indefinite number of calificadores and officials whose energies were wasted on this solemn trifling.

Preachers were as liable as professors to prosecution for their utterances, and Spanish pulpit eloquence, as we have seen it illus-

[1] Archivo de Simancas, Inq., Leg. 552, fol. 1.

trated in the case of Fray Joseph de Sigüenza, afforded ample field for censure. The auditor who took exception to anything heard in a sermon had only to denounce the speaker and, if the proposition was exceptionable, prosecution followed. Thus, in 1580, Fray Juan de Toledo, a Geronimite of the convent of Madrid, was denounced to the Toledo tribunal for having, in a sermon before Philip II, asserted that the royal power was so absolute that the king could take his vassals' property and their sons and daughters to use at his pleasure. Possibly this exuberance of loyalty might have escaped animadversion, had not the preacher called attention to the enormous revenues of the bishops, squandered on their kindred, and urged that the king and pope should unite to reduce them to apostolic poverty. On trial he admitted his remarks in a somewhat less offensive form; he attempted to disable the witnesses and presented evidence of good character without much success. The consulta de fe voted in discordia, and the Suprema sentenced him to abjure *de levi*, to recant, in the pulpit on a feast-day, the propositions, in a formula drawn up for him, to be recluded in a convent for two years, to be suspended from preaching for five years, and to perform certain spiritual penances.[1]

The severity of this sentence shows how little ceremony there was in restraining the eccentricities of the Spanish pulpit, even when it would be difficult to discern where suspicion of heresy came in. The formula of retraction prescribed rendered the humiliation of the ceremony most bitter. There were forms suited for the different characters of propositions, but all bore the essential feature that the culprit in the pulpit admitted having uttered the condemned expression; that the inquisitors had ordered him to retract it; that he recognized that it ought to be retracted and, as an obedient son of the Church and in fulfilment of the command, he declared, of his own free will, that he had uttered a proposition heretical and contrary to express passages of Holy Writ and, as such, he retracted and unsaid it and confessed that he did not understand it when he said it nor, for lack of knowledge, did he understand the evil contained in it, nor did he believe it in its heretical sense, nor understand that it was heresy and, as he had spoken evil and given occasion to be justly suspected that he said it in an heretical sense, he was grieved and begged pardon of

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

God and the holy Roman Catholic Church, and begged pardon and mercy of the Holy Office. A notary with a copy followed his words and, if the performance was correct, made an official attestation of the fact.[1]

Instances of this sharp censorship of pulpit eloquence were by no means rare. Thus in the single tribunal of Toledo, after Madrid had been separated from it, Fray Juan de Navarrete, Franciscan Guardian of Talavera, was sentenced, December 19, 1656, for an heretical proposition in a sermon, to make a retraction. On April 21, 1657, Fray Diego Osorio, regent of studies in the Augustinian convent of Toledo, was required to retract, was suspended for two years from preaching and was banished for the same period from Madrid and Mascaraque. On April 23, 1659, the Mercenarian, Maestro Lucas de Lozoya, Definidor General of his Order and synodal judge of the province, was condemned to retract, was suspended from preaching for two years and was exiled from Madrid and Toledo. Similar sentences were pronounced July 14, 1660, on the Trinitarian Jacinto José Suchet, and August 31st on the Franciscan Juan de Teran. The Trinitarian, Juan de Rojas Becerro, December 24, 1660, was allowed to retract in the audience-chamber, but was suspended and banished for one year. Juan Rodríguez Coronel, S. J., on June 28, 1664, was suspended and banished for two years, but was not required to retract. These instances will suffice to indicate the frequency of these prosecutions and the manner in which such cases were treated. They offer a curious contrast to the mercy shown, January 31, 1665, to Sebastian Bravo de Buiza, assistant cura of Fresno la Fuente, who was only reprimanded and required to explain in the pulpit the most offensive proposition that the Virgin was a sinner and died in sin.[2]

This last case suggests that favoritism sometimes intervened to shield culprits and this would seem to be confirmed by the leniency shown, in 1696, to Fray Francisco Esquerrer. He was the leading Observantine preacher and theologian in Valencia and teacher of theology in the convent of San Francisco in Játiva. It was an episode in the quarrel between Dominicans and Franciscans over the Immaculate Conception, when, November 13, 1695, the Dominican Fray Juan Gascon denounced him to the Valencia tribunal

[1] Modo de Proceder, fol. 67 (Bibl. nacional, MSS., D, 122).

[2] Archivo hist. nacional, Inq., Leg. 1.

for having defended at Játiva, October 9, 1693, the proposition that Christ, in the three days of his death, was sacramented alive in the heart of the Virgin; that he who should die in defence of the Immaculate Conception would die a martyr, for it was a point of faith settled by Scripture, by the Council of Trent, by the Apostolic Council of Jerusalem and by the cult of the Church. Gascon had denounced this at the time, but the tribunal had taken no notice of it, and he now repeated the charge, adding that Esquerrer, preaching in 1693 at Olleria, had held it to be a point of faith that the adoration of *latria* was due to St. Francis; in the same year at Játiva he preached that Christ owed more to St. Antony of Padua than St. Antony owed to Christ. Also, when preaching about an image known as the Virgin of Salvation, he said that she was rather the Mother of Salvation than the Mother of Christ. Then, on August 28, 1695, preaching to the Augustinians of Játiva, he proved logically that the wisdom of St. Augustin was greater than the wisdom of the Logos and, on November 6, 1695, to the Franciscans of Játiva, he declared that the Immaculate Conception had been made a point of faith by Alexander VII and Innocent XI. Then the tribunal at last was spurred to action; it gathered evidence and procured from the calificadores a definition that some of the propositions were blasphemous, others heretical and others ill-sounding. Early in 1696 Esquerrer was thrown into the secret prison; he endeavored to explain away the propositions; the trial proceeded with unwonted celerity and, on September 9th, the case was suspended with merely the usual reprimand and the suppression of the propositions of October 9, 1693.[1] Apparently the Inquisition was content to have the people fed upon such doctrines.

It was probably less to favoritism than to indolence that we may attribute the outcome of the case of the Minim, Fray N. Serra, lector in the Barcelona convent of S. Francesco de Paula. On St. Barbara's day, December 4, 1721, he preached a sermon in which, among various other ineptitudes, he said that St. Barbara was a virgin and yet pregnant, and that Christ was the fourth person of the Trinity. An artillery regiment in quarters had been taken to the church and, in the evening, some of the officers, visiting Doña Bernarda Vueltaflores, amused themselves by repeating his grotesque utterances. A week later she chanced to mention the matter to Fray Antonio de la Concepcion and he, for the dis-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 45, fol. 13–33.

charge of his conscience, carried the tale to the tribunal. Doña Bernarda was sent for, told what she remembered and furnished the names of the witnesses. They were summoned and gave their evidence. The fiscal fussed over it, said that he had only two concurrent witnesses, and wanted others of the audience looked up and examined, which was not done. The registers were searched, but no former complaints against Fray Serra were found. Then the fiscal asked that all the other tribunals of Spain be written to, which was postponed. On April 22, 1722 he had the propositions submitted to calificadores, five of whom unanimously pronounced that the one relating to Christ was formally heretical and the others scandalous and irreverent, rendering the culprit vehemently suspect and of little sense. Then ensued a pause until 1726, when in July replies were received from all the tribunals that they had nothing against Fray Serra. Then followed another pause, until June 27, 1728, when the inquisitors resolved that the case should be suspended after consulting the Suprema, which assented with the mild rebuke that, as the *sumaria* had been formed in 1721, it should have been acted upon at once, in place of waiting until 1728.[1]

Cognizance of the more or less trivial utterances of individuals continued to the last and formed an increasing portion of inquisitorial business as Judaism gradually disappeared. How the people were still taught to keep a watch over their fellows is exhibited in the case of Manuel Ribes, of Valencia, in 1798. He was a boy only nine years of age, attending a primary school, who was denounced by a fellow-pupil for an heretical expression. That the case was seriously considered is inferable from the fact that it was suspended, not dismissed, and remained of record against the child in case of future offences. How keen, moreover, was the inquisitorial eye to discern peril to the faith, is visible in the prosecution at Murcia, in 1801, of Don Ramon Rubin de Celis y Noriega, a dignitary of the cathedral of Cartagena and rector of the conciliar seminary, for a proposition concealed in his printed plan for instruction in Latin.[2]

Under such impulses it is not a matter for surprise that, in this later period "propositions" furnished half the business of the

[1] MSS. of Am. Philosophical Society.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

tribunals. In the register compiled in Valencia of all the cases tried in Spain, after 1780 until the suppression of the Inquisition in 1820, the aggregate is 6569 cases, out of which 3026, or not far from one-half, are designated as for propositions. Of these latter 748 are noted as suspended or laid aside in Valencia, leaving 2278 carried on through trial. Of the 3543 cases for other offences, 1469, as we have seen, were for solicitation, leaving only 2074 as the total number for the miscellaneous business of the tribunals. Those accused for propositions represent every sphere of life, but a larger portion than of old belong to the educated classes—clerics, professional men, officers of the army, municipal officials, professors in colleges and the like.[1]

That this class of business should increase was natural in view of the infiltration of the irreligious philosophy and liberal ideas of the later eighteenth century, which escaped the censorship and watchfulness at the ports. The Napoleonic war poured a flood of this upon the land, traversed in almost every part by armies, whether hostile like the French or heretic allies like the English. After the Restoration, the duty of the Inquisition was largely the extirpation of these seeds of evil in a political as well as a spiritual sense, and propositions *antipoliticas*, as we shall see, were as freely subject to its jurisdiction as the *irreligiosas*. The punishments inflicted were not usually severe, but the trial itself was a sufficient penalty, for the accused was thrown into the secret prison during the dilatory progress of his case, his property was embargoed and his career was ruined, while in most cases he was subsequently kept under strict surveillance, for which the inquisitorial organization furnished special facilities.

As a typical case it will suffice to allude to that of two merchants of Cádiz, Julian Borrego and Miguel Villaviciosa, sentenced in 1818 by the Seville tribunal, for "propositions and blasphemies," to abjure *de vehementi* and to ten years' exile from Cádiz, Seville and Madrid, including service in a presidio. In consideration, it is said, of the extraordinarily long imprisonment which they had endured, the service of the former was only to be four years in Ceuta and of the latter six years in Melilla. As was so frequently the case at this time, the Suprema interposed in favor of leniency and reduced the term to presidio for both to two years. They were married men; the trial and sentence virtually meant ruin,

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

and probably influence was exerted in their behalf for, after six months, the Suprema allowed them to return to Spain to support their families.[1]

What was the precise nature of the propositions the record does not inform us, but, had the offence been political, it is improbable that this mercy would have been shown. It if were religious, it may have been the deliberate expression of erroneous belief, or a hasty ejaculation called forth by an ebullition of wrath for, as of old the Inquisition took cognizance of everything and, in its awe-inspiring fashion, undertook to discipline the manners as well as the faith of the people. In 1819, the sentence of Bartolomé López of Córdova, for propositions, warns him on the consequences of his unbridled passion for gambling and lust, which had caused his offence, and, in another case, the culprit's inconsiderate utterances are ascribed to his quarrels with his wife, with whom he is urged to reconcile himself.[2]

Thus to the last the Inquisition, in small things as in great, sought to control the thoughts and the speech of all men and to make every Spaniard feel that he was at the mercy of an invisible power which, at any moment, might call him to account and might blast him for life.

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[1] Archivo de Simancas, Inq., Lib. 890; Lib. 435[2].

[2] Ibidem, Lib. 890.

CHAPTER VIII.

SORCERY AND OCCULT ARTS.

MAN'S effort to supplement the limitations of his powers by the assistance of spiritual agencies, and to obtain fore-knowledge of the future, dates from the earliest ages and is characteristic of all races. When this is attempted through the formulas of an established religion it is regarded as an act of piety; when through the invocation of fallen gods, or of the ministers of the Evil Principle, or through a perverted use of sacred rites, it is the subject of the severest animadversion of the law-giver. When it assumes to use mysterious secrets of nature, it has at times been regarded as harmless, and at others it has been classed with sorcery, and the effort to suppress it has been based, not on its being a deceit, but a crime.

When the Roman domination in Spain was overthrown by the Wisigoths, the Barbarians brought with them their ancestral superstitions, to be superadded to the ancient Ligurian beliefs and the more recent Christianized paganism. The more current objectionable practices are indicated by the repressive laws of successive Wisigothic monarchs, and it illustrates the imperishable nature of superstitions that under their generalizations can be classed most of the devices that have endured the incessant warfare of the Church and the legislator for a thousand years. The Wisigothic ordinances were carried, with little change, into the Fuero Juzgo, or Romance version of the code, but their moderation was displeasing to Ramiro I, who, in 943, prescribed burning for magicians and sorcerers and is said to have inflicted the penalty in numerous instances.[1] It is not probable that this severity was permanent for, as a rule, medieval legislation was singularly lenient to these offences, although, about the middle of the thirteenth century, Jacobo de las Leyes, in a work addressed to

[1] Mariana, Hist. de España, Lib. VI, II. 75.—José Amador de los Rios (Revista de España, XVII, 388).

Alfonso X, classes among the worst offenders those who slay men by enchantment.[1]

Alfonso himself, in the Partidas, treated magic and divination as arts not involving heresy, to be rewarded or punished as they were used for good or for evil.[2] In no land were they more widely developed or more firmly implanted in popular belief, for Spain not only preserved the older errors of Wisigothic times but had superadded those brought by the Moors and had acquired others from the large Jewish population. The fatalism of Islam was a fruitful source of devices for winning foreknowledge. The astrologer and the diviner, so far from being objects of persecution, were held in high honor among the Moors, and their arts were publicly taught as essential to the general welfare. In the great school of Córdova there were two masters who taught astrology, three of necromancy, pyromancy and geomancy, and one of the *ars notoria*. Seven thousand seven hundred Arabic writers are enumerated on the interpretation of dreams, and as many on goetic magic, while the use of amulets as preservatives from evil was universal.[3] Spain was the classic land of magic whither, during the middle ages, resorted for instruction from all Europe those who sought knowledge of its mysteries, and the works on the occult arts, which were circulated everywhere, bore for the most part, whether truly or falsely, the names of Arabic authors.

Long after these pursuits had fallen elsewhere under the ban of the Church, the medieval spirit of toleration continued in Spain. Until the fourteenth century was drawing to an end, astrology, we are told, was in general vogue among the upper classes, while the lower placed full confidence in the wandering mountebanks who overspread the land—mostly Moorish or Jewish women—who plied their trade under the multifarious names of *saludadores*, *ensalmadores*, *cantadores*, *entendederas*, *adivinas* and *ajodadores*, earning a livelihood by their various arts of telling fortunes, preserving harvests and cattle, curing disease, protecting from the evil eye, and exciting love or hatred.[4] So little blame attached to these pursuits that Miguel de Urrea, Bishop of Tarazona from 1309 to 1316, was popularly known as *el Nigromántico*, and his

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[1] Flores de las Leyes (Memorial hist. español, II, 243).

[2] Partidas, P. VII, Tit. ix, ley 17; Tit. xxiii, leyes 1, 2, 3.

[3] Amador de los Rios, *op. cit.*, XVII, 382, 384–5.

[4] Ibidem, XVIII, 14.

portrait in the episcopal palace of Tarazona had an inscription describing him as a most skilful necromancer, who even deluded the devil with his own arts.[1]

The Church, however, did not share in this tolerant spirit and was preparing to treat these practices with severity. There is comparative mildness, in 1317, in the definition of its policy by Astesanus, the leading canonist of his time who, after reciting the ferocious imperial legislation, adds that the canons impose for these arts a penance of forty days; if the offender refuses to perform this he should, if a layman, be excommunicated and, if a cleric, be confined in a monastery. If he persists in his evil ways, he should, if a slave be scourged and, if a freeman, be imprisoned. Bishops should expel from their dioceses all such persons and, in some places, this is laudably accompanied with curtailing their garments and their hair. Yet the uncertainty still prevailing is indicated by the differences among the doctors as to whether priests incurred irregularity who misused in magic rites the Eucharist, the chrism and holy water, or who baptized figurines to work evil on the parties represented, and in this doubt Astesanus counsels obtaining a dispensation as the safest plan.[2]

All doubts as to such questions were promptly settled. Pope John XXII divided his restless activity between persecuting the Spiritual Franciscans, warring with the Visconti, combating Ludwig of Bavaria and creating a wholesome horror of sorcery in all its forms. Imagining that conspirators were seeking his life through magic arts, he ordered special inquisitors appointed for their extermination and urged the regular appointees to active persecution. In various bulls, and particularly one known as *Super illius specula*, issued about 1326, he expressed his grief at the rapid increase of the invocation and adoration of demons throughout Christendom, and ordered all who availed themselves of such services to be publicly anathematized as heretics and to be duly punished, while all books on the subject were to be burnt. The faithful were warned not to enter into compacts with hell, or to confine demons in mirrors and rings so as to foretell the future, and all who disobeyed were threatened with the penalties of heresy.[3]

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[1] Florez, España Sagrada, XLIX, 188, 504.

[2] Astesani de Ast Summa de Casibus Conscientiæ, P. I, Lib. i, Tit. 14.

[3] Raynald. Annal, ann. 1317, n. 52–4; ann. 1318, n. 57; ann. 1320, n. 51; ann. 1327, n. 43.—Bullar. Roman. I, 204.—Ripoll, Bullar. Ord. Prædic. II, 192.

Thus the Church asserted authoritatively the truth of the powers claimed by sorcerers—the first of a long series of similar utterances which did more, perhaps, than aught else to stimulate belief and foster the development of the evil. The prosperity of the sorcerer was based on popular credulity, and the deterrent influence of prospective punishment weighed little against the assurance that he could in reality perform the service for which he was paid.

There was no Inquisition in Castile, and the repression of these unhallowed arts rested with the secular power, which was irresponsive to the papal commands. The Partidas, with their quasi approval of magic, were formally confirmed, by the Córtes of 1348, as the law of the land, and remained the basis of its jurisprudence. Yet the new impulse from Rome commenced soon afterwards to make itself felt. About 1370 a law of Enrique III declared guilty of heresy and subject to its penalties all who consulted diviners.[1] In this the injection of heresy is significant of the source of the new policy, reflected further in a law of Juan I, in 1387, which asserts that all diviners and sorcerers and astrologers, and those who believe in them, are heretics to be punished as provided in the Partidas, laymen by the royal officials and clerics by their prelates.[2] That these laws accomplished little is indicated by the increasing severity of the pragmática of April 9, 1414, which ordered all royal and local judges, under pain of loss of office and one-third confiscation, to put to death all sorcerers, while those who harbored them were to be banished and the pragmática itself was to be read monthly in the market-places so that no one could pretend ignorance.[3] Even the Mudéjares assimilated themselves in this to their Christian conquerors, threatening the practice of sorcery with death, and warning all to avoid divination and augury and astrology. This accomplished little, however, and, after their enforced conversion, the Moriscos continued to enjoy the reputation of masters of the black arts.[4]

In the kingdoms of Aragon the secular power seems to have been negligent, and the duty reverted to the episcopate, which was for the most part indifferent. It was not wholly so, however, for, in 1372, Pedro Clasquerin, Archbishop of Tarragona, ordered an

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[1] Ordenanzas Reales, VIII, iv, 2.

[2] Ibidem, VIII, i, 9.

[3] Novis. Recop. Lib. XII, Tit. iv, ley 2.

[4] Tratados de Legislacion Muhamedana, pp. 143, 251 (Mem. hist. español, Tom. V).—Bleda, Corónica, p. 1025.

investigation of his province by *testes synodales*, and among the matters to be inquired into was whether there were sorcerers. Even Inquisitor Eymerich appears to consider it as in no way the business of the Holy Office, when he seeks to impress upon all bishops the duty of searching for such enemies of Christ, and of punishing them with all severity.[1]

In Castile, while all the arts of sorcery were reckoned heretical, jurisdiction over them remained secular, even after the establishment of the Inquisition although, among Isabella's good qualities, is enumerated her exceeding abhorrence of diviners and sorcerers and all practitioners of similar arts.[2] There was evidently no thought of diverting the Inquisition from its labors among the New Christians, when a royal decree of 1500 ordered all corregidors and justicias to investigate as to the existence in their districts of diviners and such persons, who were to be arrested and punished if laymen, while if clerics they were to be handed over to their prelates for due castigation.[3]

The question of jurisdiction, in fact, was a difficult one, which required prolonged debate to settle. It is true that, in 1511, a case in Saragossa shows the Inquisition exercising it, but a discussion to which this gave rise indicates that as yet it was a novelty. Some necromancers were condemned by the tribunal and the inquisitors asked whether confiscation followed. Inquisitor-general Enguera decided in the affirmative, but referred to Ferdinand for confirmation. The king instructed the archbishop to assemble the inquisitors and some impartial lawyers to discuss the question and report to him; their conclusion was in favor of the crown and not till then did he order the receiver to sequestrate and take possession of the property, which was considerable. The fact that it had not been sequestrated indicates that there had been no precedent to guide the tribunal.[4] Soon after this, in Catalonia, there came a demand for the more effective jurisdiction of the Inquisi-

[1] Villanueva, Viage Literario, XX, 190.—Eymerici Director. p. 202 (Ed. Venet. 1607).

[2] Pulgar, Cronica, P. II, cap. iv.

[3] Nueva Recop., Lib. VIII, Tit. iii, ley 7.

[4] Archivo de Simancas, Inq., Lib. 3, fol. 156, 158, 170, 186; Lib. 927, fol. 446. The parties in this case were doubtless García de Gorualan and Martin de Sória relaxed in person, and Miguel Sánchez de Romeral in effigy, as *hérejes sortilegos*, June 16, 1511, at Saragossa.—Libro Verde (Revista de España, CVI, 576, 581, 582). Prior to this several women had been burnt as witches, as we shall see hereafter.

tion, in order to repress sorcery. When the Concordia of 1512 was arranged, one of the petitions of the Córtes was that it should put into execution the bull *Super illius specula* of John XXII, and that the king should procure from the pope the confirmation of the bull. There was no objection to this, and Leo X accordingly revived the bull and ordered its enforcement in Aragon.[1] It must have been immediately after this that the Edict of Faith, in the Aragonese kingdoms, required the denunciation of sorcery, for, in the Sicilian instructions of 1515, issued to allay popular discontent, it was provided that this clause should only be operative when the sorcery was heretical.[2] Convictions, however, were few, at least in Aragon, for after those of 1511 there were no relaxations for sorcery until February 28, 1528, when Fray Miguel Calvo was burnt; the next case was that of Mossen Juan Omella, March 13, 1537, and no further relaxations occur in the list which extends to 1574.[3]

Castile followed the example of Aragon, and Archbishop Manrique (1523–1538) added to the Edict of Faith six clauses, giving in full detail the practices of magic, sorcery and divination.[4] Yet, as late as 1539, Ciruelo seems to regard the crime as subject wholly to secular jurisdiction, for he warns sovereigns that, as they hold the place of God on earth, they should have more zeal for the honor of God than for their own, and should chastise these offenders accordingly, being certain that they would be held to strict account for their negligence.[5]

The question, in fact, was a somewhat intricate one, admitting of nice discussion. In 1257, not long after the founding of the Old Inquisition, Alexander IV was asked whether it ought to take cognizance of divination and sorcery, when he replied that it must not be diverted from its proper duties and must leave such offenders to their regular judges, unless there was manifest heresy

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[1] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. i, § 34; cap. 2.

[2] Archivo de Simancas, Inq., Lib. 918, fol. 382.

[3] Libro Verde de Aragon (Revista de España, CVI, pp. 575, 582).

[4] Llorente, Hist. crít. cap. xv, Art. 1, n. 21.

[5] Reprovacion de las Supersticiones, P. I, cap. i, n. 14.

This book is the Spanish classic on the subject. Maestro Pedro Ciruelo served as inquisitor in Saragossa for thirty years and was professor at Alcalá. His work appeared in Salamanca, in 1539, where it was reprinted in 1540 and 1556 and again in Barcelona in 1628, with notes by the learned Doctor Pedro Antonio Jofreu, at the instance of Miguel Santos, Bishop of Solsona.

involved, a decision which was repeated more than once and was finally embodied in the canon law by Boniface VIII.[1] There was no definition, however, as to what constituted heresy in these matters, until the sweeping declaration of John XXII that all were heretical, but in this there was a clear inference that his bulls were directed solely to malignant magic working through the invocation and adoration of demons. This, however, comprised but a small portion of the vast array of superstitious observances, on which theological subtilty exhausted its dialectics. Many of these were perfectly harmless, such as the simple charms of the wise-women for the cure of disease. Others were pseudo-scientific, like the Cabala, the Ars Notoria and the Ars Paulina, by which universal knowledge was attained through certain formulas. Others again taught spells, innocent in themselves, to protect harvests from insect plagues and cattle from murrain. There were infinite gradations, leading up to the invocation and adoration of demons, besides the multiplied resources of the diviner in palmistry, hydromancy, crystallomancy and the rest—oneiroscopy, or dream-expounding, being a special stumbling-block, in view of its scriptural warrant. To define where heresy began and ended in these, to decide between presumable knowledge of the secrets of nature and resort to evil spirits, was no easy matter, and by common consent the decision turned upon whether there was a pact, express or implied, with the demon. This only created the necessity of a new definition as to what constituted pact and, in 1398, the University of Paris sought to settle this by declaring that there was an implied pact in all superstitious observances, of which the result could not reasonably be expected from God or from nature.[2] This marked a distinct advance in the conception of heretical sorcery, but it still left open the question as to what might or might not be reasonable expectation, and it was merely an opinion, albeit of the most authoritative theological body in Europe.

Discussion continued as lively as ever. In 1492, Bernardo Basin, a learned canon of Saragossa, considered it necessary to prove by logic that all pact with the demon, implicit or explicit, if not heresy was yet to be treated as heresy.[3] In 1494, the *Repertorium Inquisitorum* in quoting the canon law, that sorcery

[1] Raynald. Annal., ann. 1258, n. 23.—Potthast, Regesta, n. 17,745, 18,396.—Lib. V in Sexto, Tit. ii, c. 8 § 4.

[2] D'Argentré, Collect. judic. de novis Erroribus, I, II, 154.

[3] Bernardi Basin Tract. de Artibus magicis, Concl. I–X.

must savor of heresy to give jurisdiction of the Inquisition, still admits that there is no little difficulty in defining what is meant by savoring of heresy, while even at the close of the sixteenth century Peña tells us that no question excited more frequent debate.[1] It is true that, in 1451, Nicholas V had conferred on Hugues le Noir, Inquisitor of France, cognizance of divination, even when not heretical, but this had been a special provision, long since forgotten.[2]

The tendency, however, was irresistible to extend the definition of heretical sorcery, and to bring everything under the Inquisition. In 1552 Bishop Simancas argues that the demon introduces himself into all superstitious practices and charms, even without the intention of the man; he admits that many jurists argue that it is uncertain whether divinations and sorceries savor of manifest heresy, and therefore inquisitors have not cognizance of them, but the contrary is accepted by law, reason and custom, for it is a well-known rule that, when there is a doubt whether a judge has jurisdiction, the jurisdiction is his, and this matter is not exceptional; inquisitors can proceed against all guilty of these offences as suspect of heresy and this is received in practice.[3] Yet in practice these conclusions were reached tentatively. In 1537 Doctor Giron de Loaysa, reporting the results of a visitation of the Toledo tribunal, says that he has examined many processes for sorcery and desires instructions, for there are a number which are more foul and filthy than heretical; and even as late as 1568 the Suprema, in acting on the Barcelona visitation of de Soto Salazar, reproves Inquisitor Mexia for inflicting a fine of ten ducats and spiritual penances on Perebona Nat, for having used charms and uttered certain words over a sick woman; such cases, it says, do not pertain to the Inquisition, and in future he must leave all such matters to the Ordinary, to whom they belong.[4]

The tribunals evidently were less doubtful than the Suprema as to their powers. Among the practitioners who speculated on

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[1] Repertor. Inquisit. s. v. *Sapere hæresim* post v. *Hæresiarcha*—Pegnæ Comment. LXVII in Eymerici Director. P. II.

[2] Ripoll, Bullar. Ord. Prædic., III, 301.—Cf. Alph. de Castro de justa Hæreticor. Punitione, Lib. I, cap. 13.

[3] Simancæ de Cath. Institt., Tit. XXX, n. 20, 21; Tit. LXIII, n. 12.—Cf. Alphons. de Castro, *loc. cit.*, cap. 14, 15.

[4] Bibl. pública de Toledo, Sala 5, Estante 11, Tab. 3.—Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 20.

popular credulity there were some called *zahories*, who claimed a special gift of being able to see beneath the surface when it was not covered with blue cloth, and who were employed to discover springs of water, veins of metal, buried treasure and corpses, as well as aposthumes and other internal diseases. There was no pretence of magic in this but, in 1567, Juan de Mateba, a boy of 14, who claimed among other gifts to be a zahori, was sentenced by the Saragossa tribunal to fifty lashes in the prison, to six years' reclusion in a convent under instruction, and subsequently to a year's exile, together with prohibition, under pain of two hundred lashes through the streets, to cure by conjurations, or to claim that he has grace to effect cures, to divine the future, or to see corpses and other things under the earth.[1]

Whatever doubts existed rapidly disappeared. It would be difficult to see where the heresy lay which earned, from the Saragossa tribunal, in 1585, a public scourging for Gracia Melero, because she kept the finger of a man who had been hanged, together with a piece of the halter, thinking that they would bring her good luck.[2] In fact, by this time the omnipresent demon was held accountable for everything. A case exciting considerable attention in 1588 was that of Elvira de Cespedes, tried by the tribunal of Toledo, who, as a slave-girl at the age of 16, was married to Cristóval Lombardo of Jaen and bore to him a son, still living at Seville. Subsequently at San Lucar she fell in love with her mistress and seduced her, as well as many other women. Running away, she assumed male attire and, during the rebellion of Granada served as a soldier in the company of Don Luis Ponce. In Madrid she worked in a hospital, obtained a certificate as a surgeon and practised the profession. At Yepes she offered marriage to a girl, but the absence of beard and her effeminate appearance caused her sex to be questioned; she was medically examined, pronounced to be a man and the Vicar of Madrid granted a licence under which the marriage was solemnized. Doubts, however, still continued; she was denounced to the magistrates of Ocaña, who arrested her and handed her over to the Inquisition. In the course of her trial she was duly examined by physicians, who declared her to be a woman and that her career could only be explained by the arts of the demon. This explanation

[1] Archivo de Simancas, Inq., Lib. 726.

[2] Bibl. nacional, MSS., PV, 3, n. 20.

satisfied all doubts; she was sentenced to appear in an auto, to abjure *de levi*, to receive two hundred lashes and to serve in a hospital ten years without pay. In this the tribunal was merciful, for hermaphrodites customarily had a harsher measure of justice.[1]

It is thus easy to understand how the definition of pact by the University of Paris came to be so extended as to cover every possible act that might be classed as superstitious—all the old women's cures and all the traditional usages and beliefs that had accumulated through credulous generations trained to place confidence in unintelligible phrases and meaningless actions—for any result greater than could naturally be produced, if not attributable to God was perforce ascribed to pact with the demon. Torreblanca thus assures us that, in the cure of disease, pact is to be inferred when nothing, either natural or supernatural, is employed, but only words, secretly or openly uttered, a touch, a breathing, or a simple cloth which has no virtue in itself. So it is with prayers and verbal formulas approved by the Church, but used for purposes other than those for which they were framed, or even exorcisms or conjurations against disease and tempests and caterpillars and drought, employed without the rites prescribed by the Church, or by those who have not the Order of Exorcists. There is pact in the use of idle prayers, as to stop bleeding with *In sanguine Adæ orta est mors*, or *Sanguis mane in te ut sanguis Christi mansit in se;* or of false ones, as for head-ache *Virgo Maria Jordanum transivit et tunc S. Stephanus ei obviavit;* or of absurd ones as the old *Danatadaries*, or the more modern *Abrach Haymon* etc., or that inscribed on bread *Irivni Teherioni* etc.; or that against the bite of mad dogs, *Hax, Pax, Max.* Suspect of pact are pious and holy prayers, in which some extraneous or unknown sign is introduced, written and hung on the neck, or anything by the wearing of which protection is expected from sudden death or imprisonment or the gallows: also the use of natural objects which, by their nature are not fitted for the expected results, or which are inefficient of themselves and are supposed to derive virtue from words employed, or are applied with prayers and observances

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[1] MSS. of Library of Univ of Halle, Yc, 20, T. I.—Catálogo de las causas seguidas ante el tribunal de Toledo, pp. 84, 326 (Madrid, 1903).

Mendo tells us (Epitome Opinionum Moralium, Append. de Matrimonio, n. 4) of similar cases in which the unfortunates were burnt.

not prescribed by the Church and, finally, all cures of disease which physicians cannot explain.[1] Moreover, theologians decided that in sorcery there was no *parvitas materiæ*, or triviality, which redeemed it from being a mortal sin.[2]

Thus all wise-women and charlatans became subject to the jurisdiction of the Inquisition, and no richer field for the folk-lorist can be found than in their numerous trials, where all the details of their petty devices and spells and charms are reported at length. There was the corresponding duty imposed on it to exterminate all popular superstitions throughout the land, and possibly it might have had a measure of success in this if it could have treated these practitioners as impostors. Unfortunately its jurisdiction over them was based on the reality of their exercising demonic powers, and their persecution only tended to confirm popular belief in the efficacy of their ministrations, while the public reading of their sentences *con meritos* spread abroad the knowledge of their powers and formulas.

If aught was lacking to strengthen belief in sorcery and divination it was furnished, in 1585, by Sixtus V, in his solemn bull *Cœli et Terræ*. In this he denounced astrology and all other species of divination, all magic incantations, the invocation and consultation of demons, the abuse of the sacraments, the pretended imprisonment of demons in rings, mirrors and vials, the obtaining of responses from demoniacs or lymphatic or fanatic women; he commanded all prelates and bishops and inquisitors diligently to prosecute and punish all who were guilty of these illicit divinations, sorceries, superstitions, magic, incantations and other detestable wickedness, even though hitherto they had no faculty to do so, and the rules of the Tridentine Index, prohibiting all works on divination and magic were to be strictly enforced.[3] The Spanish Inquisition, as we have seen, had long before exercised all the faculties conferred by the bull, and it is difficult to understand why, in 1595, it obtained for the first time, in the commission issued to Inquisitor-general Manrique de Lara, a clause covering all who practised these diabolical arts, and all who believed and

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[1] Torreblanca, Epitome Delictorum sive de Magia, Lib. II, cap. ix.

The first edition of this work appeared in Seville, in 1618. My copy is of Lyons, 1678.

[2] Th. Sanchez in Præcepta Decalogi Lib. II, cap. xl, n. 13.

[3] Pegnæ Append. in Eymerici Director., p. 142.

employed them—a clause retained in all subsequent commissions.[1] The Inquisition, in fact, had not welcomed the bull, possibly in fear of claims based on it of cumulative episcopal jurisdiction. It did not allow it to be published in Spain until 1612 when, for some reason, a Romance version was printed and sent to all the tribunals with orders for its publication and enforcement, leading subsequent writers to attribute to it the cognizance of these matters by the Inquisition.[2]

Not only had the Inquisition, as we have seen, exercised jurisdiction over sorcery, but as usual it claimed this to be exclusive and warned off all trespassers. As a matter of form it conceded that non-heretical sorcery was *mixti fori*—was subject to either the secular or spiritual court which first commenced action[3]—but non-heretical sorcery had become non-existent, and the Inquisition was as resolute in maintaining its exclusive claims in this as in all else. It mattered little that, in 1598, the Córtes petitioned for the total abolition of all kinds of sorcery, divination, auguries and enchantments, and that Philip II responded by ordering the revival and enforcement of the ferocious law of 1414 inflicting severe penalties on secular judges who did not put sorcerers to death.[4] If this produced any effect, which is doubtful, it was but temporary. Already, in 1594, we find the Toledo tribunal compelling the corregidor to surrender Isabel de Soto, after he had pronounced sentence. Her offences had been the giving of love-powders, which she asserted were holy and need not be confessed; curing a child with a parchment inscribed with crosses, and using certain divinations to bring a man from the Indies—all harmless enough frauds, for which she was sentenced to abjure *de levi*,

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[1] Bulario de la Orden de Santiago, Lib. IV, fol. 118, 124, 137; Lib. V, *passim*.—Archivo de Simancas, Gracia y Justicia, Leg. 629.

The clause reads—"necnon de hæresi seu apostasia de fide suspectos, sortilegia manifestam hæresim sapientia, divinationes et incantationes aliaque diabolica maleficia et prestigia committentes, aut magicas et necromanticas artes exercentes, illorumque credentes, sequaces, defensores, fautores et receptatores.... per te vel alium seu alios prout juris fuerit inquirendi, procedendi et exequi seu inquiri, procedi et exequi faciendi."

[2] Torreblanca, Lib. III, cap. ix, Append.; Defensa, cap. ii, p. 536.—Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.

The bull, however, was not received in Valencia until 1616.—Ibidem, Leg. 6, n. 2, fol. 56.

[3] Torreblanca, cap. IX, n. 25–26.

[4] Nueva Recop., Lib. VIII, Tit. iii, ley 8.—Novís. Recop., Lib. XII, Tit. v, ley 2.

to hear mass in the audience-chamber and to undergo six years of exile. This severity, however, was mercy itself in comparison with the corregidor's sentence, which had been scourging and perpetual exile.[1]

This assertion of exclusive cognizance continued. In 1648, Ana Andrés was undergoing prosecution in both the secular and episcopal courts, when the Valladolid tribunal claimed her, took her and tried and sentenced her.[2] In 1659, Pedro Martínez Ruvio, Archbishop of Palermo, issued an edict in which he proposed to enforce a brief of Gregory XV, in 1623, directed against sorcerers. The Suprema promptly presented to Philip IV a consulta, representing that simple superstitions were justiciable by bishops but, where there was even light suspicion of heresy, the Inquisition had exclusive cognizance. It could inhibit him with censures it said, but a royal order prohibiting him from proceeding with so prejudicial an innovation was preferable as less demonstrative, and there can be no doubt that Philip signed whatever letters the Suprema laid before him.[3]

When dealing with the common run of officials, the Inquisition enforced its claims with its customary peremptory aggressiveness. In 1701, the Valencia tribunal learned that the *paheres*, or local officials of Tortosa, were trying for sorcery Jusepa Zorita, Francisca Caset and a girl. On November 30th they were ordered to cease proceedings under pain of excommunication and five hundred ducats for each official concerned, while Pedro Martin Aycart, archdeacon of the cathedral, was commissioned, in case of disobedience, to post them on the church doors as excommunicated, and to take possession of the accused in the royal prison and hold them until further orders. There was some delay and, on January 4, 1702, the authorities of Tortosa were served with a demand, under the same penalties, to surrender the prisoners and the papers to Aycart, with notification that prosecution would follow refusal. This was effectual; the prisoners were surrendered and were duly tried by the tribunal.[4]

Perhaps the most emphatic assertion of the authority of the Inquisition is to be seen in its treatment of astrology. All divi-

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo de Simancas, Inq., Leg. 552, fol. 37.
[3] Ibidem, Lib. 52, fol. 48.
[4] Archivo hist. nacional, Inq. de Valencia, Leg. 1, n. 3, fol. 14–15.

nation which pretended to reveal the future had long been regarded as heretical, on account of its denial of human free-will and its assertion of fate. This applied especially to astrology, with its array of horoscopes and its assumption that the destinies of men were ruled by the stars. It was on this ground that Pietro d'Abano, the greatest physician of his time, was prosecuted and only escaped condemnation by opportunely dying, in 1316, in Padua, and Cecco d'Ascoli, the foremost astrologer of the age, was burnt alive in Florence, in 1327. In spite of these examples, the profession of astrology continued to flourish unchecked, and astrologers were indispensable officials in the courts of princes and prelates. Theologians and canonists persevered in its condemnation. Ciruelo, while admitting that the study of the influence of the stars on the weather and on persons is lawful, like the practice of medicine, holds that foretelling from them what they cannot foreshadow can only be done by the aid of the demon, and all who practise this should be punished as half-necromancers.[1] Simancas classes astrology with all other methods of divination, which he attributes to the operation of the demon, and those who make everything depend upon the stars are perfected heretics.[2] These condemnations however were purely academical; the old prohibitions had become obsolete; belief in the science was almost universal; it was not only openly practised but openly taught, and there is significance in the fact that, in the Index of 1559, while there are general prohibitions of all books on necromancy and divination by lots, there is none of those on astrology, which must have been numerous, and only two obscure works on nativities are forbidden.[3] Indeed, one of the petitions of the Córtes of 1570 represents that in consequence of physicians not studying astrology many failed in their cures, wherefore the king was asked to order that in the universities no one should be graduated as a physician who was not a bachiller in astrology, to which the royal reply was that the Council would consult the universities and determine what was fitting.[4]

It therefore manifests no little determination of purpose that,

[1] Reprovacion de las Supersticiones, P. II, Cap. iii.

[2] De Cath. Institt. Tit. XXI, n. 9; Tit. LXIII, n. 7.

[3] Reusch, Die Indices, pp. 217, 225, 227, 236, 239.—The two prohibited books are *Arcandam de nativitatibus seu fatalis dies* and *Johannes Schonerus de nativitatibus*.

[4] Córtes de Cordova del año de setenta, Peticion 71 (Alcalá, 1575).

before Sixtus V, in his bull of 1585, had ordered the suppression of astrology by the Inquisition, the Suprema, in 1582, attacked it in its stronghold, the University of Salamanca, sending thither in March the Valladolid inquisitor, Juan de Arrese, with an edict condemning all the practices of the so-called science. In a letter of the 10th, Arrese says that he had been there for eight days, without having had an opportunity of publishing the edict, but he expects to do so the next day. Then, on the 20th, he reports that he is obtaining the first results and is overwhelmed with them; there are many who teach judicial astrology, both genethliacal, in casting nativities, and in answering all questions put to them, and they excuse themselves by saying that they only teach what is in the books that are permitted. Those inculpated under the edict are so numerous that it would be an infinite affair to punish them, and to overlook them would be worse, for they expect to be allowed to continue. Meanwhile he has taken testimony as to some and has suspended others till he receives orders, to which the reply was to go on taking testimony and report the results. Then, on March 31st he writes that he is still gathering evidence against the teachers of astrology, among whom are some who treat of invocation of demons and necromancy, especially Diego Pérez de Messa, who had been banished for other offences by the *maestre escuela* and is in hiding, but Arrese had ordered his arrest. Then, on April 24th, Arrese forwards a declaration drawn up by Maestre Muñoz, professor of astrology, for such action as the Suprema may please to take. At the same time he says that all those occupied in making astrological predictions excuse themselves on the ground that, under the statutes of the university, this is ordered to be taught; he suggests that the Suprema shall prohibit teaching from such books, and also judicial astrology, except as regards weather, but there are also indications of magic, about which he promises further information.[1] The documents before me fail to state what action the Suprema took with the professors and teachers, but that this was the condition in the foremost Spanish seat of learning indicates the magnitude of the task of eradicating beliefs so widely spread and so firmly established. That it forthwith suppressed the public teaching of astrology is indicated by the Prohibitory Index, which appeared the following year, 1583. This proscribed all books and writings that treat of the science of

[1] Archivo de Simancas, Inq., Leg. 1157, fol. 17–20.

predicting the future by the stars, and it forbade all persons from forming forecasts as to matters dependent on free-will or fortune. Yet it conceded the influence of the stars by permitting the astrology which pertained to the weather and the general events of the world, agriculture, navigation and medicine, and also that which indicated at birth the inclinations and bodily qualities of the infant.[1]

This half-hearted condemnation was not calculated to overthrow the belief of ages, and astrology maintained its hold on popular credulity. It is said that, on the birth of Philip IV, in 1605, Philip III consulted the celebrated Argoli, master of astrology in Padua, as to his son's horoscope, and was told that the stars threatened the child with so many disasters that he would certainly die in misery if he had not for his inheritance the wide dominions of Spain—a prophecy which seems to have been suggested by the event.[2] However this may be, the Inquisition maintained its position and was active in prosecuting the practitioners of the science as a means of divination. An experienced writer, about 1640, states that, since 1612, astrologers had been rigorously punished. Judicial astrology was permitted only in so far as it related to commerce, agriculture and medicine. The casting of horoscopes to predict the future, especially with regard to the death of individuals—a frequent practice, productive of much evil—was punishable by appearance in a public auto, abjuration *de levi*, exile and fine proportioned to the means of the delinquent, while even further severity was due to its employment for the detection of thieves and finding things lost.[3] A clause was introduced, in the Edicts of Faith, requiring the denunciation of all engaged in such practices, with a careful accumulation of details that reveals how wide was the sphere of influence ascribed to the stars.[4]

The severity visited upon astrologers shows the determination of the Inquisition, and its estimate of the difficulty of the task. Ecclesiastics, as we have seen, except when relaxed, were spared appearance in public autos in order to avert scandal, but astrology was made an exception and the penalties were extreme. Thus, in the Toledo auto of October 7, 1663, there appeared Don Pedro

[1] Index of Quiroga, Rule IX (Madriti, 1583, fol. 4).

[2] Zanctornato, Relatione della Corte di Spagna, pp. 6, 7 (Cosmopoli, 1678).

[3] Bibl. nacional, MSS., V, 377, cap. xiv, § 1.

[4] Ibidem, D, 118, p. 148.

Zacome Pramosellas, arch-priest of Brimano (Cremona) sentenced to abjure *de levi* and perpetual banishment from Spain, after three years of galley-service, besides prohibition to practice astrology or to read books on the subject. So, in the Toledo auto of October 30, 1667, the Licentiate Pedro López Camarena Montesinos, a beneficed priest of San Lorenzo of Valencia, for judicial astrology and searching for treasures, was condemned to abjure *de levi*, to four years in an African presidio, followed by six years' exile from Madrid and Toledo, suspension from Orders and deprivation of all ecclesiastical revenues.[1] This severity, doubtless, did much to aid advancing intelligence in outgrowing the ancient beliefs but, as late as 1796, we find Fray Miguel Alberola, a lay-brother of San Pedro de Alcántara, prosecuted in Valencia for using the "wheel of Beda"—evidently the *Petosiris*, a device by which the motions of the moon were used in place of the multitudinous and complex details of the stars and planets.[2]

Procedure in cases of sorcery had little to distinguish it from that in ordinary heresy, except that, as a rule, torture was not employed. One authority, indeed, tells that, although in Italy torture was used in cases of heretical sorcery, it was never used in Spain, but another assumes that in certain cases it was at the discretion of the tribunal.[3] That this discretion was used is seen in the Mexican case of Isabel de Montoya, a wretched old woman, in 1652, who freely confessed to numerous devices for procuring money—charms and philtres and conjurations. In addition to this was the evidence of her dupes, as to her stories of her relations with the demon, which required elucidation. She was tortured without extracting further confessions and then was sentenced to a hundred lashes, three years' service in a hospital and perpetual exile from Puebla.[4]

As pact with the demon was the basis of inquisitorial jurisdiction over sorcery, it was important to obtain from the accused admission of its existence. To this end, in 1655, the Suprema issued special instructions as to examination in all cases dependent on pact—instructions which reveal implicit belief in the reality of the powers

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Ibidem, Inq. de Valencia, Leg. 100.—Cf. Bedæ Opera, Ed. Migne, I, 963–66.

[3] Praxis procedendi, cap. xviii, n. 3 (Archivo hist nacional, Inq. de Valencia).—Bibl. nacional, MSS., S, 294, fol. 116.

[4] Proceso contra Isabel de Montoya (MS. *penes me*).

claimed for sorcery. The accused was to be asked if the prayers, remedies and other things employed produced the expected results, wholly or partially, and as they had not the natural virtues to effect this, what was the cause of the result. When, in the prayers or conjurations, certain demons were invoked, was it to make them appear and speak and in what mode or form. Whether the invocation was in virtue of a pact, express or tacit, with the demon and, if so, in what way had it been made. Whether the demon sometimes appeared in consequence of the prayers or conjurations and, if so, in what figure or guise, and what he said or did. With what faith or belief they did these things and framed the remedies, and whether it was with the intention and hope that the desired effect should be produced, and with the belief that they would attain it, and whether they held this for certain—with other similar interrogatories, suited for particular cases.[1]

Based on these instructions a curious series of formulas was drawn up, adapted to all the different classes of offenders. As a sample of these we may take the one used in the examination of Zahories, who assumed to have a natural gift to see under the surface of the earth, involving no heresy, so that they were subject to the Inquisition only through an arbitrary assumption that their work must necessarily require the aid of the demon, in which there was no *parvitas materiæ*, and that it was a mortal sin to employ them. The Zahori is to be asked whether it is true that he can see clearly and distinctly what is hidden under the earth and to what distance his vision penetrates; whether this power is confined to buried treasure, or extends to other things; at what age and on what occasion he first recognized the possession of this power; whether it is continuous, or stronger at times than at others; whether he has exerted this power and has found it effective; whether he has thus obtained treasures and, if so, of what kind or amount; who assisted him and whether the treasures were divided and what then happened; whether to reach the treasure, either in preparation or at the time of raising it, anything else was done, such as masses, prayers, conjurations, fumigations, invocations of saints or of other unknown names, or use was made of holy water, blessed palms, lights, genuflections, reading from a book or paper or other similar means; whether some treasures are more difficult to obtain than others and, if so, from what cause, such as

[1] Praxis procedendi, cap. VIII, n. 5 (Archivo hist. nacional, Inq. de Valencia).

enchantment; whether Zahories have any sign by which this power is recognized, and whether they recognize each other; in what principally does this power consist; whether money has been paid to him for pointing out a place where treasure was hidden and, if so, where he received it and what was the spot designated.[1] We can readily see how apt would be such an interrogatory, followed up by a trained examiner, to lead to admissions justifying implied pact, especially as there was a craze for finding buried treasure, and a wide-spread belief that stores of it were hidden underground, awaiting the coming of Antichrist, and guarded by demons, who must be placated or subdued before the gold could be secured.

In all this it is evident that the inquisitor, if conscientious, must himself have been firmly convinced of the truth that all the arts of sorcery, simple as many of them were, were based on demonic aid. Yet the occasional use of the term *embustero* shows that it was sometimes recognized that there was imposture as well as pact. Thus, in the Córdova auto of December 21, 1627, three women appeared, Ana de Jodar, sentenced to two hundred lashes in Córdova and one hundred in Villanueva del Arzobispo, with six years of exile; María de San Leon, to a hundred lashes and four years of exile and Francisca Méndez to vergüenza and exile. Now all these were declared to be sorceresses, invokers of demons with whom they had pacts, and their feats, as detailed in the sentences, showed them to be adepts and yet they were all stigmatized in addition as *embusteras*.[2] So, in the Saragossa auto of June 6, 1723, Sebastian Gómez is described as *supersticioso y embustero*, though his sentence of two hundred lashes and perpetual service in a hospital with shackles on his feet shows that his offence was not regarded as mere imposture.[3]

Severe as may seem some of the sentences alluded to, there is no question that, in most cases, the delinquents were fortunate in having the Inquisition as a judge rather than the secular courts, which everywhere showed themselves merciless where sorcery was concerned. We have seen the demand, in 1598, for the revival of the savage law of 1414, and this rigor had the support not only of popular opinion but of the learned. Ciruelo taught that all vain superstitions and sorcery were inventions of the devil, where-

[1] MSS. of Royal Library of Copenhagen, 218b, p. 382.
[2] Matute y Luquin, pp. 84–105. [3] Royal Library of Berlin, Qt. 9548.

fore those who learned and practised them were disciples of the devil and enemies of God. There was no distinction between classes of offenders; all were to be persecuted with unsparing rigor. Thieves, he argued were properly hanged or beheaded, because every thief is presumed to be a homicide, and much more should it thus be with every sorcerer, as his efforts were directed rather against persons than property.[1] Torreblanca tells us that Huss and Wickliffe and Luther and almost all heretics contend against the punishment of sorcerers, but this is heretical, detestable and scandalous, and all orthodox authorities teach that they should be unsparingly put to death and be persecuted by both the spiritual and temporal swords.[2] It is well to bear in mind this consensus of opinion when considering the practice of the Inquisition. In the tribunals there was nothing to control the discretion of the judges save the Suprema, and that discretion showed itself in a leniency difficult to understand, more often than in undue harshness, and even their harshness was less to be dreaded than the mercy of the secular law. The systematic writers lay down the rule that, if the culprit confesses to pact with the demon, he is presumably an apostate; if he begs mercy he is to be admitted to reconciliation in an auto, with confiscation and a hundred lashes or vergüenza; if he is not an apostate, the reconciliation is modified to abjuration *de levi* and the scourging to vergüenza.[3] These rules, however, were not observed; reconciliation was exceedingly rare, abjuration *de vehementi* was unusual, abjuration *de levi* almost universal, and the tribunals exercised wide discretion in the infliction of the most diverse penalties.

A few cases will illustrate how completely the temper of the tribunal influenced the sentences. In 1604, Valencia seems to have had exceptionally lenient inquisitors. Alonso Verlango, desiring to compromise a suit, hired a woman to perform the conjuration of the *ampolletas* or vials, placing in them wine, sulphur and other things, and throwing them into the fire, with the adjuration that as they burnt so might the hearts of men come to an agreement. There was also the conjuration of the oranges, cutting nine of them and placing in them oil, soap, salt and other things, with the formula that, as oil gives flavor, so might it be with the men;

[1] Reprovacion de las Supersticiones, P. I, cap. ii; P. II, cap. i; P. III, cap. v.

[2] Epitome Delictorum, Lib. III, cap. i, n. 1–6

[3] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Elucidationes Sancti Officii, §§ 40, 43 (Ibidem).

also driving a nail into each and saying that the nails were driven into their hearts. In both of these conjurations were invoked Bersabu, Satanas and other demons, the great and the crippled, along with St. Peter, St. Paul and other saints. There was also a long conjuration with a virgin child by which one could learn whatever was desired. Verlango himself, moreover, used conjurations to discover treasures and possessed the Dream-book of Solomon, "Vaquerio" and Cardan *de Proprietatibus Rerum*. For all this he escaped with a reprimand and hearing mass in the audience chamber, abjuration *de levi* and two years of exile. Another case was that of Fray Miguel Rexaque, a priest of the Order of Montesa, who denounced himself for going with an Italian fraile, a virgin girl and some others, to discover treasure. They dug a hole; the Italian with an olive wand made a circle, in which was lighted a blessed candle; incense was burnt and the angels were summoned to drive away the demons guarding the treasure for the coming of Antichrist, and there was also a response from a demon obtained by the girl looking into a mirror. When the papers were submitted to the Suprema it ordered Rexaque to be reprimanded and the case to be suspended, while the girls who officiated had only a year's exile and some spiritual penances. More serious was the case of François Difor, a French priest, and Francisco Juseria, a student, for it involved sacrilege. They sought the advice of an adept, who told them to baptize three coins with certain names and the coins when paid out would return to their purses. Difor solemnly baptized three pesos; Juseria spent them for fritters and pastry, but they did not come back. Under instructions of a confessor, they denounced themselves; they were duly tried and sentenced to abjure *de levi*, to be severely reprimanded and to perform some slight spiritual penances.[1]

Valladolid furnishes similar examples of leniency. In 1629, Isabel García, a married woman, under trial confessed that to regain a lover she had invoked the demon, who appeared in human shape, when she entered into explicit pact with him and performed various other sorceries, yet she was sentenced only to abjure *de levi* and to four years' exile from Valladolid and Astudilla. The next year Gabriel de Arroya, under pressure from a confessor, denounced himself and stated that, carried away by the passion of gambling, he had, during the last seven years, gone five times

[1] Archivo hist. nacional., Inq. de Valencia, Leg. 2, n. 7, fol. 4, 7; n. 10, fol. 10–13.

into the open fields, and invoked the demon to give him money for stakes, promising in return to devote his first child to the demon and offering to sign with his blood a pact to that effect. It is true that the demon never appeared, nor did he get money that seemed to come from such a source. In the consulta de fe, some of the members pronounced him to be vehemently suspect, others lightly, but it was finally voted to suspend the case without sentence and to reprimand him in the audience-chamber.[1]

There is contrast between these and some cases, in 1641, gathered in by a Valladolid inquisitor during a visitation in Astorga. Eight old men and women *curanderos*, whose offences consisted in superstitious cures of the most harmless character, were arrested and brought to Valladolid, where they were confined for months in the secret prison, to be finally sentenced to more or less prolonged exile, their simple ministrations being characterized as implicit pact with the demon. On the other hand, the Licentiate Pelayo de Ravanal, cura of Anicio, who charged twenty-three reales for blessing and ineffectually sprinkling with holy water a herd of sick cattle, and who failed in a superstitious cure of a husband and wife, was not arrested but was privately summoned and reprimanded in the apartments of the senior inquisitor. There were also two cases of *loberos*—practitioners whose speciality consisted in preserving sheep from wolves. One was Macias Pérez, a shepherd of Medina del Campo, accused by ten witnesses of having the wolves at his command, and using them to injure whom he pleased; five testified that he had threatened them with the wolves and that consequently many of their sheep had been destroyed. The other, Juan Gutiérrez of Baradilla, speculated on his neighbors, who gave him grain, kids, sheep etc., to preserve their flocks. The calificadores held this to be implicit pact but, although both were arrested, both escaped with reprimands.[2] The same moderation was exhibited by the tribunal of Toledo, in a curious case, in 1659. Juan Severino de San Pablo, of Wilna in Lithuania, was living as a hermit in the Sierra Morena. He had a skull which he had laboriously inlaid with silver images; this he exhibited and gave certificates as cures for tertian fevers. After his trial had been carried to the accusation, it was suspended; he was severely reprimanded and threatened with a hundred lashes for relapse; the

[1] Archivo de Simancas, Inq., Leg. 552, fol. 11, 13.
[2] Ibidem, fol. 26, 28, 29.

skull was buried in consecrated ground, but not until the silver had been carefully removed and given to the receiver in part settlement for the culprit's maintenance in prison.[1]

There are two colonial cases which illustrate the capricious character of these judgements. In 1760, at Lima, a Guinea negro slave named Manuel Galiano, aged 70, was tried as a *curandero*. Several cases were in evidence in which he had cured swellings that had baffled the faculty, by making a small incision, inserting a hollow cane and sucking out blood, which would be accompanied with maggots, scorpions, lizards, snakes and the like, after which he would apply certain crushed herbs. It was decided that this inferred pact with the demon; he was arrested and freely admitted the cures, explaining that he hid the animals in the cane and blew them forth as though they had been drawn from the swelling; he had pronounced the patients to be bewitched and received four or five pesos for the cure; he had also pretended to give a charm to another slave. The case was simple enough but the trial was prolonged for three years, during which he lay in prison, to be finally sentenced to appear in an auto, with the insignia of sorcery and a halter, to vergüenza and to five years (counted from the time of his arrest) of service in a hospital.[2]

In wholesome contrast to this was a similar case in Mexico, in 1794. Juana Martínez was an Indian aged 40, married to a mulatto. She made her livelihood as a *curandera*, using a decoction of the root of a plant known as *palo de Texer* or *Peyote*, which she gathered with invocation of the Trinity and three signs of the cross—ceremonies which she repeated when administering the remedy—and she said that her patients ejected, from mouth and nose, insects, flies etc., which was a sign that they had been bewitched. She also had an image of the Virgin, which she kept in a little reliquary and declared that it performed miracles. In short, she was an accomplished *embustera*, and she richly earned the designation in the accusation of a simulator of miracles. Mariano de la Piedra Palacio, cura and ecclesiastical judge of their village, Temasunchale, arrested the pair and sequestrated their little property. By active threats of scourging he elicited a confession that she had invoked the devil who appeared and taught her the art, and that she operated by his power. It was

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 2.
[2] MSS. of Bibl. nacional de Lima.

a clear case of sorcery and he handed them over to the Inquisition. The long journey to Mexico was performed handcuffed and they were consigned to the secret prison, July 22. A little skilful pressure brought Juana to admit that both the miracles of the Virgin and the insects voided by her patients were impostures. The fiscal chanced to be somewhat of a rationalist and, on August 4th he presented a report of a character not usual in the Inquisition.

He pointed out that the consummate ignorance of Cura Mariano had already caused these poor creatures sufficient suffering in tearing them from their home, defaming them, arresting them obstreperously and sending them to the prison of the tribunal without reason or justice. It was he who was to blame, for their ignorance was attributable to him, whose duty it was to instruct them. Assuming then that there was no legal basis for prosecution and that their lies were sufficiently punished by what they had endured, the fiscal suggested their discharge, with orders to abstain in future from cures and miracles, under pain of rigorous punishment, while the cura was to be warned to avoid future meddling with what pertained to the Inquisition. He should also be told to restore to them the mare and colt which he had unlawfully embargoed, to send at his own cost proper persons to conduct the prisoners comfortably home, and moreover that he and his vicars must see to the proper instruction of his flock. The tribunal was not prepared to rise to this height of justice, but it discharged the prisoners and notified Mariano to return to them the mare and colt and whatever else he had seized, without charging for their keep, and further to present himself to the tribunal on his first visit to the capital.[1]

Yet, notwithstanding the sanity of the conclusions reached in this case, there was no surrender of belief in the reality of sorcery and of demonic influence. Far more effective for the suppression of sorcerers was the position assumed, in 1774, by the Inquisition of Portugal under the guidance of Pombal. In its reformed regulations it takes the ground that malignant spirits cannot, through pacts with sorcerers and magicians, change the immutable laws of Nature established by God for the preservation of the world; that the theological argument of cases in which God permits such spirits to torment men has no application to legislature or law. Those who believe that there are arts which teach how, by invo-

[1] MSS. of David Fergusson Esq.

cations of demons, or imprecations, or signs, to work the wonders ascribed to sorcerers, fall into the absurdity of ascribing to the demon attributes belonging solely to God. Thus the two pacts, implicit and explicit, are equally incredible and there is no proof of them in the trials which for two centuries have been conducted by the Inquisition, save the unsupported confessions of the accused. From this it is deduced that all sorceries, divinations and witchcraft are manifest impostures, and the practical instructions, based on these premises, are that offenders are not to be convicted of heresy but of imposture, deceit and superstition, all of which is to be pointed out in the sentence, without giving the details as formerly. The penalties imposed are severe—scourging, the galleys and presidio, while if any one defends himself by asserting that these practices are legitimate, that a pact can be made with the demon, and that his operations are effective, he is to be confined, without more ado, in the Hospital Real de Todo os Santos—the insane hospital.[1]

The Spanish Inquisition was too orthodox to accept so rationalistic a view of sorcery, and continued to prosecute it as a reality. In 1787, Madrid was excited by an auto in which an impostor named Coxo was sentenced to two hundred lashes and ten years of presidio. He had thrived by selling philtres to provoke love, formed indecently of the bones and skin of a man and a woman, for which he had numerous customers, including ladies of quality. The affair abounded in lascivious details, which, when inscribed on the insignia hung in the church caused no little scandal.[2] In 1800, Diego Garrigo, a boy of 13, was prosecuted by the Seville tribunal for superstitious cures when, probably on account of his tender years, he escaped with a warning.[3] In 1807 the trial in Valencia of Rosa Conejos shows how the insatiable credulity of the vulgar was fed by the inexhaustible ingenuity of the impostor. She had been giving instructions as to charms by which supernatural powers could be gained, for the character of which a single example will suffice. After 11 o'clock at night, place on the fire a vessel full of oil; when it boils, throw in a living cat and put on the lid; at the stroke of midnight remove it and inside the skull of the cat will be found a little bone, which will render the person

[1] Regimento do Santo Officio da Inquisição pelo Cardeal da Cunha, pp. 118–20, 123–7. (Lisbon, 1774.)

[2] Llorente, Anales, II, 270.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

carrying it invisible and enable him to do whatever he pleases; the bone will ask "What do you want?" but if carried across running water it will lose its virtue.[1]

Under the Restoration, cases become less numerous than of old, but there is no change in the attitude of the Inquisition. In 1818, for instance, the Suprema on February 12th, ordered the arrest and imprisonment, by the Seville tribunal, of Ana Barbero, for superstition, blasphemy and pact with the demon and, for these offences, she was sentenced, October 15th, to abjuration *de levi*, spiritual exercises, six years of exile and two hundred lashes—the latter being humanely commuted by the Suprema to eight years' reclusion in a reformatory for loose women. The same tribunal ordered, June 17th, Francisca Romero to be thrown in the secret prison, with embargo of property, as a superstitious *curandera* and a year later, June 18, 1819, we find her sentenced to the ordinary penalties of exile and two hundred lashes, the latter of which were mercifully omitted by the Suprema.[2] Belief in the virtues of the consecrated wafer was as lively as ever and prosecutions were frequent for retaining it, as that of Doña Antonia de la Torre, in 1815, by the Granada tribunal, for taking repeated communions in a day, retaining the forms and converting them to an evil use.[3] Treasure-seeking was not forgotten. In 1816 the Santiago tribunal discovered a book of conjurations for the purpose, which was promptly prohibited by edict, all copies were to be seized, investigation was ordered into popular beliefs and Fray Juan Cuntin y Duran was prosecuted for using the conjurations. This probably led to the discovery, in 1817, at Tudela of a similar MS. work which the Suprema ordered to be suppressed.[4]

It is easy to understand that the prosecution of sorcery constituted a not inconsiderable portion of the duties of the Inquisition, at least during the later stages of its career. Cases were comparatively few as long as only serious matters were held to fall within its jurisdiction but, with the extended definition of pact, they increased considerably and, as the business of prosecuting Moriscos and Judaizers declined, its energies were more largely directed to the wise-women and the sharpers who found a precarious liveli-

[1] Proceso contra Rosa Conejos (MS. *penes me*).
[2] Archivo de Simancas, Inq., Lib. 890.
[3] Archivo hist. nacional, Inq., de Valencia, Leg. 100.
[4] Archivo de Simancas, Inq., Lib. 890; Lib. 559.

hood in the vulgar superstitions pervading the community. Thus, in the Toledo record, from 1575 to 1610, out of a total of 1172 cases, there are only eighteen of sorcery, or a trifle over one and a half per cent., while, in the same tribunal from 1648 to 1794 there are a hundred out of a total of 1205, or about eight and one-third per cent.[1] Occasionally they furnish the chief part of the business of a tribunal. In the Valencia auto of July 1, 1725, fifteen of the eighteen penitents were sorcerers and, in that of Córdova, December 5, 1745, there were five out of eight.[2] A record of the business of all the tribunals, from 1780 to the suppression in 1820, furnishes a total of four hundred and sixty-nine cases of which a hundred and sixteen may be classed as maleficent and three hundred and fifty-three as merely superstitious.[3]

Belief in the powers of sorcery had been too strongly inculcated to disappear with the cessation of persecution. A modern writer assures us that all the old superstitions flourish as vigorously as ever—conjurations and formulas to cure or to kill, to foretell the future, to create love or hatred, to render men impotent and women barren, to destroy the flocks and herds and harvests, to bring tempests and hail-storms. The wise-woman is as potent as of yore in her control of the forces of nature and the passions of man, and the profession is as well filled and as well paid as in the sixteenth century.[4] We can readily believe this when Padre Cappa, S. J., in his defence of the Inquisition, gravely assures us that communications and compacts with the demon are incontestable and are as frequent as formerly.[5]

We have still to consider a further development of the belief in the malignant power of the demon working through human instruments, in which the Inquisition of Spain rendered a service of no little magnitude.

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Royal Library of Berlin, Qt. 9548.—Matute y Luquin, pp. 278–92.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[4] Amador de los Rios (Revista de España, XVIII, 338–40). See also Menéndez y Pelayo, Heterodoxos Españoles, I, 237.

[5] P. Ricardo Cappa, La Inquisicion española, p. 242 (Madrid, 1888).

Father Cappa only enunciates the belief still taught by the Church. See S. Alph. Liguori, *Theol. Moralis*, Lib. III, Dub. V, and Marc, *Institutiones Morales Alphonsianæ*, I, 396–7 (Romæ, 1893).

CHAPTER IX.

WITCHCRAFT.

THE culmination of sorcery was witchcraft and yet it was not the same. In it there is no longer talk of pact with the demon, express or tacit, to obtain certain results, with the expectation of washing out the sin in the confessional and thus cheating the devil. The witch has abandoned Christianity, has renounced her baptism, has worshipped Satan as her God, has surrendered herself to him, body and soul, and exists only to be his instrument in working the evil to her fellow-creatures, which he cannot accomplish without a human agent. That such a being should excite universal detestation was inevitable, and that no effort should be spared for her extermination was the plainest duty of legislator and judge. There are no pages of European history more filled with horror than those which record the witch-madness of three centuries, from the fifteenth to the eighteenth. No land was more exposed to the contagion of this insanity than Spain where, for more than a hundred years, it was constantly threatening to break forth. That it was repressed and rendered comparatively harmless was due to the wisdom and firmness of the Inquisition.

This witch-madness was essentially a disease of the imagination, created and stimulated by the persecution of witchcraft. Wherever the inquisitor or civil magistrate went to destroy it by fire, a harvest of witches sprang up around his footsteps. If some old crone repaid ill-treatment with a curse, and the cow of the offender chanced to die or his child to fall sick, she was marked as a witch; the judge had no difficulty in compelling such confession as he desired and in obtaining a goodly list of accomplices; everyone who had met with ill-luck hurried forward with his suspicions and accusations. Every prosecution widened the circle, until nearly the whole population might become involved, to be followed by executions numbered, not by the score but by the hundred, in blind obedience to the scriptural injunction "Thou shalt not suffer a witch to live." All destructive elemental dis-

turbances—droughts or flood, tempests or hail-storms, famine or pestilence—were ascribed to witchcraft, and victims were sought, as though to offer propitiatory holocausts to the infernal gods or expiatory sacrifices to the Creator.

Belief in witchcraft was of comparatively recent origin, dating from the middle of the fourteenth century. Malignant sorcery had been known before, but the distinctive feature of the Sabbat first makes its appearance at this period—the midnight gathering to which the devotees of Satan were carried through the air, where they renounced Christ and worshipped their master, in the shape usually of a goat, but sometimes in that of a handsome or hideous man; where they feasted and danced and indulged in promiscuous intercourse, accommodating demons serving as incubi or succubi, and were conveyed back home, where other demons, assuming their shape, had protected their absence from observation.[1]

The development of this myth would seem ascribable to the increasing rigor of persecution towards the end of the fourteenth century, when, as we have seen, the University of Paris formulated the theory that pact with Satan was inherent in all magic, leading judges, in their eager exploration of cases brought before them, to connect this assumed pact with an old belief of night-riders through the air, who swept along in gathering hosts. With the methods in use, the judge or the inquisitor would have little difficulty in finding what he sought. When once such a belief was disseminated by trials and executions, the accused would seek to escape endless torture by framing confessions in accordance with leading questions and thus a tolerably coherent, though sometimes discordant, formula was developed, to which witches in every land were expected to conform. That this was a new development is shown by the demonologists of the fifteenth century—Nider and Jaquerius, Sprenger and Bernardo da Como—treating witches as a new sect, unknown before that age, and to this Innocent VIII impliedly gave the sanction of the Holy See in his well-known bull, *Summis desiderantes*, in 1484. This rapidly growing

[1] The earliest appearance of the Sabbat in inquisitorial records would seem to be in some trials, between 1330 and 1340 in Carcassonne and Toulouse, where it connects itself curiously with remnants of the Dualism of the Cathari.—Hansen, Zauberwahn, Inquisition und Hexenprozess im Mittelalter, p. 315 (München, 1900).

belief in the power of witchcraft and the duty of its extermination were stimulated by nearly every pope for almost a hundred years—by Eugenius IV in 1437 and 1445, by Calixtus III in 1457, by Pius II in 1459, and, after the special utterance of Innocent VIII, by Alexander VI in 1494, by Julius II, by Leo X in 1521, by Adrian VI, in 1523 and by Clement VII in 1524.[1]

While, for the most part, the so-called confessions of witches under trial were the result of the torture so unsparingly employed, there can be little doubt that at least a portion were truthful accounts of illusions really entertained. Even as the trances and visions of the mystics, such as Santa Teresa and the Venerable María de Agreda, are attributable to auto-hypnotism and auto-suggestion so, when the details of the Sabbat were thoroughly established and became as much a part of popular belief as the glories seen in mystic ecstasy, it is easy to understand how certain temperaments, seeking escape from the sordid miseries of laborious poverty, might acquire the power of inducing trances in which the transport to the meeting-place, the devil-worship and the sensual delights that followed, were impressed upon the imagination as realities. The demonographers give us ample accounts of experiments in which the suspected witch was thrown into a trance by the inunction of her ointment and, on awaking, gave a detailed account of her attendance on the Sabbat and of what she did and saw there. This should be borne in mind when following the long debate between those who upheld the reality of the Sabbat and those who argued that it was generally or always a delusion.

To appreciate the attitude of the Spanish Inquisition in this debate the origin of the myth must be understood. The flying by night of female sorcerers to places of assemblage was an ancient belief, entertained by Hindus, Jews and the classical nations. This was handed down through the middle ages, but was regarded by the Church as a relic of paganism to be suppressed. There was an utterance, not later than the ninth century, which denounced as an error, induced by the devil, the popular belief that wicked women ride through the air at night under the leadership of Diana and Herodias, wherefore priests everywhere were commanded to

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[1] Raynald. Annal., ann. 1437, n. 27; ann. 1457, n. 90; ann. 1459, n. 30.—Ripoll, Bullar. Ord. Prædic. III, 193.—Bullar. Roman. I, 429.—Septimi Decretal, Lib. v, Tit. xii, cap. 1, 3, 6.—Bart. Spinæi de Strigibus, p. 14 (Romæ, 1576).

disabuse the faithful and to teach that those who professed to take part in these nocturnal excursions were deluded by dreams inspired by the demon, so that he who believed in their reality entertained the faith of the devil and not that of God. This utterance was ascribed to an otherwise unknown Council of Anquira; it passed through all the collections of canons—Regino, Burchard and Ivo—found a place finally in the authoritative Decretum of Gratian, where it became known to canonists as the *canon Episcopi*.[1]

When, therefore, in the fifteenth century, there was formulated the perfected theory of the witches' Sabbat, it had to struggle for existence. No theologian stood higher than St. Antonino, Archbishop of Florence, yet in his instructions to confessors, he requires them to ascertain from penitents whether they believe that women can be transformed into cats, can fly by night and suck the blood of children, all of which he says is impossible, and to believe it is folly. Nor was he alone in this, for similar instructions are given by Angelo da Chivasso and Bartolommeo de Chaimis in their authoritative manuals.[2] The new school could only meet the definitions of the can. Episcopi by asserting that witchcraft was the product of a new sect, more pernicious than all former inventions of the demon. This brought on a warm discussion between lawyers like Ponzinibio on the one side and papal theologians on the other, such as Silvester Prierias, Master of the Sacred Palace and his successor Bartolommeo Spina, and the authority of the Holy See triumphed over scepticism.

Spain, in the fifteenth century, lay somewhat out of the currents of European thought, and the new doctrine as to the Sabbat found only gradual acceptance there. Alfonso Tostado, Bishop of Avila, the most learned Spanish theologian of the time, in 1436, treats the Sabbat as a delusion caused by the inunction of drugs, but subsequently he argues away the can. Episcopi and says that the truth is proved by innumerable cases and by the judicial penalties inflicted.[3] Even so bigoted and credulous a writer as Alonso de Espina treats it as a delusion wrought by the demon to whom

[1] Frag. Capitular. cap. 13 (Baluze, II, 365).—Reginon. de Eccles. Discip. II, 364.—Burchard. Decret. XI, i; XIX, 5.—Ivon. Decret., XI, 30.—Gratian. Decret. II, XXVI, v, 12.

[2] S. Antonini Confessionale.—Angeli de Clavasio Summa Angelica, s. v. *Interrogationes*.—Bart. de Chaimis Interrogatorium, fol. 22 (Venetiis, 1480).

[3] Hansen, Quellen und Untersuchungen, zur Geschichte des Hexenwahns und der Hexenverfolgung im Mittelalter, pp. 105-9 (Bonn, 1901).

the witch has given herself and so does Cardinal Torquemada, in his Commentary on the Decretum.[1] Martin de Arles, Canon of Pampeluna, speaks of the *Broxæ* who flourished principally in the Basque provinces, north of the Pyrenees; the belief in them he treats as a false opinion and quotes the can. Episcopi as authoritatively proving it to be a delusion. At the same time he admits that sorcerers can ligature married folk, can injure men and devastate their fields and harvests, which are works of the demon operating through them.[2] Bernardo Basin, of Saragossa, who had studied in Paris, took a middle ground; the Council of Anquira is not authoritative, in some cases there may be illusions sent by the demon, in others the Sabbat is a reality.[3] In 1494, the Repertorium Inquisitorum recognizes the existence of witches, who were popularly known as *Xorguinas;* it quotes the essential portion of the can. Episcopi in answer to the question whether they are justiciable by the Inquisition, adding that such a belief is an illusion wrought by the demon but, although it is folly, it is infidelity worse than paganism, and can be prosecuted as heresy.[4] The Inquisition itself could have no doubt as to its powers; if the Sabbat was true, the witch was an apostate; if a delusion, she was a heretic and in either case subject to its jurisdiction.

This reference to Xorguinas shows that witches were already well known in Spain, and we can assume from subsequent developments that their principal seat was in the mountainous districts along the Pyrenees, penetrating perhaps from France and favored by the ignorance of the population, its sparseness and poverty.[5] The earliest case, however, that I have met of prosecution by the Inquisition was in 1498, when Gracia la Valle was burnt in Saragossa. This was followed in 1499 by the burning of María, wife

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[1] Fortalicium Fidei, Lib. v, Consid. x.—Hansen, *op. cit.*, pp. 113–17.

[2] Martini de Arles, Tractatus de Superstitionibus, pp. 362–5, 413–15 (Francofurti ad Moenam, 1581).

Hansen (*op. cit.*, p. 308) says that Martin of Arles is known only through this tract, of which the first edition is of 1517. Martin cites no authority later than John Nider, who died in 1438, and makes no allusion to the Inquisition, which he could scarce have failed to do had it been in existence when he wrote. His work may probably be assigned to the third quarter of the fifteenth century.

[3] Bernardi Basin, Tract. de Magicis Artibus, Prop. ix.

[4] Repert. Inquisitor. s. v. *Xorguinæ.*

[5] Alonso de Spina, however (*loc. cit.*), knows of no gatherings at the Sabbat nearer than Dauphiny and Gascony, and these he learned from paintings of them in the Inquisition at Toulouse, which had burnt many of those concerned.

of García Biesa and, in January 1500, by that of three women, Nanavina, Estefabrita and Marieta, wife of Aznar Pérez. There was an interval then until 1512, when there were two victims, Martina Gen and María de Arbués. There was no other in Saragossa until 1522, when Sancha de Arbués suffered, and the last one in the record is Catalina de Joan Díez, in 1535.[1] Persecution would seem to be more active in Biscay, for Llorente quotes from a contemporary MS. a statement that in 1507 there were burnt there more than thirty witches, leading Martin de Arles y Andosilla to write a learned treatise on the subject, printed in Paris in 1517.[2] It would seem that, in 1517, there was a persecution on foot in Catalonia, for the Barcelona inquisitors were ordered to visit the mountainous districts, especially in the diocese of Urgel, to publish edicts against the witches and to prosecute them with all rigor.[3] Doubtless there were other developments of which no trace has reached us, and there was every prospect that Spain would be the seat of an epidemic of witchcraft which, if fostered by persecution, would rival the devastation commencing throughout the rest of Europe.

The time had scarce come for a change of policy, but there is a manifestation of a spirit of doubt and inquiry, very different from the unreasoning ferocity prevalent elsewhere. Arnaldo Albertino tells that, in 1521, at Saragossa, by command of Cardinal Adrian, he was called in consultation by the Suprema, over two cases, when he pronounced the Sabbat to be a delusion.[4] Possibly one of these cases may have been the woman who, we have seen, was burnt at Saragossa in 1522, but the effect of such a discussion is visible, in this same year 1522, in an Edict of Grace addressed to the witches of Jaca and Ribagorza, granting them six months in which to come forward and confess their offences.[5] Considering that, about this time, Leo X and Adrian VI were vigorously promoting the massacre by wholesale of witches in the Lombardo-Venitian valleys, and resenting any interference with the operation of the inquisitors, such action on the part of the Suprema is of marked significance.

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[1] Libro Verde de Aragon (Revista de España, CVI, 573-6, 581-3).

[2] Llorente, Añales, I, 340; Hist. crít., cap. XXXVII, art. ii, n. 41.

[3] Archivo de Simancas, Inq., Lib. 72, P. I, fol. 120; P. II, fol. 50.

[4] Arn. Albertini de agnoscendis Assertionibus, Q. XXIV, n. 13 (Romæ, 1572, fol. 114).

[5] Archivo de Simancas, Inq., Lib. 73, fol. 215.

It evidently felt the matter to be one requiring the most careful consideration and, on the outbreak of a witch-craze in Navarre, stimulated by the secular authorities, it assembled, in 1526, a "congregation" in Granada, laid the papers before it and asked its examination of the whole subject, which was condensed into six questions, going to the root of the matter: 1. Whether witches really commit the crimes confessed, or whether they are deluded. 2. Whether, if these crimes are really committed, the culprits are to be reconciled and imprisoned, or to be delivered to the secular arm. 3. Whether, if they deceive and do not commit these things, they are to be similarly punished, or otherwise. 4. Whether the cognizance of these crimes pertains to the Inquisition and if so, whether this is fitting. 5. Whether the accused are to be judged on their confessions without further evidence and to be condemned to the ordinary punishment. 6. What will be a wholesome remedy to extirpate the pest of these witches.[1] The mere submission to rational discussion of such a series of questions shows a desire to reach a just method of treatment, wholly at variance with practice elsewhere, when legislators and judges were solely occupied with devising schemes to fight the devil with his own weapons and to convict, *per fas et nefas*, the unfortunates who chanced to incur suspicion.[2]

The ten members of the congregation were all men of consideration and included the Licentiate Valdés, in whom we may recognize the future inquisitor-general. On the first question, as to reality or delusion, the vote stood six to four in favor of reality, Valdés being one of the minority and explaining that he regarded the proofs of the accusations as insufficient, and desired inquisitors to be instructed to make greater efforts at verification. The second question was of the highest importance. For ordinary heresy, confession and repentance ensured exemption from the stake but, in the eagerness to punish witchcraft, when a witch confessed it was customary to abandon her, either formally or informally, to be punished by the secular authorities for the crimes assumed to be proved against her—usually sucking the blood of

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[1] MSS. of Bodleian Library, Arch Seld. 130.

[2] For the inhuman methods employed to secure confession and conviction, on the flimsiest evidence, see the very instructive essay "The Fate of Dietrich Flade" by Professor George Burr (New York, 1891), reprinted from the Transactions of the American Historical Association.

children or encompassing the death of adults. Obedience to the Scriptural injunction of not suffering a witch to live was general.[1] On this point there was wide variety of opinion, but the majority decided that, when culprits were admitted to reconciliation, they were not to be remitted to the secular judges, to be punished for homicides, for such homicides might be illusory, and there was no proof beyond their confessions; after they had completed the penance assigned to them, if the secular judges chose to try them for homicide, the Inquisition could not interfere. This decision was adopted in practice and, some years later, was cited in justification of protecting convicted witches from the secular courts.

On the third question, votes were too much divided for any definite result. On the fourth there was substantial affirmative agreement. On the fifth, five voted that confession sufficed, but Valdés limited its sufficiency to the minor inflictions of exile, vergüenza and scourging. With regard to the final question, as to remedial measures, it is worthy of remark that only three suggested greater activity and severity of the Inquisition; nearly all favored sending preachers to instruct and enlighten the ignorant population; two proposed reforming the regular clergy, and one the secular beneficed clergy; several thought well of building churches or monasteries on the spots where the Sabbats were held; one recommended an edict promising release from confiscation for those who would come forward within a specified time, and two voted that the Inquisition should give material aid to the poorer suspects, in order to relieve them from temptation. Valdés further presented detailed instructions for inquisitors, the most important of which were that the statements of witches implicating other parties were not to be accepted as satisfactory evidence, and that, when accused to the Inquisition, it should be ascertained

[1] Mallei Malificar. P. I, Q. xiv; P. II, Q. i, C. 3, 16.—Prieriat. de Strigimagarum Lib. III, cap. 3.

The rule that the heretic or apostate who confessed and recanted was to be admitted to reconciliation was at the bottom of the anxiety of the secular magistrates to maintain their jurisdiction over witchcraft, and the relations between them and the Inquisition were the subject of much debate. Arn. Albertino argues that the Inquisition can make no distinction between witches who have and who have not committed murder; they must all be reconciled, but can again be accused of homicide before a competent judge; yet the inquisitor, to escape irregularity, must not transmit to the secular court the confessions and evidence, nor must he, in the sentences, mention these crimes, as that would be setting the judge on the track.—De agnosc. Assertionibus, Q. XXIV, n. 28, 66, 67, 68, 70, 72, 75.

whether they had already been tortured by the secular judges.[1] Halting as these deliberations may seem, they manifest gleams of wholesome scepticism and an honest desire to reach the truth, when elsewhere throughout Christendom such questions were regarded as beyond discussion. Yet for awhile the Suprema was not prepared to allow these opinions to influence action. In 1527 there was an outbreak of witchcraft in Navarre, the treatment of which by Inquisitor Avellaneda he reports in a letter written, in response to an inquiry from Iñigo de Velasco, Constable of Castile. Witchcraft, he declared, was the worst evil of the time; he had written to the king and twice to the Suprema urging a remedy, but neither at court nor on the spot was there any one who understood its cure. For six months he had been laboring in the mountains, where, by the help of God, he had discovered many witches. In a raid on the valley of Salazar he had captured a number and brought them to Pampeluna where, with the regent and members of the Royal Council and other doctors and lawyers, the whole subject was discussed; it was agreed that witches could be carried through the air to the Sabbat, and that they committed the crimes ascribed to them—principally, it would seem, on the strength of an experiment which he had tried with one of his prisoners. On a Friday at midnight he allowed her to anoint herself with the magic unguent which they used; she opened a window overhanging a precipice, where a cat would be dashed to pieces, and invoked the demon who came and deposited her safely on the ground—to be recaptured on Monday with seven others, three leagues away. These were all executed, after which he prosecuted his researches and discovered three places of assemblage—one in the valley of Salazar, with two hundred and fifty members, of whom he had captured sixty, another with eighty members in another valley and a third near Roncesvalles with over two hundred. Fifty had been executed and he hoped, with the favor of God to despatch twenty more. He had discovered that which, if proper assistance were given to him, would redound to the great service of God and benefit to the Republic for, without God's mercy, the evil would grow and the life of no one would be safe. To gratify the curiosity of the constable, Avellaneda proceeded to give a detailed account of the wonders and wickedness of the Sabbat and the evils wrought by witches. In spite of all his

[1] MSS. of Bodleian Library, Arch Seld. 130.—Archivo de Simancas, Inq., Lib. 78, fol. 216.

efforts the demon urged them on to still greater crimes by showing them phantoms of those who had been executed, pretending that he had resuscitated them and would resuscitate all who might be put to death. This evil, he concludes, is general throughout the world. If the constable wishes to ascertain whether there are witches in his district, he has only to observe whether the grain is withered while in bloom, or the acorns fail in the mountains, or there are children smothered, for wherever these things occur, there are witches.[1] Altogether, Avellaneda affords a typical illustration of the manner in which witchcraft was created and spread by the witch-finders.

There is no reason to suppose that Avellaneda was reproved for the exuberance of his zeal, for his policy was continued in 1528, when the witch epidemic was extending to Biscay, and the civil authorities were arresting and trying offenders. More eager to assert the jurisdiction of the Inquisition than to adopt the conclusions of the congregation, on February 22, 1528, Inquisitor-general Manrique ordered Sancho de Carranza de Miranda, Inquisitor of Calahorra, to go thither with full powers to investigate, try and sentence, even to relaxation, the witches who are reported to have abandoned the faith, offered themselves to the devil and wrought much evil in killing infants and ruining the harvests. He is to demand from the civil authorities all who have been arrested and the papers concerning their cases, for this is a matter pertaining to the Inquisition. A thorough inquest is to be made in all infected places, and edicts are to be published summoning within a given time and under such penalties as he sees fit, all culprits to come forward and all cognizant of such offences to denounce them.[2]

[1] Bibl. nacional, MSS., II, 88.—MSS. of Bodleian Library, Arch Seld. 130.

This document may safely be assumed as the source from which Prudencio de Sandoval, himself Bishop of Pampeluna and historiographer of Charles V, drew his account of the persecution of 1527 (Hist. del Emp. Carlos V, Lib. XVI, § 15) copied by Llorente (Hist. crít., cap. XV, art. 1, n. 6–9).

[2] Archivo de Simancas, Inq., Lib. 76, fol. 51, 53.

There seems to have been a somewhat earlier persecution of the witches of Biscay by Fray Juan de Zumarraga, a native of Durango. At the suggestion of Charles V, who greatly admired him, he was sent there for that purpose as commissioner of the Inquisition, being specially qualified by his knowledge of the language. After discharging this duty with much ability, Charles, in 1528, sent him to Mexico as its first bishop. He took with him Fray Andrés de Olmos, who had been his assistant in Biscay. In 1548, at the age of 80 he died in the odor of sanctity and his death was miraculously known the same day over all Mexico.—Mendieta, Hist. eccles. Indiana, pp. 629, 636, 644 (Mexico, 1870)

There is in this no injunction of prudence and caution, no requirement that the cases are to be submitted for confirmation to the Calahorra tribunal; Carranza is provided with a fiscal and a notary, so that he can execute speedy justice and the Edict of Grace is replaced by an Edict of Faith.

It is not until 1530 that we find evidence that the discussion of 1526 was producing a change in the view taken of witchcraft and of the methods of its repression. A carta acordada, addressed to all the tribunals, enjoined special caution in all witchcraft cases, as it was a very delicate matter to handle, and this was followed by another manifesting a healthy scepticism and desire to repress popular superstition, for it stated that the *ensalmadores*, who cured diseases by charms, asserted that all sickness was caused by witches, wherefore they were to be asked what they meant and why they said so.[1]

The practical position assumed by this time may be gathered from a letter of December 11, 1530, from the Suprema to the Royal Council of Navarre, when a fresh outbreak of the witch-craze had, as usual, brought dissension between the tribunal and the secular courts, for the latter refused to acknowledge the exclusive jurisdiction of the Inquisition, and complained of its delays and the leniency of its sentences, in comparison with the speedy and unsparing action demanded by popular clamor. The Suprema now, in reply to the complaints of the Royal Council against the Calahorra tribunal, replied that this matter of the witches was not new; on a previous occasion there had been the same altercation; some of the cases which had caused the most complaint had been brought to the court and had, by order of the emperor, been examined by learned men when, after much debate, it was ordered that the prisoners should be delivered to the inquisitors who, after examining them, should try those pertaining to their jurisdiction and surrender the others. There was much doubt felt as to the verification of the crimes alleged, and the Suprema deplored the executions by the secular courts, for the cases were not so clear as had been supposed. In view of all this, inquisitors were enjoined to use caution and moderation, for there is so much ambiguity in these cases that it seems impossible for human reason to reach the truth. When the same questions had arisen elsewhere, the Suprema had ordered the inquisitors to act with the greatest cir-

[1] Archivo de Simancas, Inq., Lib. 939, fol. 108.

cumspection, for these matters were most delicate and perilous, and some inexperienced judges had been deceived in treating them. The Suprema therefore deprecated a competencia; it entreated the Royal Council to hand all cases over to the tribunal, which would return those not subject to its jurisdiction, and the inquisitors would be ordered to remove the censures and fines—which shows that the quarrel had been pushed to extremes.[1] There was equal determination in resisting the claims of the episcopal courts to jurisdiction. In 1531 the Saragossa tribunal complains of the intrusion of the Bishop of San Angelo, who had refused to surrender a prisoner and had invited the tribunal to join him in prosecuting witches in places under his jurisdiction. To him the Suprema accordingly wrote, asserting the exclusive cognizance of the Inquisition and requiring him to deliver to the tribunal any prisoners whom he had arrested.[2]

The cautious and sceptical attitude assumed by the Suprema was all the more creditable because the leading authorities of the period were firm in their conviction of the reality of witchcraft. Arnaldo Albertino, himself an inquisitor who, in 1521, had deemed the Sabbat an illusion, writing about 1535, says that since then, on mature consideration, he had reached the opposite opinion; he now accepts all the horrors and crimes ascribed to witches and argues away the can. Episcopi. Alfonso de Castro, another writer of the highest distinction at this time, gives full credence to the most extravagant stories of the Sabbat, and he disposes of the can. Episcopi by asserting that it referred to an entirely different sect.[3]

Notwithstanding all this, the Suprema pursued its course in restraining the cruel zeal of the tribunals. The craze was spreading in Catalonia, where it required the Barcelona tribunal to submit to it for confirmation all sentences in these cases. In 1537, it returned, July 11th, a number of sentences, with its decisions as to each, and instructions as to the future. The tribunal was chafing under the unaccustomed restriction, and the fiscal was scandalized at the solicitude displayed for the friendless wretches who, everywhere but in Spain, were deprived of the most ordinary safeguards against injustice, but the imperturbable Suprema maintained its

[1] Archivo de Simancas, Inq., Lib. 76, fol. 369.

[2] Ibidem, fol. 388.

[3] Arn. Albertini de agnosc. Assertionibus, Q. XXIV.—Alph. de Castro de justa hæreticor. Punitione, Lib. I, cap. xvi.

temperate wisdom. The utmost care, it said, was to be exercised to verify all testimony and to avoid conviction when this was insufficient. Arrests had been made on the mere reputation of being witches, for which the inquisitors were reproved and told that they must arrest no one on such grounds, nor on the testimony of accomplices, nor must those who denied their guilt be condemned as *negativos*. When any one confessed to being present at the killing of children or damage to harvests, verification must be sought as to the death of the children at that time, and of what disease, and whether the crops had been injured. When such verification was made, arrests could follow and, if the character of the case and of the accused required it, torture could be employed.[1] It will be noted how much more scrupulous was the care enjoined in these cases than in those of Moriscos and Judaizers, and the limitation on the use of torture is especially observable, as that was the universal resort in witchcraft throughout Europe.

It was difficult to enforce these rules in Barcelona. The result of the visitation of Francisco Vaca was a long series of rebukes, in 1550, largely concerning the procedure in witch cases and eventually leading to the dismissal of Inquisitor Sarmiento, although his offences were simply what was regarded, everywhere but in Spain, as the plain duty of those engaged in a direct contest with Satan, represented by his instrument the witch. Sarmiento is told that he made arrests without sufficient proofs and accepted the evidence taken by secular officials without verifying it, as required by the practice of the Inquisition, and, whereas the Suprema ordered certain precautions taken before concluding cases, he concluded them without doing so, and subjected parties to reconciliation and scourging that were not included in the sentence. Although the Suprema had ordered all sentences of relaxation to be submitted to it, he had relaxed seven persons as witches, in disregard of this, and when repeatedly commanded to present himself, he had never done so. Then the fiscal was taken to task because he had been present at the examination of witches, conducting the interrogation himself, putting leading questions, telling them what to confess and assuring them that this was not like a secular court, where those who confessed were executed. In the case of Juana, daughter of Benedita de Burgosera, he told her that she was a witch, that her mother had made her a witch and had

[1] Archivo de Simancas, Inq., Lib. 78, fol. 144.

taken her to the Bach de Viterna, and he detailed to her the murders committed by her mother. In witch cases he caused arrests without presenting *clamosas* or submitting evidence, but when he learned that a visitor was coming he fabricated and inserted them in the papers. In this the notary del secreto was his accomplice besides taking part in the examinations, bullying the accused and making them confess what was wanted by threats and suggestions. The alcaide of the prison had allowed one of the prisoners, who endeavored to save himself by accusing others, to enter the cells and persuade the prisoners to confess and not to revoke; the alcaide had also urged the women to confess, telling them that they were guilty and promising them release if they would confess and, when taking back to his cell a man who had revoked his confession, he so threatened the poor wretch that he returned and withdrew his revocation.[1] Elsewhere than in Spain such methods of securing confession were the veriest commonplaces in witch trials.

Meanwhile the chronic witchcraft troubles in Navarre had called forth, in 1538, a series of enlightened instructions to Inquisitor Valdeolitas, who was sent with a special commission. He was told to pay no attention to the popular demand that all witches should be burnt, but to exercise the utmost discretion, for it was a most delicate matter, in which deception was easy. He was not to confiscate but could impose fines to pay salaries. He was to explain to the more intelligent of the people that the destruction of harvests was due to the weather or to a visitation of God, for it happened where there were no witches, while the accusations of homicide required the most careful verification. The *Malleus Maleficarum*—that Bible of the witch-finder—was not to be believed in everything, for the writer was liable to be deceived like every one else. The demands of the corregidores for the surrender of penitents, to be subsequently punished for their crimes, were not to be granted, under the decision of the congregation of 1526. Then, a year later, October 27, 1539, the Calahorra tribunal was notified that the Royal Council of Navarre had agreed to surrender thirty-four prisoners; one of the inquisitors was to go to Pampeluna to examine the cases; those pertaining to the Inquisition were to be tried in strict conformity with the instructions and the rest were to be left with the civil authorities.[2]

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[1] Archivo de Simancas, Inq., Sala 40, Lib. 4, fol. 191–5.

[2] Ibidem, Lib. 78, fol. 215–17, 226, 258.

In the instructions to Valdeolitas there is a phrase of peculiar interest, prescribing special caution with regard to the dreams of the witches when they sally forth to the Sabbat, as these are very deceitful. This, so far as I have observed, is the earliest official admission of the view taken in the can. Episcopi that the midnight flights were illusions. We have seen how this was denied by Albertino and de Castro. Ciruelo admits that there are two ways in which the Xorguina attends the Sabbat, one by personally flying, and the other by anointing herself and falling into a stupor, when she is spiritually conveyed, but both are the work of the demon and he admits of no distinction in the punishment.[1] Bishop Simancas, also an inquisitor, has no doubt as to the bodily transportation of the witch to the Sabbat; he admits that most jurists hold to the theory of illusion, as expressed in the can. Episcopi, but theologians, he says, are unanimous in maintaining the reality; he argues that the can. Episcopi does not refer to witches, and that stupor with illusions is much more difficult to comprehend than the truth of the Sabbat.[2]

With such a consensus of opinion as to the truth of the Sabbat, or *Aquelarre* as it came to be called (from a Biscayan word signifying "field of the goat") it is not surprising that the Suprema advanced slowly in designating it as an illusion, although practically its instructions assumed that no reliance was to be placed on the multitudinous testimony of its existence, of the foul horrors enacted there and of the presence there of other votaries of Satan. A curious case, occurring at a somewhat later period, may be alluded to here as showing the conclusion reached on the subject, and as throwing light on the auto-suggestion and hypnotic state which lay at the bottom of the Sabbat, although its connection is merely with the carnal indulgence that formed a prominent feature of the nocturnal assemblies. In 1584 Anastasia Soriana, aged 28, wife of a peasant, denounced herself to the Murcia tribunal for having long maintained carnal relations with a demon. The tribunal

[1] Reprovacion de las Supersticiones, P. I, cap. ii, n. 6; P. II, cap. i, n. 5-7.

[2] De Cath. Institt., Tit. XXXVII, n. 6-12.

On the other hand Azpilcueta adheres to the theory of illusion and asserts it to be a mortal sin to believe that witches are transported to the Sabbat.—Manuale Confessariorum, cap. XI, n. 38.

Cardinal Toletus asserts the bodily transport of witches and all the horrors of the Sabbat, but adds that sometimes it is imaginary. Demons have power to introduce witches into houses through closed doors, where they slay infants.—Summæ Casuum Conscientiæ, Lib. IV, cap. XV.

wisely regarded the matter as an illusion and dismissed the case without action. Twelve years later, in 1596, she presented herself to the tribunal of Toledo, with the same self-accusation and again, after due deliberation, she was discharged, although in any other land it would have gone hard with her.[1]

Meanwhile the Suprema continued the good work of protecting so-called witches from the cruelty of the secular courts and of restraining the intemperate zeal of its own tribunals. The craze, in 1551, had extended to Galicia, where at the time there was no Inquisition. Many arrests had been made and trials were in progress by the magistrates, when a cédula of August 27th, evidently drawn up by the Suprema for the signature of Prince Philip, addressed to all officials, informed them that the matter of witchcraft was a very delicate one in which many judges had been deceived, wherefore, by the advice of the inquisitor-general, he ordered that all the testimony should be sent to the Suprema for its action, pending which the accused were to be kept under guard without proceeding further with their cases or with others of the same nature.[2] Then, in September, 1555, the Suprema forwarded to the Logroño tribunal two memorials from some towns in Guipúzcoa, with an expression of its sorrow that so many persons should

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[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—This case is not unexampled. In 1686, Sor Teresa Gabriel de Vargas, a Bernardine Recollect, charged herself with the same crime before the Madrid tribunal, but, as she added the denial of the power of God, she was reconciled for the heresy.—Archivo de Simancas, Inq., Lib. 1024, fol. 31.

Even more significant is the case of Sor Rosa de San Joseph Barrios, a Clare of the convent of San Diego, Garachico, Canaries, a woman of 25 who, in July 1773, in sacramental confession to Fray Nicolás Peraza, related how, through desire to gratify her lust, she had given herself to Satan, in a writing which disappeared from her hand, and at his command had renounced God and the Virgin and had treated the consecrated host and a crucifix with the foulest indignities. In reward for this during four years he had served her as an incubus, coming at her call about twice a month. Fray Peraza applied to the tribunal for a commission to absolve her which was granted and, on August 15th, he reported having done so, with fuller details as to her apostasy. The tribunal then decided that he had exceeded his powers; it evidently did not regard the case as hallucination for it required her to be formally reconciled and prescribed a course of life-long spiritual penance, which she gratefully accepted. An incident not readily explicable is that the bishop deprived Fray Peraza of the faculty of hearing confessions.—Birch, Catalogue of MSS. of the Inquisition in the Canary Islands, I, p. 21; II, pp. 922–30.

[2] Archivo de Simancas, Inq., Lib. 927, fol. 462.

have been so suddenly arrested, for, from the testimony at hand and former experience, it thought that there was little basis for such action, and that wrong might be inflicted on many innocent persons. The evidence must be rigidly examined and, if it proved false, the prisoners must be discharged and the witnesses punished; if there was ground for prosecution, the trials might proceed, but the sentences must be submitted for confirmation and no more arrests be made without forwarding the testimony and awaiting orders. Six months later, in March, 1556, the Suprema concluded that the cases had not been substantiated; more careful preliminary investigations were essential for, in so doubtful a matter, greater caution was needed than in other cases.[1]

The secular authorities were restive under the deprivation of their jurisdiction over the crimes imputed to the witches; they continued to assert their claims, and the question came up for formal decision in 1575. The high court of Navarre had caused the arrest of a number of women and was trying them, when the Logroño tribunal, in the customary dictatorial fashion with threats of penalties, issued a summons to deliver all the prisoners and papers. This was duly read, November 24th, to the alcaldes, while sitting in court, to which they replied that the parties had been arrested under information that they had killed children and infants, that the women had had carnal intercourse with goats, and had killed cattle and injured harvests and vineyards with poisons and powders, and had carried off many children at night from their beds, while stupefying the adults with powders, of all of which as alcaldes they were the lawful judges. Therefore they appealed to the inquisitor-general against the penalties threatened and promised that, if the prisoners had committed heresy, they would be remitted to the inquisitors after undergoing punishment according to law. Finally they complained of the disrespect shown them and asked for a competencia.

The alcaldes further sent a memorial to the king, setting forth their claims to jurisdiction for crimes other than heresy, protesting against the assumption of the inquisitors to be sole judges of what pertained to them, to inhibit proceedings in the interim, and to interfere with the death-penalty which the alcaldes might decree. The royal court also petitioned the king in the same sense, adding

[1] Archivo de Simancas, Inq., Lib. 79, fol. 226; Inq. de Logroño, Procesos de fe, Leg. 1, n. 8; Sala 40, Lib. 4, fol. 221.

that the prisoners spoke a dialect unintelligible to the inquisitors and that, if the cases were transferred, the king would lose the confiscations, which promised to be large. All this proved vain. A letter of the Suprema to the tribunal, in 1576, informs it that the alcaldes had been ordered to surrender all the prisoners and the papers in the cases.[1] While this matter was in progress, a similar controversy arose about numerous witches in Santander, for a letter of January 10, 1576, instructs the Logroño tribunal that it can proceed against them for anything savoring of heresy, requiring the secular judges meanwhile to suspend proceedings; the facts are to be carefully verified and everything is to be submitted to the Suprema.[2]

The use made by the tribunals of the jurisdiction thus secured for them, under the cautions so sedulously inculcated, may be gathered from a case in the Toledo tribunal, in 1591, which further shows that witchcraft was not wholly confined to the mountainous districts of the east and north. The vicar of Alcalá had arrested three women of Cazar, Catalina Matheo, Joana Izquierda, and Olalla Sobrina. During the previous four years there had been four or five deaths of children; among the villagers, the three women had the reputation of witches, and sixteen witnesses testified to that effect. The vicar tortured them and obtained from Catalina a confession that, some four or five years before, Olalla asked her whether she would like to become a witch and have carnal intercourse with the demon. Then Joana one night invited her to her house where she found Olalla; the demon came in the shape of a goat, they danced together and after some details unnecessary to repeat, Olalla anointed the joints of her fingers and toes, they stripped themselves and flew through the air to a house which they entered by a window; placing somniferous herbs under the pillows of the parents, they choked to death a female infant, burning its back and breaking its arms. The noise aroused the parents and they flew with the goat back to Olalla's house. All this she ratified after due interval and repeated when confronted with Olalla, who had been tortured without confessing and who denied Catalina's story. As for Joana, she had likewise overcome the torture, but she had told the wife of the gaoler that one night

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[1] Archivo de Simancas, Patronato Real, Leg. único, fol. 86, 87; Inq., Lib. 83, fol. 7.

[2] Ibidem, Lib. 83, fol. 1.

some fifteen witches, male and female, had forcibly anointed her and carried her to a field where they danced, Catalina being one of the leaders and Olalla a follower. This she repeated to the vicar, adding stories of being present when the children were killed, but taking no part in it, after which she duly ratified the whole. At this stage the vicar transferred his prisoners to the tribunal. Catalina, at her first audience, begged mercy for the false witness which, through torture, she had borne against herself and the others. Sixteen witnesses testified to the deaths of the children, and she was sentenced to torture, when, before being stripped, her resolution gave way and she repeated and ratified the confession made to the vicar. Joana asserted that her confession to the vicar had been made through fear of torture and she overcame torture without confessing, as likewise did Olalla. The outcome was that Catalina was sentenced to appear in an auto with the insignia of a witch, to abjure *de levi*, to be scourged with two hundred lashes, and to be recluded at the discretion of the tribunal. The other two were merely to appear in the auto and to abjure *de levi*, without further penance. This was not strictly logical, but anywhere else than in Spain, all three would have been tortured until they satisfied their judges, and would then have been burnt after denouncing numerous accomplices and starting a witchcraft panic. As it was, the Toledo tribunal had no more witchcraft cases up to the end of the record in 1610.[1]

The tribunal of Barcelona was more rational in 1597. In a report to the Suprema of a visitation made by Inquisitor Diego Fernández de Heredia, there occur the entries of Ana Ferrera, widow and Gilaberta, widow, both of Villafranca, accused by many witnesses of being reputed as witches and of killing many animals and infants, in revenge for little annoyances. Also, Francisco Cicar, of Bellney, near Villafranca, numerously accused as a wizard using incantations, telling where lost animals could be found, enchanting them so that wolves could not harm them, and killing the cattle of those who offended him. Here was the nucleus of a whole aquelarre for Villafranca, but all these cases are marked on the margin of the report as suspended, and nothing came of them.[2] The Logroño tribunal also showed its good sense,

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MSS. of Library of University of Halle, Yc, 20, T. I.—Bibl. nacional, MSS., D, 111, fol. 127.—See Appendix.

[2] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 5.

in 1602, when a young woman of 25, named Francisca Buytran, of Alegria, accused herself in much detail, before Don Juan Ramírez, of witchcraft, including attendance at the aquelarre. She was brought before the tribunal, which dropped the whole matter as being destitute of truth; again the magistrates sent it back, asking that it be revived and prosecuted and, when this was refused, they scourged her in Alegria as an impostor who defamed her neighbors.[1]

Yet it was reserved for this same tribunal to give occasion to an agitation resulting in a clearer understanding than had hitherto been reached of the nature of the witch-craze, and rendering it impossible for the future that Spain should be disgraced by the judicial murders, or rather massacres, which elsewhere blacken the annals of the seventeenth century. One of the customary panics arose in Navarre. The secular authorities were prompt and zealous; they made many arrests, they extorted confessions and hastily executed their victims, apparently to forestall the Inquisition. The tribunal reported to the Suprema, which ordered one of the inquisitors to make a visitation of the infected district. Juan Valle de Alvarado accordingly spent several months in Cigarramundi and its vicinity, where he gathered evidence inculpating more than two hundred and eighty persons of having apostatized to the demon, besides multitudes of children, who were becoming witches, but who were yet too young for prosecution. The leaders and those who had wrought the most evil, to the number of forty, were seized and brought before the tribunal. By June 8, 1610, it was ready to hold the consulta de fe, consisting of the three inquisitors, Alonso Becerra, Juan Valle de Alvarado and Alonso de Salazar Frias, with the episcopal Ordinary and four consultors. In his vote, Salazar analyzed the testimony and showed its flimsy and inconclusive character; he seems to have had no scruples as to the reality of witchcraft, but he desired more competent proof, while his colleagues apparently had no misgivings.[2]

This was not the only retrograde step. For seventy-five years the Suprema had consistently repressed the ardor of persecution and had favored, without absolutely asserting, the theory of illusion, but its membership was constantly changing and it now

[1] Archivo de Simancas, Inq. de Logroño, Leg. 1, Procesos de fe, n. 8.

[2] Ibidem, Leg. 1, Procesos de fe, n. 8; Lib. 19, fol. 85.

seems to have had a majority of blind believers. On August 3d it presented to Philip III a consulta relating, with profound grief, the conditions in the mountains of Navarre and the steps already taken. Since then further reports showed that the demon was busier than ever in misleading these poor ignorant folk, and the evil had increased so that there now were more than twenty aquelarres to which they gather, and the evil was still spreading; the people were greatly afflicted with the damages endured, and parents who saw their children misled were so desperate that they wanted to put them to death. An Edict of Grace was published, but the demon so blinded them that few took advantage of it, and these speedily relapsed. The progress of the infection was such that the powerful hand of the king was absolutely required for its rigorous repression, and the popular ignorance was so dense that orders should be issued to the Archbishop of Burgos and the Bishops of Calahorra, Pampeluna and Tarazona, whose dioceses were concerned, and to the Provincials of the Religious Orders, to send pious and learned men to instruct the people, while the vigilance would not be lacking of the inquisitors, who would shrink from no labor.[1] The Suprema evidently regarded the emergency as most serious, calling for united effort to withstand the victorious onslaught of the demon. It had wholly forgotten the wholesome caution which it had inculcated so sedulously since 1530 and there was imminent danger that Spain would be swept into the European current of witch-extermination.

Whether the pleasure-loving king organized the projected preaching crusade we do not know, but he was sufficiently impressed to promise that he would honor with his presence the coming auto de fe, which was fixed for November 7th. Something distracted his attention and, at the last moment, it was announced that important affairs would prevent his attendence. The disappointed inquisitors, on November 1st, wrote to the Suprema expressing their regret and reporting that there would be thirty-one persons in the auto, besides a large number of prisoners whose trials were under way.

Thus far twenty-two aquelarres had been discovered, and the accused were so numerous that the special favor of heaven would be necessary to overcome the evil. Accompanying this was a letter to the king, enclosing two of the sentences *con méritos*,

[1] Archivo de Simancas, Inq., Lib. 19, fol. 85.

to enlighten him as to the ravages of the devil among his subjects. This sect of witches, they said, was of old date in the Pyrenees, and had of late spread over the whole region; the inquisitors were devoting their lives to its suppression; they were fighting the devil at close quarters, and they hoped to excite the royal zeal to lend the Inquisition efficient support. These letters bore the signature of Salazar as well as those of his colleagues.[1]

Great preparations had been made to render the auto impressive. Crowds assembled from a distance, and it was reckoned that in the processions there were a thousand familiars and officials. Two days were required for the solemnities and on the second day, to finish the work between dawn and sunset, many of the sentences had to be curtailed for, as usual, they were *con meritos*, with full details of the abominations of the aquelarres and the crimes of the culprits. All the grotesque obscenities, which the foul imaginations of the accused could invent to satisfy their prosecutors, were given at length, and doubtless impressed the gaping multitudes with the horror and detestation desired. One novelty in the sensual delights of the aquelarre was that the feast was usually composed of decaying corpses, which the witches dug up and conveyed there—especially those of their kindred, so that the father sometimes ate the son and the son the father—and it was stated that male flesh had a higher flavor than female. There were also the usual stories of the destruction of harvests by means of powders, of sucking the blood of infants, of bringing sickness and death by poisons so subtile that a single touch, in a pretended caress, would work its end. When the demon reproached them with slackness in evil-doing, two sisters, María Presona and María Joanto, agreed to kill the son and the daughter of the other, aged 8 and 9, and they did so with the powders. It was natural that a population, placing full credence in the existence of malignity armed with these powers, should be merciless in the resolve for its extermination. Yet the auto, in its absolute outcome, could scarce be classed with the murderous exhibitions to which the Spaniard had grown accustomed. In all there were fifty-three culprits, of whom but twenty-nine were witches of either sex. Of these there were eleven relaxed—five, who had died in prison, in effigy with their bones, and five *negativos* who had not been induced to confess. There was but one relaxation of a *buen confitente*,

[1] Archivo de Simancas, Inq., Lib. 564, fol. 341, 343.

María Zozaya, whose terrible confession overshot the mark, as it showed her to be a dogmatizer. Even under this excitement the Inquisition maintained its rule not to execute those who confessed and repented; under any other jurisdiction the eighteen who were reconciled would have been burnt, and of these apparently only five were scourged.[1]

Merciful as was this, the effect of the auto was to cause a revulsion of feeling among the more intelligent. When the local magistrates were proceeding as usual to arrest suspects, the alcaldes of the Royal Court of Navarre, early in 1611, interposed by arresting them in turn for exceeding their powers and prosecuted them to punishment. This incensed the Logroño tribunal which, on May 17th, addressed an energetic protest to the viceroy; the action of the local authorities had been of the utmost service, not only in sending culprits to the Inquisition, but in leading to many spontaneous self-accusations; this had now all ceased, and those who had confessed were beginning to retract; the tribunal had relied upon the court for aid in exterminating this accursed race and now it was protecting them. Possibly the tribunal may also have invoked the authority of the Suprema but, if so, it can have found no sympathy, for there also had there been a change of heart and a return to the old policy. On March 26th it had ordered the publication of an Edict of Grace, which Salazar was deputed to carry with him on a visitation to the infected districts and, after some delay, he started with it, May 22d, on a mission destined to open his eyes and put a permanent end to the danger of witchcraft epidemics in Spain.[2]

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[1] A narrative, not an official report, of this auto was printed in Logroño in 1611, a copy of which is in the Bibl. nacional, D, 118, p. 271. It was reprinted in Cádiz in 1812 and again in Madrid, in 1820, with notes by Moratin el hijo under the pseudonym of the Bachiller Gines de Posadilla (Menéndez y Pelayo, III, 281). There is another abstract of the auto, compiled from various relations by Pedro of Valencia, in the MSS. of the Bodleian Library, Arch Seld. A, Subt. 10.

Pierre de Lancre of Bordeaux, in his contemporary book on witchcraft, assumes that the outbreak in Navarre was caused by the flight of witches from the Pays de Labour, which he and his colleague had purified with merciless severity. He comments on the difference shown, in the auto of Logroño, between inquisitorial practice in Spain, where the offence was treated as spiritual and those who confessed and professed repentance were admitted to reconciliation, and that of France where it was a crime and those who confessed were burnt by the secular authorities.—Pierre de Lancre, Tableau de l'Inconstance des mauvais Angels et Demons, pp. 391, 561–2 (Paris, 1613).

[2] Archivo de Simancas, Inq. de Logroño, Leg. 1, Procesos de fe, n. 8.

To this a contribution of some weight, though by no means so influential as has been reckoned, was made by Pedro de Valencia, a disciple of Arias Montano, and one of the most learned men of his time. At the request of Inquisitor-general Sandoval y Rojas, he composed an elaborate "discourse" on witchcraft, addressed to Sandoval under date of April 20th. In this, after premising the great grief and compassion with which he had read the relations of the auto of the previous November, he proceeds to discuss three hypotheses. The first is rationalistic; there is no demon, the aquelarres are assemblages for sensual indulgence, to which the members go on foot, and the presiding demon is a man disguised. The second is illusion, produced by a pact with the demon, who gives to the witch an ointment throwing her into a stupor during which she imagines all that is related of the aquelarres, whence it follows that the evidence of the witch as to those whom she has seen there is not to be accepted. The destruction of cattle and harvests is the work of the demon, or may be accomplished by poisons. The third supposition, believed by the vulgar, in conformity with the evidence and confessions, is the most prodigious and horrible of all, and against this he brings his strongest arguments in full detail. Pedro does not express any positive conclusion of his own, but his reasoning all tends to support the second hypothesis—of stupor and illusion produced by the demonic ointment, and from this he deduces the result that witches are by no means innocent. They delight in the crimes which they believe themselves to commit, and desire to persevere in their apostasy from God and their servitude to the devil. Men sometimes become heretics through ignorance and mistaken zeal, but these seek the devil in all his hideousness for the purpose of partaking in foul and unhallowed pleasures. They merit any punishment that can be inflicted on them, for such rotten limbs should be lopped off, and the cancer be extirpated with fire and blood. Their conspiracies to kill and the crimes which they commit and the injuries inflicted on their neighbors, before and after these dreams deserve all this and greater rigor.

This virtual equalization of criminality in illusive and actual witchcraft was not likely to be of benefit to so-called witches, but there was wisdom in the caution which Pedro urged on judges, to assure themselves of the reality of alleged crimes and not, through preconceived views, to so direct their interrogatories as to lead ignorant, foolish, crazy or demoniac persons, like the

witnesses and the accused in these cases, to testify or to confess to extravagances, because they see that it is expected and hope to gain the favor of those holding the power of life or death. Similar stories were told of the early Christians and, in view of all this, and the utter legal insufficiency of the witnesses, the whole tissue of evidence and confessions vanishes into smoke. Amid all these deceits, the prudence of the judge should seek the true and the probable, rather than monstrous fictions for, if he desires to find the latter, he will be fully satisfied by the miserable lying women before him—disciples, by their own confession, of the father of lies.[1]

The inconsistencies in this discourse suggest that probably Pedro had stronger convictions than he deemed it wise to express. It is possible that Inquisitor Salazar may have read the paper and have been somewhat influenced by it, when he started in May on the visitation which proved to be the turning-point in the history of Spanish witchcraft, but we have seen that, in the consulta de fe of the previous June 10th, his attention had already been aroused by the contradictions and unsatisfactory character of the evidence on which the tribunal was accustomed to act and, when once his mind was directed to investigating the problems thus suggested, the close acquaintance with facts afforded by the visitation enabled him to reach conclusions vastly more definite than any which his predecessors ventured to form.

He started, as we have seen, on May 22, 1611, with the Edict of Grace; his work was thoroughly conscientious and he did not return until January 10, 1612, after which he employed himself, until March 24th, in drawing up his report to the Suprema, which was accompanied with the original papers, amounting to more than five thousand folios. It will be remembered that an Edict of Grace was published in 1610 with little or no result. In contrast with this, showing the effect of a different spirit in its administration, Salazar received eighteen hundred and two applicants, of whom thirteen hundred and eighty-four were children of from twelve to fourteen years of age and, besides these, there were eighty-one who revoked confessions previously made. All applicants for reconciliation made full confessions of misdeeds, after kindly warning of the obligation to tell the truth and the danger

[1] This discourse was not printed but was circulated in MS. Nicholas Antonio had two copies (Bib. nova, II, 244). There is one in the Simancas archives, Lib. 939, fol. 608, and another in the Bodleian Library, Arch Seld. A, Subt. 10.

of committing perjury, and were promised secrecy to relieve them of fear. The enormous mass of evidence thus collected Salazar carefully analyzed and presented under four heads—I, the manner in which witches go to the aquelarre, remain and return; II, the things they do and endure; III, the external proofs of these things; IV, the evidence resulting for the punishment of the guilty. The first two of these present a curious medley of marvels, such as holding aquelarres in the sea without being wet, and the testimony of three women that, after intercourse with the demon, in a few hours they gave birth to large toads; but we need not dwell on these feats of imaginative invention. The importance of the report lies in the last two sections.

Many instances are given to prove the illusory character of cases in which the penitent truthfully believed what she confessed. María de Echaverria, aged 80, one of the relapsed, made copious confessions, with abundant tears and heart-felt grief, seeking to save her soul through the Inquisition. Without her consent, she said, she was every night—even the preceding one—carried to the aquelarre, awaking during the transit and returning awake. No one saw her in going and coming, even her daughter, a witch of the same aquelarre, sleeping in the same bed. All the frailes present at her confession had a long discussion with her and the conviction was unanimous that what this good woman said of her witchcraft was a dream. Catalina de Sastrearena declared that, while she was waiting to be reconciled, she was suddenly carried to the aquelarre, but her companions said that they were talking to her during the time when she claimed to be absent. The mother of María de Tamborin testified to the girl telling her of going to the aquelarre, so she maintained close watch on her and kept a hand on her but was unaware of her absence. Physical examination, in several instances, showed that girls were virgins who had confessed to intercourse with demons. Many boys testified that, when Salazar went to San Esteban, there was a great aquelarre held, but his two secretaries happened that night to be on the spot indicated and they saw nothing. Thirty-six persons were examined as to the localities of nine aquelarres, but some said they did not know and others contradicted what they had confessed, so that none of the nine could be identified. As for the broths and unguents and powders so often described as used for flying to the aquelarres and working evil, nothing whatever could be learned. Twenty *ollas* had been brought forward during the

visitation, but investigation showed them all to be frauds, for physicians and apothecaries used the materials on animals without producing the slightest injury. From all this Salazar concludes that the matters confessed were delusions of the demon, and the accusations against accomplices were likewise induced by the demon. No testimony could be had from those not accomplices and he holds it a great marvel that, in a thing reputed to be of so wide an extent, there should be no external evidence accessible.[1]

Equally destructive to credibility, he says, were the threats and violence employed to extort confessions. One stated that he was burned with blazing coals and it inspires horror even to imagine how they were thus forced to pervert the truth. Sometimes the father or husband or brother would combine with the magistrate or the commissioner of the Inquisition. Thus all were forced to confess and to bear witness against their neighbors, so that it seems marvellous that any one escaped. The groundlessness of the whole was further exemplified by the fact that many who applied importunately to be admitted as witches to reconciliation were unable to confess anything requiring it. The belief was general that no one was safe who did not come forward and take the benefit of the edict, so that some invented confessions, while others admitted that they had nothing to confess, but all wanted certificates, for one of the violences committed had been to deny the sacraments to all reputed to be witches or testified against, and when they applied to Salazar their greatest anxiety was to obtain certificates entitling them to the sacraments.

As for the eighty-one who revoked their confessions, Salazar is sure that they did so to relieve their consciences. At first he refused to receive their revocations in compliance with the views of his colleagues, but he had subsequently orders from the Suprema to admit them. There would have been many more had it been generally understood that they could do so with safety; it was individual action on the part of each, for every care was taken not to let it be known who revoked, and some of them said that they must revoke if they had to burn for it, as they had wrong-

[1] The most prolific source of evidence against individuals was that obtained by requiring those who confessed to enumerate the persons whom they had seen in the aquelarres. This explains the enormous numbers of the accused during epidemics of the witchcraft craze. The value of such evidence was a disputed question, as it was argued that the demon frequently caused deception by making spectres appear in the guise of absent persons.

fully accused others. One especially distressing case was that of Marquita de Jaurri, an old woman who had been reconciled at Logroño. She returned home with her conscience heavily burthened about those whom she had unjustly inculpated and, at her daughter's instance, she applied to her confessor. He ordered her to revoke her confession before Phelipe Díaz, the commissioner of Maeztu, but he rejected her with insult, telling her that she would have to be burnt for maliciously revoking what she had truthfully confessed, whereupon in a few days she drowned herself. It will be remembered (Vol. II, p. 582) that revocation of confession was held to prove impenitence, punishable by relaxation.

Salazar adds that the value of the evidence was still further diminished by the command of the demon to accuse the innocent and exonerate the guilty, and by the fact that bribes were given in order to have enemies prosecuted. In Vera, each of several boys accused about two hundred accomplices and, in Fuenterrabia a beggar boy of 12 accused a hundred and forty-seven. Besides those who revoked there were many who asked to have stricken out the names of those whom they had falsely accused so that, in all, there were sixteen hundred and seventy-two persons known as having had false witness borne against them, so that, when there were this many acknowledged perjuries, there could be little faith placed in the other accusations. The cause of the wide-extended and profound popular belief in the reality of witchcraft he ascribes solely to the auto de fe of Logroño, the Edict of Faith and the sending of an inquisitor through the district, which had caused such apprehension that there was no fainting-fit, no death and no accident that was not attributed to witchcraft. Fray Domingo de Velasco of San Sebastian, after preaching the Edict, told Salazar that for four months there had not been a natural tempest or hailstorm, but all had been the work of witches, yet when questioned he had no evidence save the gossip of the streets. Sailors exaggerated these reports and they were fomented by the knaves known as *santigueadores*, who professed to know the witches and sold charms and spells to counteract them.

In summing up the results of his experience Salazar declares that "Considering the above with all the Christian attention in my power, I have not found even indications from which to infer that a single act of witchcraft has really occurred, whether as to going to aquelarres, being present at them, inflicting injuries,

or other of the asserted facts. This enlightenment has greatly strengthened my former suspicions that the evidence of accomplices, without external proof from other parties, is insufficient to justify even arrest. Moreover, my experience leads to the conviction that, of those availing themselves of the Edict of Grace, three-quarters and more have accused themselves and their accomplices falsely. I further believe that they would freely come to the Inquisition to revoke their confessions, if they thought that they would be received kindly without punishment, for I fear that my efforts to induce this have not been properly made known, and I further fear that, in my absence, the commissioners whom, by your command, I have ordered to do the same, do not act with due fidelity, but, with increasing zeal are discovering every hour more witches and aquelarres, in the same way as before.

"I also feel certain that, under present conditions, there is no need of fresh edicts or the prolongation of those existing, but rather that, in the diseased state of the public mind, every agitation of the matter is harmful and increases the evil. I deduce the importance of silence and reserve from the experience that there were neither witches nor bewitched until they were talked and written about. This impressed me recently at Olague, near Pampeluna, where those who confessed stated that the matter started there after Fray Domingo de Sardo came there to preach about these things. So, when I went to Valderro, near Roncesvalles, to reconcile some who had confessed, when about to return the alcaldes begged me to go to the Valle de Ahescoa, two leagues distant, not that any witchcraft had been discovered there, but only that it might be honored equally with the other. I only sent there the Edict of Grace and, eight days after its publication, I learned that already there were boys confessing. After receiving the report of a commissioner whom I deputed, I sent from Azpeitia to the Prior of San Sebastian of Urdax to absolve them with Secretary Peralta. This quieted them but, since my return to Logroño the tribunal has been asked to remedy the affliction of new evils and witchcrafts, all originating from the above."

Salazar's colleagues did not agree with him and attempted to answer his reasoning, but the Suprema was convinced. It followed his advice in imposing silence on the past, while the Court of Navarre continued to prosecute and punish the local officials whose superserviceable zeal had occasioned so much misery. A second

visitation was made in 1613 and we find Salazar urging a third one to cover the remaining portion of the infected region, and pointing out the peace which reigned in the district that he had visited. His next step was to draw up a series of suggestions covering the policy of the Inquisition with regard to witchcraft, covering both amends for the past and future action. It would scarce seem that he would venture to do this without orders, but the paper purports to be volunteered in view of the urgent necessity of the matter. Be this as it may, the suggestions were the basis of an elaborate instruction, issued by the Suprema August 31, 1614, which remained the permanent policy of the Inquisition. It adopted nearly every suggestion of Salazar's, often in his very words, and is an enduring monument to his calm good sense, which saved his country from the devastation of the witch-madness then ravaging the rest of Europe.

These instructions consist of thirty-two articles and commence by stating that the Suprema, after careful consideration of all the documents, fully recognized the grave wrong committed in obscuring the truth in a matter so difficult of proof, and it sent the following articles, both for the verification of future cases and in reparation of the past.

This is followed by a series of regulations pointing out in detail the external evidence which must be sought in every case, both as to attendance on the aquelarres and the murder of children, the killing of cattle, and the damage of harvests, and no one was to be arrested without strict observance of these precautions. There is careful abstention from denial of the powers attributed to witches, but the whole tenor is that of scepticism, and preachers were ordered to make the people understand that the destruction of harvests is sent for our sins, or is caused by the weather, and that it is a grievous error to imagine that such things and sickness, which are customary throughout the world, are caused by witches. The powers of commissioners were strictly limited to taking depositions and ascertaining whether these could be verified by external evidence. When witnesses or accused came to make revocations, whether before or after sentence, they were to be kindly received and permitted to discharge their consciences, free from the fear so commonly entertained, that they would be punished for revoking [as we have seen was the case in other crimes], and this was to be communicated to the commissioners, who were to forward all revocations received. Those who spontaneously de-

nounced themselves were to be asked whether, in the day-time, they had persevered in the renunciation of God and adoration of the demon; if they admitted having done so, they were to be reconciled but, in view of the doubt and deceit surrounding the matter, this reconciliation was not to entail confiscation or liability to the penalties of relapse, the latter being discretional with the tribunal after consulting the Suprema, and further the Suprema was to be consulted before action taken against those confessing to relapse. Those who denied perseverance in apostasy were to be absolved *ad cautelam* and reconciled by commissioners, in the same way as foreign heretics applying for conversion. In view of the doubts and difficulties concerning witchcraft, no action was to be taken save by unanimous vote of all the inquisitors, followed by consultation with the Suprema. All pending cases were to be suspended, without disqualification for office. On all evidence, the violence or torture used in procuring it was to be noted, so that its credibility could be estimated; when a vote was taken, unless it was for suspension, the case was to be submitted to the Suprema. All cases were to be dropped of those dying during their pendency, without disability of their descendants. As regarded the auto de fe of 1610, the sanbenitos of those relaxed or reconciled were never to be hung in the churches, their property was not to be confiscated; an itemized statement of it and of the fines levied, with an account of the expenses, was to be submitted to the Suprema, and this was to be noted in the records of their cases, so that they should not be liable in case of relapse, nor should their descendants be disabled for office, nor should those be disqualified who had since then been penanced with abjuration.

Having thus provided reparation for the past and caution for the future, the Suprema sought to protect reputed witches from the inordinate zeal of the local authorities and to vindicate its exclusive jurisdiction. The commissioners were to be summoned, one by one, and made to understand the grief and just resentment of the Holy Office at the violence of the alcaldes and others towards those reported to be witches. They were to publish this and let it be known that, as the High Court of Navarre had undertaken to punish these intermeddlers, it would be permitted to do so, but that in future the Inquisition would adopt rigorous measures to chastise all who intruded on its jurisdiction, as perturbers and impeders of the Holy Office. Confessors were instructed to require all who were guilty of defaming others to denounce themselves

to the tribunal, for the discharge of their conscience and the restoration to honor of the injured, and priests were notified not to refuse the sacraments to those reputed as witches, while commissioners were warned to confine themselves to their instructions and to act with all moderation.[1]

In this admirable paper we cannot help applauding especially the moral courage evinced in making reparation for the Logroño auto, which must have had the sanction of the Suprema. The whole witch epidemic of Navarre and the Provinces of Biscay was evidently regarded as a delusion but, in view of the attitude of the Church for the last two centuries, this could not be openly proclaimed and the wisest course was adopted to repress, as far as possible, popular fanaticism, and to protect its victims for the future. The superstition was too inveterate to be easily eradicated, but the effort to protect its victims was not abandoned. There is the formula of an edict, dated 162- (the year left blank to be filled in) issued by Salazar, now senior inquisitor, and his colleagues, reciting that the prosecutions for many years had given them ample experience of the grave evils and obscuration of the truth, resulting from the threats and violence offered to those who confessed or were suspected of witchcraft, as many persons, under pretext of kinship to the suspect, or to the persons said to be injured, endeavor to force them to confess publicly as to themselves and others, wherefore all persons were ordered to abstain from threats or inducements, so that every one might have free access to the tribunal and its commissioners, under penalty of rigorous punishment according to the circumstances of the offence.[2] It is inferable from this, that the people, distrusting the leniency of the Inquisition, discouraged application to it, and sought rather to obtain satisfaction extra-judicially.

The virtual supervision assumed by the Suprema over all cases of witchcraft was exercised with a moderation which must have

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[1] Archivo de Simancas, Inq. de Logroño, Leg. 1, Procesos de fe, n. 8.

In the Royal Library of Copenhagen (MS. 218b, p. 379) there is a printed four-page set of instructions to commissioners on receiving confession and testimony as to witchcraft. It is in conformity with the above, but goes into much detail as to the interrogatories to be put, after carefully writing down the confession or deposition—a kind of cross-examination evidently suggestive of complete incredulity. It is without date, but the typography seems to be that of the seventeenth century.

[2] Archivo de Simancas, Inq., Lib. 30, fol. 1.

been greatly discouraging to believers. Under this impulsion, the tribunals became exceedingly lenient, frequently exercising the power left to them of suspending cases. One that is exceedingly significant occurred at Valladolid, in 1622. At the instance of her confessor, Casilda de Pabanes, a girl of 19, from Villamiel, near Burgos, presented herself and confessed that, at Christmas 1615 (when she was 12 or 13 years old) she was sick in bed with a fever, and her parents had gone to mass, leaving the house locked up. Suddenly a neighbor, a widow named Marina Vela, appeared at her bed-side and, with threats of killing her, forced her to rise and dress and accompany her to a hermitage in the vicinage, where they found a tall, naked man, dark and with horns like a bull, who welcomed them and made them strip to their shifts, with an exchange of indecent kisses. Then they dressed and returned; although the house doors were locked they entered, and she was again in bed before her parents came back. Then followed long details of other similar adventures, in which the presiding demon usually wore the form of a goat. He made her renounce God and wrote with her blood her name on a paper; she was provided with an incubus demon whom she could summon by breaking a stick; with Marina she entered houses at night, killing children with powders or by sucking their fingers. There is no allusion to the aquelarre, but all other features of witchcraft are minutely detailed. By Marina's advice, she pretended to be possessed, and was taken to San Toribio de Liebara to be exorcised by Fray Gonzalo de San Millan, to whom she confessed. The inquisitors examined and cross-examined her closely, without her varying in her story; they sought, without success, for evidence of illusion or fantasy, but, on investigation it was found that she was really sick of a fever at Christmas, 1615, and that subsequently she seemed to tremble and be as one possessed. Confirmatory statements were procured from the frailes, and evidently in accordance with the instructions, all means were exhausted of testing her confession. In any other land this victim of hysteric auto-suggestion would have been, if not burnt, at least made an exhibition that would have spread the craze, but the tribunal, after carrying the case through the preliminary stages, voted to suspend it without rendering sentence and to reconcile and absolve her in the audience chamber without confiscation.[1] The same policy was followed in

[1] Archivo de Simancas, Inq., Leg. 552, fol 1.

the few other cases brought before the tribunal. María de Melgar of Osorno, who died during trial, was given Christian burial in 1637; in 1640, it suspended the case of María Sanz of Trigueros, against whom there was testimony of witchcraft and, in 1641, it discharged with a reprimand María Alfonsa de la Torre, accused of killing cattle, although a witness swore to seeing her at midnight riding on a stick over a rye-field, with a noise as though accompanied by a multitude of demons.[1]

When we compare these cases with the penalties inflicted at the period on vulgar sorceresses and poor old *curanderas*, for implied pact, it is evident that the Inquisition had reached the conclusion that witchcraft was virtually a delusion, or that incriminating testimony was perjured. This could not be openly published; the belief was of too long standing and too firmly asserted by the Church to be pronounced false; witchcraft was still a crime to be punished when proved but, under the regulations, proof was becoming impossible and confessions were regarded as illusions.

It was difficult for the conservatives to abandon their cherished beliefs, and the can. Episcopi remained a bone of contention. Torreblanca has no inklings of doubt; to him the aquelarre and all its obscene horrors are a reality; the witch is to be burnt, not for illusions but for acts, as the Church has decreed in so many constitutions.[2] His book was duly licensed by the Council of Castile in 1613, but some censor presented a learned criticism of it, calling especial attention to this point, citing the can. Episcopi and the experience of the Inquisition, and arguing that the feats attributed to witches transcended the powers of the demon. This was so effective that the licence was withdrawn. Then Torreblanca produced a verbose and discursive "Defensa," in which he argued that the can. Episcopi was apocryphal; he showed that the Church had always punished such malefactors with death, so that either his critic or the Church must err, and the Church cannot, for it is illuminated by God.[3] This was successful, his licence was restored in 1615 and his work saw the light in 1618. Jofreu in his notes on Ciruelo's "Reprovacion," defends the can. Episcopi, but finds in it three kinds of witches—those who

[1] Archivo de Simancas, Inq., Leg. 552, fol. 26, 28.

[2] Epitome Delictorum, Lib. II, cap. xxviii, xxxix, xl; Lib. III, cap. xiii.

[3] Ibidem, Defensa, p. 517; cap. ii, n. 4, 7.

renounce God and seek the aid of the devil, those who are superstitious and know that their illusions are the work of the evil spirit, and those who are deceived by them—and the witches of today are the same, whence he argues in favor of caution and a policy of clemency.[1] Alberghini, about 1640, admits that the aquelarre is a phantasm, but he holds that none the less are witches apostates from God and devil-worshippers, and he seems to think it still an open question whether those who kill by sorcery are to be relaxed, even if they truly repent and are converted.[2] About the same time, all that an old inquisitor will grant is that, even if there is illusion in the aquelarre, the witch ratifies all that is done there, when awake, dwelling on it with pleasure and anointing herself for the purpose, but he concedes that the deceits of the devil render necessary stronger evidence than in other crimes and that, as he represents in the aquelarre phantoms of innocent persons, the testimony of accomplices must be fortified with other proofs.[3] Nearly the same ground was taken, in 1650, by Padre Diego Tello, S. J., as calificador in the case of an unlucky monomaniac on trial by the Granada tribunal, whom he sought to prove responsible by showing that the witches who fly with Diana and Herodias, as in the can. Episcopi, had free-will, rendering them culpable for their commerce with the demon.[4] Even as late as towards the close of the seventeenth century, a systematic writer holds it as certain that witches renounce the faith, adore the demon and enter into a pact with him and, if this can be proved by confession or witnesses, they are to be punished as heretics with the regular penalties.[5]

Yet the Inquisition imperturbably pursued its way. It did not deny the existence of witchcraft, or modify the penalties of the crime but, as we have seen, it practically rendered proof impossible, thus discouraging formal accusations, while its prohibition of preliminary proceedings by its commissioners and by the local officials, secular and ecclesiastical, was effectual in preventing the outbreak of witchcraft epidemics. So far as the records before me show, cases became very few after the Logroño experience of 1610. Scattering ones occur occasionally, such as those alluded

[1] Reprovacion de las Supersticiones, pp. 251–63 (Ed. 1628).
[2] Manuale Qualificatorum, cap. xviii, Sect 3, § 9.
[3] Bibl. nacional, MSS., V, 377, cap. xiii, §§ 1, 2.
[4] MSS. of Library of Univ. of Halle, Yc, 17.
[5] Elucidationes S. Officii, § 42 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).

to above but, in the Valladolid record from which they are derived, embracing in all six hundred and sixty-seven cases between 1622 and 1662, there are but five of witchcraft, of which the latest is in 1641.[1] In Toledo, from 1648 to 1794, there is not a single one, nor is there one among the nine hundred and sixty-two cases in the sixty-four autos celebrated by all the tribunals of Spain between 1721 and 1727.[2] It was not that popular belief was eradicated, for this is ineradicable and still exists among all nations, but its deadly effects were prevented. Some fragmentary papers show that, from 1728 to 1735, there was a tolerably active investigation, in Valencia and Castellon de la Plana, into cases of mingled sorcery and witchcraft. There was evidence as to the use of ointments by which persons could transport themselves through the air and pass through walls, and as to people being bewitched and rendered sick, showing that the superstition had as firm a hold as ever on the lower classes.[3] In 1765, at Callosa de Ensarria (Alicante) when some young children disappeared, it was attributed to Angela Piera who had the reputation of a witch, able to fly to Tortosa and back, and who was supposed to have killed them for her incantations.[4] These scattering cases become rarer with time. In a record of all the operations of the Spanish tribunals, from 1780 to 1820, there are but four. In 1781, Isabel Cascar of Malpica was accused as a witch to the tribunal of Saragossa. In 1791, at Barcelona, María Vidal y Decardó of Tamarit, a widow aged 45, accused herself of express pact with the demon, of carnal intercourse with him, of presence four times a week at the aquelarres, where she adored him as a God, and of having trampled on a consecrated host and flung it on a dung-hill—a case which forcibly recalls that of Casilda de Pabanes, in 1622, as an illustration of the hypnotic illusions which aided so greatly in the dissemination of the belief. The latest cases are two, occurring in 1815, of which details are lacking except that they were not brought to trial.[5]

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[1] Archivo de Simancas, Inq., Leg. 552.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.—Royal Library of Berlin, Qt. 9548.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 390.

[4] Ibidem, Leg. 365, n. 45, fol. 34.

[5] Ibidem, Leg. 100.

It is asserted by some writers that a woman was burnt as a witch at Seville in 1780, but this is an erroneous reference to María de Dolores, relaxed there in 1780 for Molinism (*supra*, p. 89).

Thus the belief, so persistently affirmed by the Church, continued to exist among theologians. Even one so learned as Fray Maestro Alvarado, in 1813, when defending the Inquisition against the Córtes of Cádiz, told the deputies that Cervantes was better authority in favor of the belief than they were against it, and he instanced a recent case in Llerena, where two women in a church, and in sight of all the people, were carried through the air by demons.[1] Still, so long as the belief was academical and did not lead to the stake, it was comparatively harmless, and the Inquisition deserves full credit for depriving it of its power for evil.

In this, there is a remarkable coincidence between the Holy Offices of Spain and of Rome, although the latter was somewhat tardy in the good work. After the organization of the Congregation, in 1542, by Paul III., there was a considerable interval before it asserted exclusive jurisdiction over witchcraft. It is true that, in 1582, in the papal city of Avignon, it relaxed to the secular arm eighteen witches in a single sentence,[2] but the next year, 1583, when the people of the Val Mesolcina found themselves ruined by the numerous witches among them, they applied for relief not to the Inquisition but to their archbishop, San Carlo Borromeo. After a preliminary investigation he came with a group of learned theologians and so worked on the consciences of the culprits that he won nearly all to repentance—more than a hundred and fifty are said to have confessed and abjured at one time. There were, however, twelve pertinacious ones, including the Provost of Roveredo; he was degraded from Orders and all were duly burnt—they of course being *negativos* who refused to admit their guilt.[3] The Inquisition, in fact, was willing to share its jurisdiction with the bishops, but not with the secular courts, with which, in 1588 and 1589 we find it in controversy. It contended that, as witchcraft infers apostasy, its cognizance is ecclesiastical, residing either in the bishop or the Inquisition, and further that, when a civil court has commenced a prosecution, the inquisitor has the right to inspect the proceedings and decide as to whether or not the case belongs to him. Various decisions and instructions from this time until 1603 indicate the line of action. The jurisdiction is only spiritual, for the heresy and apostasy, and takes no

[1] Cartas del Filósofo rancio, II, 493.

[2] The sentence is printed by Frère Michaelis, at the end of his *Pneumatologie* (Paris, 1587).

[3] Ragguaglio su la Sentenza di Morte in Salesburgo, p. 173 (Venezia, 1751).

count of alleged murders or other crimes; the penalty is therefore merely penance, usually scourging, and inquisitors are told not to exile witches to places where they were not known, but to settle them where they could be kept under watch. That this leniency did not satisfy the people was shown at Gubbio, in 1633, where a woman undergoing the scourge was set upon by the populace and stoned to death. Nor was the Inquisition itself always consistent for, in 1641, the tribunal of Milan relaxed Anna María Pamolea to the secular arm for witchcraft and homicide.[1]

When murders were charged, the rule was that, if a secular court had commenced prosecution, the culprit was returned to it for due punishment, after the spiritual offence had been penanced but, if the Inquisition had been the first to act, it was not to abandon its penitent to the secular arm, except in case of relapse. The practical working of this is seen in a case at Padua, in 1629, where three witches, imprisoned in the public gaol, were handed over to the tribunal, which made them abjure formally, and then returned them, when the magistrates burnt them. That there was considerable scepticism as to the truth of the Sabbat may be assumed from the rule that the evidence of witches about persons seen in these assemblies was not to be received to the prejudice of such persons, as it is all held to be an illusion.[2]

This scepticism increased and there was a desire to train the people to disbelief, as appears from a highly creditable act in 1631. The Inquisitor of Novara reported that his vicar in "Vallis Vigelli" had commenced proceedings for witchcraft against a woman, when she hanged herself in prison, and he asked instructions whether to continue the prosecution against the corpse or whether she had been strangled by the demon or other witches; also whether he

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[1] Collect. Decret. S. Congr. Sti Inquisit., p 333 (MS. *penes me*).—Decret. S. Congr. S. Inquisit. pp. 385–88 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

The inquisitor of Milan took no part in the trials of those accused of causing and spreading the terrible pestilence of 1630, by the use of unguents and powders furnished by the demon. His only act was to return a negative answer to the question whether it was licit to employ diabolic arts to save the city. The reckless prosecutions and savage punishments were wholly the work of the civil magistracy.—Processo originale degli Untori (Milano, 1839).

The pestilence did not extend to Spain, but the panic did, leading to the most extravagant precautions against all foreigners.—MSS. of Bodleian Library, Arch Seld. A, Subt. 11.

[2] Decret. S. Congr. S. Inquis., *ubi sup.*

should proceed against a girl and her accomplices who had confessed extra-judicially to have been at the Sabbat. In reply the Congregation ordered him to send the proceedings in the case of the suicide and also the deposition of the girl; meanwhile he was to remove the vicar and replace him with a proper person and take pains himself, by means of the parish priests, to instruct the people as to the fallacies of witchcraft. The same spirit was manifested, in 1641, when an affirmative answer was given to the Inquisitor of Mantua, who asked whether he should prosecute those who beat and insulted witches on the pretext of their being witches.[1] The Congregation, however, did not place on the Index the *Compendium Maleficarum* of Fray Francesco María Guaccio (2d Edition, Milan, 1626) which taught all the beliefs concerning witches and was adorned with wood cuts representing them as riding on demons through the air and worshipping Satan in the Sabbat.

What renders the leniency of the Congregation especially remarkable is that it was in contravention of a decree of Gregory XV, in 1623, sharpening the penalties of those entering into compacts with the demon; if they caused death by sorcery they were to be relaxed to the secular arm, even for a first offence, while, for causing impotence, or infirmity, or injury to harvests or cattle, they were to be imprisoned for life.[2] Without, of course, venturing formally to mitigate the harshness of these penalties, the Congregation could at least elude them practically, by interposing difficulties in the way of conviction, and this it did, in 1657, in a series of instructions to inquisitors. Full belief in the reality of witchcraft was assumed, but there was a hideous enumeration of the abuses

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[1] Decret. S. Congr. S. Inquis., *ubi sup.*

[2] Gregor. PP. XV, Const. *Omnipotentis Dei*, 20 Mart. 1623 (Bullar. Roman., III, 498).

Urban VIII was equally savage in 1631, in ordering relaxation for any one who should consult diviners or astrologers about the state of the Christian Republic, or the life of the pope or of any of his kindred to the third degree (Bullar. IV, 184).

It was probably under this that the Inquisition, in 1634, relaxed Giacinto Centini and two of his accomplices and condemned four others to the galleys. He was nephew of the Cardinal of Ascoli, and procured from a diviner a forecast that Urban would die in a few years and would be succeeded by his uncle. To hasten accomplishment, figurines of wax were made representing Urban and were melted. Centini, as a noble, was beheaded and his two most guilty accomplices were hanged, before being burnt.—Royal Library of Munich, Cod. Ital. 29, fol. 104-18.

through which so many innocent women were condemned. The mode of procedure prescribed was based largely on the Spanish instructions of 1614, and special stress was laid upon moderation in the use of torture, which was never to be employed until all the papers in the case had been submitted to the Congregation and its assent had been obtained, while common fame was not to be considered an indication justifying arrest. The injunction of 1593, which prohibited accepting testimony as to those seen in the Sabbat, was renewed for the reason that these assemblages were mostly an illusion and justice did not demand prosecution of those recognized through illusion.[1]

While thus there was no concession in principle, in practice the persecution of witchcraft became much less deadly. A manual, dating about 1700, states that in these cases the Inquisition is accustomed to move slowly and with the greatest circumspection, for the indications are generally indirect and the *corpus delicti* most difficult to prove. If the evidence is strong, torture is employed both for the fact and the intention; if apostasy is confessed, formal abjuration is required; if it or evil belief is denied, the abjuration is *de vehementi;* the accomplices are prosecuted, but not those named as seen in the Sabbat, on account of the illusions of the demon. Relaxation is the penalty for heretical sorcery causing death, but the difficulty of proving this is very great.[2]

Thus gradually the worst features of witch persecution disappeared in Italy, while yet belief in the reality of witchcraft was untouched. As late as 1743, Benedict XIV manifests complete acceptance of it, when discussing the nice question whether a witch, terrified by threats and blows, commits a fresh sin by transferring to an ox the deadly spell which she has cast upon the son of the man who beat her. He concludes that she is guilty of a fresh sin, while the father is excusable, for he presumably does not know that she has to have recourse to the demon to effect the transfer, and his only object is to save his son. Moreover Benedict, in his great work on canonization, not only admits the common opinion

[1] Instructio pro formandis processibus in causis Strygum, cum Carenæ Annotationibus (Carenæ Tract. de Off. SS. Inquisit., Lugduni, 1669, pp. 487 sqq). Carena's comments show how differently these cases were treated in Italy from the practice beyond the Alps.

See also Masini's rule forbidding action on the denunciation of those seen in the Sabbat.—Sacro Arsenale, Decima Parte, n. 141.

[2] Ristretto circa li Delitti più frequenti nel S. Offizio, pp. 57–9 (MS. *penes me*).

as to incubi and succubi, but he does not deny that in some way such unions may result in offspring.[1] In fact, the supreme authority of the modern Catholic Church, St. Alphonso Liguori, repeats without disapproval the common opinion of the doctors, that witches are transported through the air and that the theory of illusion is very pernicious to the Church, as it relieves them from the punishment prescribed for them.[2]

Thus the two lands in Christendom, in which the Inquisition was thoroughly organized, escaped the worst horrors of the witch-craze. The service rendered, especially by the Spanish Holy Office, in arresting the development of the epidemics so constantly reappearing, can only be estimated by considering the ravages in other lands where Protestants, who had not the excuse of obedience to papal authority, were as ruthless as Catholics in the deadly work. Did space permit, it would be interesting to trace the development and decline of the madness throughout Europe, but it must suffice to allude to Nicholas Remy, a witch-judge in Lorraine, who boasts that his work on the subject is based on about nine hundred cases executed within fifteen years,[3] and to the estimate that the total number in Germany, during the seventeenth century, was a hundred thousand.[4] In these, burning alive was often considered an insufficient penalty, and the victims were torn with hot pincers or roasted over slow fires. France was less a prey to the delusion than Germany, but, in 1609, Henry IV sent a commission to cleanse the Pays de Labour of witches, which, in the hurried work of four months, burnt nearly a hundred, including several priests, and was obliged to leave its task uncompleted, for the land was full of them; two thousand children were transported to the aquellares almost every night and the assemblages consisted of a hundred thousand, though some of these were phantoms.[5] For Great Britain the total estimate

[1] Casus Conscientiæ Benedicti XIV, Dec. 1743, Cas. iii (Ferrariæ, 1764, p. 155). —De Servorum Dei Beatificatione, Lib. iv, P. i, cap. 3, n. 3.

[2] S. Alphonsi Liguori Theol. Moralis, Lib. iii, n. 26.

[3] Nic. Remigii Demonolatreiæ Libri Tres. Colon. Agrip. 1596.

[4] G. Plitt Henke in Realencyclopädie, VI, 97.

[5] Pierre de Lancre, Tableau de l'inconstance des mauvais Anges, pp. 114, 119 (Paris, 1613).

De Lancre was a learned conseiller of the Parlement of Bordeaux and his colleague on the commission was the President d' Espaignet. It is instructive to

of victims is thirty thousand, of whom about a fourth may be credited to Scotland.[1] When, in 1775, Sir William Blackstone could deliberately write "To deny the possibility, nay, actual existence, of witchcraft and sorcery is at once flatly to contradict the revealed word of God.... and the thing itself is a truth to which every nation in the world hath in its turn borne testimony,"[2] we cannot judge the Inquisition harshly for maintaining to the last its existence in theory, while refusing to reduce that theory to practice.

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observe that while he was drawing up his terrific relation of the manner in which they had intensified the witchcraft craze, until the churches at night would be filled with children brought there by their mothers to prevent their being carried off to the aquellares (p. 193), Inquisitor Salazar, on the other side of the Pyrenees, was extinguishing it by simple rational treatment.

[1] Rogers, Scotland, Social and Domestic, p. 302. (London, 1869).

[2] Commentaries, IV, 60 (Oxford, 1775).

NOTE.—Since this chapter was in type, the indefatigable Don Manuel Serrano y Sanz has printed in the *Revista de Archivos* (Nov.-Dic. de 1906) the second discourse by Pedro de Valencia on the Auto de fe of Logroño. In this he states that in the previous one he had only had opportunity for a cursory glance at the proceedings of the auto, and had taken into consideration exceptional cases which God may have permitted of old. Now that he had thoroughly examined the confessions of the culprits he proceeds to give in much detail the monstrosities which they relate and concludes with a brief expression of the convictions resulting therefrom. This is that the aquelarre has nothing supernatural about it, such as flying through the air and the presidency of the demon in the shape of a goat. It is merely a nocturnal assemblage on foot of men and women to gratify disorderly appetites, inflamed perhaps by the instigation of the devil, and that their confessions are fictions invented to cover their wickedness. From this he concludes that they should be held not as confessing but as denying—which, under the inquisitorial code, would expose them to the fiery death of the *negativo impenitente*. He is careful, moreover, not to discredit the poisonings and the inunctions to cause sleep and dreams. Unfortunately the paper is not dated; it may have been seen by Salazar Frias, but if so it exercised no influence on him, as appears from the different conclusion reached in his report.

Señor Serrano y Sanz states that in 1900 he printed the first discourse of Pedro de Valencia in the *Revista de Extremadura*.

CHAPTER X.

POLITICAL ACTIVITY.

JOSEPH DE MAISTRE, in his profound ignorance of the Inquisition, started the theory that it was a mere political agency.[1] Apologists, like Hefele, Gams, Hergenrother and others, have eagerly elaborated this idea in order to relieve the Church from responsibility for its misdeeds, wholly overlooking the deeper disgrace involved in the assumption that for three centuries the Holy See assented to such misuse of delegated papal authority, and stimulated it with appropriations from ecclesiastical revenues.[2] They base their arguments on the difference between the Old and the New Inquisition—the former consisting of inquisitors selected by Dominican or Franciscan Provincials, and the latter organized with its inquisitor-general and supreme council, appointed by or with consent of the sovereign, so that its whole corps was virtually composed of state officials[3]—forgetting that their authority consisted of apostolical faculties, delegated by the popes and exercised without restraint through their recognition by the State. Ranke falls into the same error and so do Maurenbrecher and some other Protestant historians, apparently in an overstrained

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[1] Lettres à un Gentilhomme Russe, Let. I.—"L'Inquisition est un instrument purement royal; it est tout entier en la main du roi, et jamais il ne peut nuire que par la faute des ministres du prince."

[2] "Sie ist kein kirchliches, sondern ein Staats institut, theilweise mit kirchlichen Formen." (Gams, Die Kirchengeschichte von Spanien, Buch XIII, Kap. 1, § 3.) "Das neue Herrscherpaar. . . . gestaltete die Inquisition zu einem wichtigen Staatsinstitut." (Hergenrother, Handbuch der Kirchengeschichte, II, 765. Freiburg, 1885).

[3] Hefele, Der Cardinal Ximenes, XVIII, p. 265 (Tübingen, 1851).

The most recent apologist, who assures us that the Church never used other than moral force, displays his accuracy by telling us that, in 1521, Leo X excommunicated Torquemada on account of his cruelty, against the protests of Charles V, and also that in England Henry VIII executed 70,000 victims and Queen Elizabeth 43,000.—G. Romain, L'Inquisition, son rôle religieux, politique et social, pp. 10, 11, 2e Edition, Paris, 1900.

effort at impartiality and without investigation of the facts.[1] In the Catholic reaction since the time of Hefele, the most advanced writers of that faith no longer seek to apologize for the Inquisition, and to put forward royal predominance to relieve it from responsibility. They rightly represent it as an ecclesiastical tribunal which discharged the duty of preserving the religious purity for which it was created.[2]

The synchronism of the development of the Inquisition and of absolutism in Spain renders seductive the theory that the one was the product of the other, but this is wholly fallacious. Nowhere in the transformation of the State does the Inquisition appear as a factor. Isabella, as we have seen, laid the foundations of monarchism when she subdued the anarchy pervading Castile by the vigorous assertion and extension of the royal jurisdiction. Ferdinand eliminated some of the most troublesome elements of feudal power when he incorporated in the crown the masterships of the great Military Orders. The restiveness of the nobles under the unaccustomed restraint manifested itself when, in 1506, they flocked to Philip and Juana, had the Inquisition been a political force, Ferdinand would have used it, for Inquisitor-general Deza was devoted to him, in place of which he suspended it. After the death of Philip I, during the retirement of Juana and the absence of Ferdinand, the nobles attempted to reassert themselves but, when he returned, the severe punishment of the Marquis of Priego, the great Duke of Medina Sidonia, Don Pedro Giron and others, was a severe blow to feudalism, redoubled, after Ferdinand's death, when Ximenes as governor raised a standing army and crushed the rebellion of the Girons and their allies, punishing them with the destruction of the town of Villadefrades. What remained of feudalism disappeared under the steady policy of Charles V and Philip II, in keeping the great nobles aloof from the higher offices of state, and employing them in military service abroad or in vice-royalties, until they became mere courtiers, wasting their substance in adding to the splendor of the throne. In all this there is no trace of the Inquisition, nor is there in the

[1] Ranke, Die Osmanen und die Spanische Monarchie, pp. 195–8 (Leipzig, 1877).—Maurenbrecher, Geschichte der Katholischen Reformation, I, 45 (Nördlingen, 1880).

[2] Rodrigo, Historia verdadera, I, 264; II, 87; III, 363.—Ortí y Lara, La Inquisicion, p. 2 (Madrid, 1877).—Cappa, S. J., La Inquisicion española, p. 28 (Madrid, 1888).—Pastor, Geschichte der Päpste, II, 584.

rise and suppression of the Comunidades, which destroyed the privileges of the communes, and left the crown supreme. The comuneros had no grievance against the Inquisition, nor had it any share in their defeat and punishment, although Charles V applied to Leo X for special briefs empowering it to act and one was granted, commissioning Cardinal Adrian to try and punish ecclesiastics concerned in the movement.[1] Even when Acuña, Bishop of Zamora, was prosecuted, as we have seen, the Inquisition was not charged with the work, as Ranke mistakenly asserts. The revolt arose from the coercive measures applied by Charles to the Córtes of 1518 and 1520, by which he reduced to impotence the only representative and deliberative body of the nation. Thus the last obstacle to autocracy was swept away, and thenceforth royalty was supreme. The process was a normal development, such as accompanied the downfall of feudalism throughout Europe and, from first to last, it accomplished itself without aid or opposition on the part of the Inquisition.

Much has been made of the saying attributed to Philip II, that he kept his dominions in peace with four old ecclesiastics, and the Suprema was fond of referring to this, when putting forth claims for its services, but it meant nothing except that the Inquisition maintained religious unity, which, in that age and in view of the troubles in France, the Netherlands and Germany, was not unnaturally regarded as the sole guarantee of internal quiet—in fact, the Suprema, when quoting the remark, in 1704, says expressly that Philip uttered it in reference to the turbulence of the Huguenots.[2] That Philip himself did not regard the Inquisition as a political instrument sufficiently appears in his private and confidential instructions of May 7, 1595, to Gerónimo Manrique de Lara, when appointing him inquisitor-general; his anxiety is solely for the faith and there is not the slightest intimation that political service would be expected.[3]

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[1] Llorente, Añales, II, 209, 229.—Dormer, Añales de Aragon, Lib. I, cap. 27

[2] Archivo de Simancas, Inq., Lib. 43, fol. 297.—Críticos Documentos que sirven como de segunda Parte al Proceso de Fr. Froilan Diaz, pp. 7-8 (Madrid, 1788).

[3] Archivo de Simancas, Inq., Lib. 939, fol. 270.

At the same time there is no doubt that contemporary statesmen, disposed to regard with cynical incredulity the fervor of Philip's fanaticism, were apt to look upon the Inquisition as an artful instrumentality to keep the people in subjection. See the remarks of Giovanni Soranzo in Vol. I, p. 442.

Yet the average statesman has few scruples in employing any agency at hand to effect his purposes, and to this the Spanish monarchs were no exception. When it suited them to use the Inquisition they did so but, in view of their control over it, their employment of it was singularly infrequent, prior to the advent of the Bourbon dynasty. In the Old Inquisition, with which writers like Hefele endeavor to establish a contrast in this matter, Philip the Fair used it to destroy the Templars, the Regent Bedford to burn Joan of Arc, and Alexander VI to rid himself of Savonarola—three cases to which no parallels exist in the annals of the Spanish Holy Office. The nearest approach to them is to be found in the trials of Carranza, Antonio Pérez and Villanueva. In the first and last of these, as we have seen, inquisitors-general instituted action for their own purposes and the monarchs were brought in to their support. The case of Antonio Pérez will be discussed presently and need not be further referred to here.

Still, a tribunal, whose undefined powers and secrecy of action fitted it so perfectly for use as a political agent, could scarce exist for centuries without occasionally being called upon, and the only legitimate source of surprise is that it was so rarely employed and that the objects for its intervention were usually so trivial. Ferdinand occasionally found it a convenience in settling questions outside of its regular functions, as when Marco Pellegrin appealed to him in a dispute with the authorities of his city and Ferdinand wrote, August 31, 1501, to the inquisitor of the place, charging him to examine the question and do justice, for which he gave him full royal power. So when, in 1500, complaints reached him from Valencia of injustice in the assessments for a servicio, he ordered the papers to be submitted to the inquisitor who was to report to him, and, in 1501, he called for a report from the inquisitor of Lérida as to the necessity of certain repairs to the castle.[1] When, in 1498, he was endeavoring to carry out in Aragon the reform of the Conventual Franciscans, which Ximenes had undertaken in Castile, and they had obtained papal briefs restraining him, he applied to the pope to revoke the letters and meanwhile obtained others from the nuncio, which he transmitted to the tribunal of Saragossa with instructions to act promptly. The inquisitors carried on the reform much to his satisfaction and, when the frailes

[1] Archivo de Simancas, Inq., Lib. 1.

got the public authorities to protect them, he instructed the inquisitors to represent that they were acting under apostolic authority, that there was no violation of the liberties of the kingdom, that they were salaried by the king, not only for the Inquisition but for whatever duties he might assign to them; they were therefore public officers and, if the Saragossa authorities should endeavor to create scandal, they would be duly punished. This distinction between inquisitorial and non-inquisitorial functions, however did not prevent him, when occasion required, from enforcing outside operations with inquisitorial authority. In 1502, when prosecuting, in the same way, the Franciscan reform in Sardinia and the Bishop of Ocaña, in virtue of a surreptitious papal letter, released from the castle of Fasar the Franciscan vicar, Ferdinand wrote with much indignation to him and to the governor of Cabo de Lugador; it was great audacity to intervene, in a matter concerning the Inquisition, without consulting him or the inquisitor-general; the prisoner must be recaptured forthwith and be held until the inquisitor and *reformador apostolico* comes.[1]

This indicates the dangerous tendency to extend inquisitorial activity beyond its original limits, and it is remarkable that a monarch entertaining these conceptions and engaged in the struggle with feudalism should not have frequently sought the assistance of the Holy Office. The only definite case that I have met with of its political use occurred in 1507, when Cæsar Borgia escaped from the castle of Medina del Campo to Navarre, and was made commander of his army by Jean d'Albret, whose sister Charlotte he had married. Ferdinand vainly endeavored to obtain his surrender and then caused a prosecution to be brought against him in the Inquisition for heretical blasphemy and suspicion of atheism and materialism. As Cæsar came to his death, March 12, 1507, while besieging the castle of Viana, which held out for Luis de Beaumont, and the prosecution was abandoned, we can only conjecture what the outcome might have been.[2] Navarre was also the scene of a trivial political use of the Inquisition in 1516, when, as we have seen (Vol. I, p. 227) it was instructed to ascertain the names of those friendly to Jean d'Albret.

There was evidently a purpose to use the Inquisition against the revolt of the Germanía of Valencia, when a brief of October 11,

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[1] Archivo de Simancas, Inq., Lib. 1; Lib. 2, fol. 4.

[2] Llorente, Hist. crít., cap. xxvii, art. iii.

1520, was obtained from Leo X, granting to Cardinal Adrian faculties to proceed against all persons conspiring against public peace. No use seems to have been made of this, but the Valencia tribunal had an opportunity of making itself felt towards the end of the disturbances. After Vicente Peris, the leader of the *Agermanados* was killed in a tumult, March 3, 1522, a mysterious individual, known as *el Encubierto*, and variously described as a hermit from Castile and as a Jew from Gibraltar, presented himself as the avenger of Peris and became the spiritual chief of those who kept up the revolt in Játiva and Alcira. He assumed to be a prophet and the envoy of God, which brought him under the ordinary jurisdiction of the Holy Office, and it made record of the heresies uttered by him in a sermon preached at Játiva, March 23d. He organized a conspiracy in Valencia, but one of the accomplices, named Juan Martin, was betrayed and was seized, by the Inquisition. El Encubierto was assassinated, May 18th, at Burjasot, and his head was cut off; the corpse was brought to Valencia, where the inquisitors had it dragged through the streets on the way to the tribunal. He was condemned as a heretic, the headless body was relaxed and burnt and the head was set over one of the gateways.[1] The action of the Inquisition had no influence on the course of affairs, but it manifests the readiness of the tribunal to assert itself as a political force.

The fable that the Inquisition was invoked to accomplish the death of Don Carlos, in 1568, has been sufficiently disproved to call for no attention here. There is probably, however, more truth in the statement that, about the same time, Philip II, in promotion of his designs on the remnants of Navarre, caused Inquisitor-general Espinosa to collect testimony as to the notorious heresy of Jeanne d'Albret and her children, and formed with the Guises a plot to abduct and deliver her to the tribunal of Saragossa, but the secret was not kept and the attempt was abandoned.[2] Perhaps, also, we may class with political service the utilization by Philip of the Inquisition to supply him with galley-slaves.

The most prominent instance of the employment of the Inquisition in a matter of State was in the case of Antonio Pérez. Its dramatic character attracted the attention of all Europe; the mystery underlying it has never been completely dispelled, and

[1] Danvila y Collado, La Germanía de Valencia, pp. 178, 492.
[2] Llorente, Hist. crít., cap. XXVII, art. iv, n. 5–10.

its resultant effect upon the institutions of Aragon invests it with an importance justifying examination in some detail.

Antonio Pérez was the brilliant and able favorite of Philip II, who in 1571 succeeded his patron, Ruy Gómez, Prince of Eboli, in acquiring his master's fullest confidence and becoming the most powerful subject in Spain. In 1573, the Venitian envoy Badoero describes him as a most accomplished man, whose courtesy and attractive manners soothed the sensibilities of those provoked by the delays and penuriousness of the king, while his dexterity and ability promised soon to make him the principal minister. At the same time, he was a man of pleasure and the magnificence of his daily life was the admiration of his countrymen.[1] He found his fate in the widow of his patron, the Princess of Eboli. Sprung from the noble house of Mendoza, she was proud, vindictive and passionate, unflinching in the gratification of her desires and reckless as to the means. Whether Philip II had been her lover, and if so whether he was favored or rejected, is a disputed question, which we need not discuss; it suffices that Pérez, who had a devoted wife in Juana Coello, became enamoured of her mature charms and a slave to her imperious will.

Don John of Austria had been sent to the Netherlands on the desperate task of pacifying them, and had been left without resources. Much to the king's displeasure, he sent, in July, 1577, his secretary, Juan de Escobedo, to Madrid to urge the necessity of supplying funds. Escobedo was thoroughly honest, but rugged and uncourtly, and the vigor of his representations increased the royal ill-humor. Pérez had for some time been secretly fanning the king's suspicions of his half-brother's designs, even to the point, it is said, of mistranslating cypher despatches. He represented Escobedo as an emissary sent to perfect Don Juan's plans, including a descent upon Santander and raising Castile in revolt. Convinced that Escobedo must be put out of the way, Philip ordered Pérez to procure his death. If Pérez felt any scruple as to this, it was removed by the fact that Escobedo, who was a retainer of the house of Mendoza, discovered the relations between the princess and the favorite; he remonstrated with freedom and threatened to inform the king. His doom was sealed and, after two ineffectual attempts at poison, bravos were hired who assassi-

[1] Relazioni Venete, Serie I, T. V, p. 279.—Miscelanea de Zapata (Mem. hist. español, XI, 244).

nated him in the street on the night of March 31, 1578, and were rewarded with commissions in the army of Italy.

Suspicion fell on Pérez, whose fellow-secretary and bitter enemy, Mateo Vázquez, reported the rumors to the king. The princess in her wrath threatened that Vázquez should share the fate of Escobedo; the court was divided into factions which Philip vainly sought to pacify. He was bound in honor to protect his instrument, and repeatedly assured him that he was in no danger, but, whether he was beginning to realize that he had been unpardonably deceived, or was prompted by jealousy of the relations between Pérez and the princess, he at length was willing to sacrifice his secretary as an escape from a situation that was becoming impossible. Some one to replace him was required; Cardinal Granvelle, then living in retirement in Rome, was sent for; he arrived at the Escorial, July 29, 1579, and, on the preceding night Pérez and the princess were arrested in Madrid. She was carried to the castle of Pinto and was kept in strict confinement until February 1581, when she was allowed to return to her palace at Pastrana, when her extravagant freaks caused her affairs to be placed in charge of a commission, leading to her virtual imprisonment until her death, February 2, 1592.

Pérez, meanwhile, had undergone various vicissitudes of imprisonment, more or less harsh. In May, 1582, Philip ordered an investigation into the different branches of administration, directed principally against Pérez. This resulted in showing that he had habitually sold the royal favor and, in January, 1585, he was condemned to two years' imprisonment in the castle of Turruegano, to ten years' exile from the court, and to refund 12,224,739 maravedís, of which 7,371,098 went to the fisc and the balance to the heirs of Ruy Gómez, in restitution of presents given to him by the princess. The family of the murdered Escobedo had been vainly clamoring for justice. Philip had shrunk from being compromised in the affair, but now that Pérez was thoroughly disgraced, if the documents proving his own complicity could be secured, Pérez could safely be sacrificed to justice. His wife, Juana Coello, was imprisoned and threatened with starvation unless she would surrender his papers; she resisted heroically until a note from Pérez, which he says was written with his blood, permitted her to do so, but he had, with his usual foresight, abstracted from them in advance and placed in safety what he deemed necessary for his justification.

In the summer of 1585, Philip permitted the Escobedo kindred to commence the prosecution. Antonio Enríquez, the page of Pérez, who had arranged the assassination, gave full testimony, but the *conteste*, or corroboration by another witness was lacking. The affair dragged on, until, September 28, 1589, Pedro Escobedo, son of the victim, abandoned it for the sum of twenty thousand ducats and pardoned his father's murderers. Philip's rancor, however, had deepened with time, and the prosecution was continued. Pérez was tortured, February 22, 1590, when, at the eighth turn of the *cordeles*, his resolution gave way; he confessed the crime at the royal command and stated the reasons which had moved the king to order the murder. Soon after this he took to his bed and was reported to be dangerously sick; his wife, early in April, was admitted to attend him and, on the 20th, by a side-door, of which he had procured a false key and from which the bolts had been removed, he escaped at night. Friends with horses were in waiting and he took the road to Aragon. He was of Aragonese descent, so that he could claim the fueros and the court of the Justicia, which, as we have seen, sat in judgement between the sovereign and his subjects.

Aragon, at the moment, was especially excited in defence of its privileges, among which was the claim that none but an Aragonese could serve as viceroy. Philip was contesting this and had sent the Count of Almenara to conduct a suit on the question before the court of the Justicia. Almenara earned general ill-will by assuming superiority over all the local officials; the Count of Sástago, then viceroy, resisted his pretensions and was removed and replaced by Andrés Ximeno, Bishop of Teruel, a timid and irresolute man; so great became Almenara's unpopularity that a nearly successful attempt was made to burn at night the house which he occupied; there was a spirit of turbulence abroad, peculiarly favorable to Pérez, who came to claim the protection of the fueros as a faithful servant, whom his king was endeavoring to destroy, in reward of his fidelity.

Philip's wrath was boundless. His first impulse was to wreak vengeance on the helpless wife and children, who were thrown into prison, where they lay for nine years until after their persecutor had gone to his last account. Orders were at once despatched to seize the fugitive, dead or alive, before he should cross the Ebro, and so swift were the pursuers that they reached Calatayud, where he made his first halt, only ten hours after him. He threw him-

self into the Dominican convent for asylum, while his faithful friend, Gil de Mesa, who had accompanied him, hurried forward to Saragossa and claimed for him the *manifestacion* which secured for him the jurisdiction of the Justicia. Alonso Celdran, lieutenant of the governor, rushed to Calatayud and, after some difficulty, forcibly removed Pérez from the convent, but the veguero of the Justicia came with letters of manifestacion and obliged him to surrender his prey. Nobles and gentlemen flocked to Calatayud, and Pérez was conducted to Saragossa in a veritable triumphal procession, where he was received by the populace as though he were a king and was safely lodged in the *cárcel de los manifestados*. Then commenced the curious spectacle of a duel to the death between the disgraced fugitive and the whole power of the greatest monarch of Christendom, giving us an enlarged respect for the fueros of Aragon to see that the monarch was helpless until he invoked the overriding powers of the Inquisition, under the pretext that his thirst for vengeance was a matter of faith.

Had the political utility of the Inquisition been the customary expedient that has been asserted, recourse would have been had to it at once. As soon as the flight of Pérez became known, a special junta had been formed in Madrid to manage the affair, and there Juan de Gurrea, Governor of Aragon, familiar with the institutions of his native land, advised that the Inquisition be at once invoked, but there was repugnance to do this and it was resolved to rely on the regular process of law. Philip presented a formal accusation to the court of the Justicia alleging that Pérez had had Escobedo killed, falsely using the king's name; that he had betrayed the king by divulging state secrets and altering despatches, and that he had fled. The documents were sent to Almenara, who pushed the prosecution, while Pérez endeavored to convince the king that it would be better to allow the matter to drop and permit him to live in obscurity rather than to bring the compromising documents to light, as there was no secrecy in Aragonese procedure. He wrote in this sense to Fray Diego de Chaves, the royal confessor, and he sent, by the Prior of Gotor, copies of the papers to Philip, who gave the prior two or three audiences, read the papers and then, on July 1st, published a sentence condemning Pérez to be hanged and beheaded, with confiscation. At the same time instructions were sent to Almenara to push the prosecution and to find some means to seize Pérez and convey him to Castile.

Pérez had already drawn up a memorial replying to the charges,

in which he observed considerable reticence. Now he threw off all reserve and prepared another, fortified with documents exposing Philip's share in the tragedy, and representing himself as undergoing ten years of persecution in reward for faithful service. Philip asked Batista de Lanuza, a lieutenant of the Justicia, to send him a copy of the memorial with his opinion as to the result. Lanuza in reply said he expected an acquittal, whereupon Philip withdrew the prosecution on the grounds that it would reveal matters not proper for publication, declaring at the same time that Pérez had committed crimes as great as any subject could and he reserved the right to prosecute him elsewhere. The Justicia, however, continued the case which resulted in acquittal. Then an accusation was brought that Pérez had poisoned his astrologer, Pedro de la Hera, and his servant Rodrigo de Morgado, but these charges were easily refuted and again he was acquitted. Then an attempt was made under an Aragonese law permitting *inquisitio* or inquest, in accusations of officials by the king, and he was prosecuted for misfeasance in office, but he proved that he had served Philip as King of Castile, not of Aragon, and that he had already been tried and punished for the alleged offences, so this also failed. The principal object of these successive actions was to prevent his discharge from prison, but they had the effect of heightening the popular enthusiasm for Pérez, whose cause became identified with the preservation of the fueros.

As a last resort, when all legal processes were exhausted, recourse was had to the Inquisition. For this some charge involving the faith was necessary and the first suggestion was an assumed attempted flight to the heretics of Béarn. A safer base of operations, however, was devised by Almenara, who won over by bribery an old servant, Diego Bustamente and a teacher named Juan de Basante in whom Pérez had the fullest confidence. In explosions of despairing wrath, they said, he had uttered expressions indicating disbelief in God and blasphemous rebellion against His will. We have seen how much of inquisitorial activity was directed against more or less trivial ejaculations of the kind, and it was strictly in rule to act upon such denunciations. It mattered little on what grounds the Holy Office might obtain possession of him; once in its hands, he would be conveyed, openly or secretly, to Castile, where his fate was certain and, before the dreaded words "a matter of faith" all barriers were vain.

Inquisitor Medrano put the testimony in proper shape and for-

warded it to the Suprema. Philip ordered that Fray Diego de Chaves should be the sole calificador and he, within twenty-four hours, pronounced the expressions to be heretical. On the strength of this, Inquisitor-general Quiroga and the Suprema, on May 21, 1591, issued orders for the arrest of Pérez and his confinement in the secret prison for trial.

This was hurried to Saragossa, where it was received on the 23d, and on the 24th, the three inquisitors, Medrano, Mendoza and Morejon, issued a warrant of arrest, which was presented at the prison of Manifestacion and was refused obedience. The tribunal then sent, between 9 and 10 A.M., to the lieutenants of the Justicia a mandate, under the customary penalties, requiring the surrender in spite of the pretended right of manifestacion, which was abolished in matters of faith. This could not be evaded and the officials of the Justicia were sent to the prison with orders to deliver Pérez to the alguazil of the tribunal. He was put in a coach and driven to the Aljafería, a short distance beyond the gates, where the Inquisition had its seat.

Two servants of Pérez carried the news to Diego de Heredia and Gil de Mesa, who assembled their friends and sallied into the streets, with the cry, *Contrafuero! Viva la libertad y ayuda a la libertad!*—the cry which, under the law, could only be raised by order of the Justicia and which, as we have seen, summoned every citizen to come in arms and defend the liberty of the land. The tocsin of the cathedral was tolled and the city rose. Under the leadership of nobles and gentlemen, a part of the mob rushed to the dwelling of the hated Almenara. The Justicia, Juan de Lanuza, with his two sons and his officials, endeavored to protect him, but the door was battered in; he refused to fly, but allowed himself to be conducted to prison, on the promise of the mob to spare his life, but he was attacked on the way and, when the prison was reached, it was with injuries of which he died within a fortnight.

The other section of the populace hastened to the Aljafería and demanded the restoration of Pérez and of his friend Francisco Majorini, who had been included in the prosecution and surrender. Don Pedro de Sesé is said to have brought four hundred loads of wood with which to burn the castle in case of refusal, and the situation was menacing in the extreme. The Viceroy Bishop of Teruel came and urged the inquisitors to compliance. The Archbishop Bobadilla wrote three notes, in increasing desperation—his palace and that of the Justicia would be burnt that night if

Pérez were not given up. For five hours the inquisitors resisted this pressure, but finally they yielded, though even then they safeguarded their authority with an order that Pérez's place of confinement should be changed from the secret prison to that of the manifestados. At 5 P.M. the prisoners were delivered to the Counts of Aranda and Morata, with a protest that the trial would be continued. Pérez was conveyed back in a coach to his former prison; the people could not see him and were not satisfied until the viceroy made him stand up and show himself, when they shouted that he must appear at a window thrice daily to prove that no wrong was done him in violation of their liberties and fueros.

There was a tradition that Queen Isabella had once expressed a wish that Aragon would revolt, so that an end could be put to the fueros which limited the royal power. Such an opportunity had now come and Philip was not a sovereign to neglect it. Cabrera relates that, when he lay sick at Ateca and the Count of Chinchon brought him the news, he rose at once from bed, had himself dressed and commenced sending despatches in all directions, ordering the levy of troops. He also wrote to the towns of Aragon and to the nobles, protesting that he meant no violation of their privileges, and the answers encouraged him greatly, for they condemned the troubles at Saragossa and proffered their services. The Inquisition, moreover had opened to it an enlarged field of operations, for which it had abundant justification. Already, on June 4th, the Council of Aragon presented a consulta, calling attention to the impeding of its action, in the threatening of the inquisitors and the killing of a servant of one of them; they should therefore commence to take testimony and arrest the culprits, one by one, who should be relaxed; in such a matter of faith the nobles could not plead privilege and there could be no manifestaciones and firmas.

Work to this end was commenced at once in Madrid. Anton de Almunia, who had testified against Pérez, had fled thither with a tale of the threats uttered against him to force him to revoke his evidence. This was a crime against the Inquisition and Pedro Pacheco, Inquisitor of Aragon, was deputed to take his deposition; the investigation widened; all the refugees from Aragon and enemies of Pérez were heard and it was shown that the instigators of the troubles aimed at transferring Aragon to France or to found a republic, and in this were implicated the Diputados of the king-

dom, the jurados of Saragossa and the gentlemen who favored Pérez, including the Duke of Villahermosa, who was the head of Aragonese nobility and the Count of Aranda, the richest and most powerful noble. Even Inquisitor Morejon, who had not been as zealous as his colleagues, was laid under suspicion. As a preparation for the impending struggle, the Saragossa tribunal, under orders from Madrid, published, on June 29th, in all the churches, an edict embodying the savage bull *Si de Protegendis* of Pius V, concerning impeders of the Inquisition, in virtue of which all persons were called upon to aid it, not only in the matter of Pérez but of all others. This created intense excitement; an armed mob assembled in the plaza of the cathedral and discussed whether they were included in the papal censures and if so what remedies should be tried to preserve their liberties, while multitudes sought their confessors and asked to be absolved from the *ipso facto* excommunication incurred. The Diputados complained to the king and to Quiroga of this stirring up of trouble, when every effort was required to maintain quiet, but they only received from the king a reply thanking them for their zeal for peace.

Pérez and his friends meanwhile were busy in provoking excitement by addresses and pasquinades in prose and verse, stigmatizing their opponents and urging vigilance in defence of the fueros. He also petitioned the Zalmedina to investigate the methods by which Almenara and Medrano had gathered evidence against him, and the testimony thus obtained as to bribes, promises and threats had large influence on public opinion. When the results, however, were sent to Philip by the Diputados, he merely replied that he had not read them, for the whole was invalid because witnesses before the Inquisition could only be impugned in it; Pérez must be returned to the tribunal before anything else could have attention. The papers however were carefully preserved, for the mere investigation was a grave offence against the Inquisition, which was subsequently charged against its authors. The Inquisition judged all men and was to be judged by none and, in the sacredness which shielded it, any attempt to examine its methods was a crime.

As the summer drew to a close, the cooler-headed citizens became anxious for an accommodation. Conferences were held with jurists and it was recognized that the position was untenable, that Pérez must be surrendered and an understanding was reached with the inquisitors as to certain unimportant conditions which avoided the appearance of complete abandonment. The aspect

of the populace, however, was threatening, and the nobles brought their retainers to the city to enforce order. Philip had no objection to the delays which enabled him to collect his forces at Agreda, on the Castilian border, and September 24th was named for the delivery of Pérez as a solemn public act. He was fully alive to the danger and resolved on escape; a file was furnished to him with which during three nights he worked at his window bars. A few hours more would have set him free when he was betrayed by his false friend Juan Basante, who still retained his confidence and was to share his flight. He was transferred to a stronger cell, where he was kept incomunicado, with a guard of thirty arquebusiers, watching him day and night.

On September 22d died the Justicia, Juan de Lanuza, an old and experienced man, succeeded by his son of the same name, who was but 27 years of age, universally beloved on account of his many good qualities, but untried and lacking in influence. Great preparations were made for the surrender on the 24th. The gates were closed, troops were posted, the streets from the prison to the Aljafería were patrolled by cavalry, and death was threatened for the slightest disturbance. Complicated formalities were observed when the mandate for the delivery of Pérez and Majorini was presented to the court of the Justicia by Lanceman de Sola, secretary of the tribunal. Under guard of arquebusiers a procession was formed of officials and dignitaries, who on reaching the market-place bestowed themselves in the overlooking windows. The prison was entered, Pérez and Majorini were produced, shackles were placed on them and they were formally surrendered to Lanceman de Sola. The coaches to convey them were brought up and they were descending the stairs when the roar of a multitude outside brought a pause.

The friends of Pérez had not been idle. The gentlemen who still adhered to him had brought their retainers to the city; propagandism had been active and a majority of the arquebusiers declared themselves ready to die in defence of the fueros. The streets were filled with clamorous crowds; already during the march of the procession, stones had been thrown and now, under the leadership of Diego de Heredia and Gil de Mesa, the market-place was attacked on several sides. Some of the guards were slain, others fled and others joined the assailants. The plaza was strewn with some thirty dead and numerous wounded; the governor's horse was shot and he escaped to a house which was promptly

set on fire; the notables at the windows broke out a way to escape by the rear and hurried off amid the insults of the people. Inside the prison the officials saved themselves by flight over the roof, except a lieutenant of the Justicia who made Pérez show himself at a window to calm the mob, which sent up shouts of joy and commenced to break in the doors, when he was delivered to them through a postern. He was carried in triumph to the house of Diego de Heredia and then Majorini was remembered. He was sent for; the prison was found abandoned and he was set free.

Pérez mounted a horse and, accompanied by Gil de Mesa and Francisco de Ayerbe, with a couple of servitors, fled to the mountains, reaching Alagon that night and Tauste the next day, where he rested five days in the house of Francisco de Ayerbe. The agents of the Inquisition tracked him and came near seizing him; when, finding escape to France blocked, he returned secretly to Saragossa, by the advice of Martin de Lanuza, in whose house he was secreted, while directing the course of affairs. The city had been in a state of chaos, the magistrates not daring to show themselves, but through his counsels comparative tranquility was restored under Diego de Heredia. He set to work to organize Aragon, Catalonia and Valencia in opposition to Castile, with a view of forming a republic under the protection of France, but his efforts met with no practical response.

Aragon itself was lukewarm. The assembling of an army at Agreda under Alonso Vargas, a distinguished captain, with the pretext of an expedition to France, gave warning that revolt would be crushed with a heavy hand and both sides sought the support of the kingdom at large. In Saragossa the fuero prohibiting the introduction of foreign troops was invoked, and the new Justicia, Juan de Lanuza, was summoned by the Diputados to call the kingdom to arms to resist the *contrafuero*. He did so with a proclamation, October 31st, ordering the towns and nobles to send their quotas to Saragossa on November 5th, but the course of affairs at Saragossa had been watched with disfavor. Jaca responded with protestations and not with men; Daroca sent thirty musketeers; Bielsa, Puertolas and Gistain furnished two hundred men who turned back after reaching Barbastro. There were disturbances at Teruel which only resulted in the punishment subsequently inflicted on the leaders. The other towns united in a letter to the Justicia, declaring Philip to be the defender of the fueros and those who resisted him to be the violators, and the same

ground was taken by the nobles and gentry outside of Saragossa. Villahermosa and Aranda had remained in the city by Philip's orders, and were forced to serve on the council of war which was formed, but they were regarded with suspicion and were insulted and menaced.

This practical abandonment produced profound discouragement and the gates were locked to prevent desertions, but all who could left the city. The leaders, however were too deeply compromised to withdraw and, in their irritation, they provoked quarrels and discord. To give an air of legality to resistance the leadership of the Justicia was essential, and they summoned Juan de Lanuza to take the field with the municipal forces. He and the Diputado Juan de Luna established relations with Villahermosa and Aranda and all four agreed to escape on the occasion of a review to be held on November 7th, but when Lanuza ordered a gate to be opened and the review to be held outside the walls, there was a cry of treason. Villahermosa and Aranda succeeded in escaping and took refuge in Epila, a fortified town belonging to Aranda, but Lanuza and Luna were pulled from their horses and were with difficulty rescued alive.

Bruised as he was, however, Lanuza was forced, the next day, to take the field at the head of four hundred men, the rest of the forces following the next day, and with a so-called army of two thousand he advanced to Utebo, to contest the advance of Vargas, who had crossed the border November 7th with a well-equipped force of twelve thousand foot and two thousand horse, supported by sufficient artillery. A messenger from Vargas offering terms gave him an opportunity of escape and, accompanied by Luna, he sought the refuge of Epila. When the news of this spread through the camp the little army disbanded and Vargas, on November 12th, presented himself before the Aljafería, to the great joy of the inquisitors. The viceroy and officials came forth to welcome him, and he made a triumphal entry into the city. The plaza of the cathedral was made a *place d'armes*, heavy guards were posted, cannon commanded the streets and the soldiers were billeted on the citizens. The working classes had abandoned the town and there were more than fifteen hundred vacant houses.

Pérez had been watching the wreck of his schemes of vengeance, and, not caring to share in the ruin that he had wrought, he sought to save himself. Martin de Lanuza escorted him to a gate and had it opened for him and, on the 10th, two days before the arrival

of Vargas, he took the road to Sallent, on the French frontier. The next day Don Martin offered to the Diputados to die for the city if they proposed to defend it, but, as they did not, he suggested that the gates be opened and that all who desired be allowed to depart. This was done and, in the exodus that followed, he betook himself to the mountains in order to save Pérez.

Resistance had ceased, but there was still some apprehension as to what was known as the Junta of Epila, where Lanuza had invited a conference to consult as to the best means of preserving the fueros. Such fears were superfluous. Villahermosa and Aranda, at the earnest request of Vargas, returned to Saragossa; Luna went into hiding and Lanuza retired to his lands at Badallur, subsequently coming to Saragossa and resuming his functions as Justicia. Vargas conducted himself with great adroitness, receiving most graciously deputations from the towns, inviting absentees to return and assuring every one that the fueros would be respected. Then, on November 28th came the Marquis of Lombay, as special royal commissioner, with letters assuring the preservation of the fueros and clemency for culprits. He was received with great distinction and was hailed as an *Angel de Paz;* all was thought to be settled peacefully and the refugees returned. Vargas and Lombay urged Philip to issue a general pardon with specified exceptions, to limit the Inquisition to matters absolutely its own, to assemble the Córtes under his own presidency and they even suggested Aranda as the new viceroy.

Suddenly this dream of pacification was dispelled. Without communicating his resolve to any one, Philip sent, by a secret messenger, an order written in his own hand and not countersigned, to arrest the Justicia at once "and let me know of his death as soon as of his arrest." He was to be beheaded, his estates confiscated and his castles and houses razed to the ground. Villahermosa and Aranda were likewise to be arrested and to be sent to Castile.

Vargas felt acutely his position in being thus forced to belie his promises of clemency, but he was a soldier, trained to obey orders. Lombay was indignant at the use made of him and asked to be relieved, a request promptly granted for the court had no further need of him. Vargas lost no time in executing the royal commands. The next morning, December 19th, at 11 o'clock, Lanuza was arrested as he and his lieutenant were on their way to mass, prior to opening their court. Villahermosa and Aranda were enticed to Vargas's quarters on a pretext; he detained them in

friendly conversation until word was brought of Lanuza's arrest, when he dismissed them and they were arrested as they left him. In three hours they were placed in coaches, each with two captains charged not to lose sight of them. Four companies of horse and a thousand infantry guarded them to the border, after which two companies of foot conducted them, Villahermosa to the castle of Burgos and Aranda to the Mota of Medina del Campo. Both died in prison.

The early light of the next dawn showed a black scaffold erected in the market-place; the troops were under arms and cannon guarded the approaches. The citizens shut themselves up in their houses and there were none present but the soldiery who, we are told, although Castilians, shed tears over the fate of Lanuza, whose brief three months of office had brought him to such end. The executioner struck off his head while he was reciting a hymn to the Virgin and he was honorably buried, in the tomb of his ancestors in the church of San Felipe, the bier being borne on the shoulders of high officers of the Castilian army.

This unexpected blow aroused indescribable terror throughout Aragon, and the impression caused by the revelation of the hidden purposes of the king was intensified by his granting to the Governor a commission authorizing him to punish the notoriously guilty without regard to the fueros. Under this there followed arrests and executions of those compromised in the troubles, especially of those concerned in the death of Almenara, including many men of rank, who were generally regarded as innocent, or at most as lightly culpable. No one felt himself safe, and the sense of insecurity was heightened by the razing of the houses of the victims—the palace of the Lanuzas, one of the most conspicuous in Saragossa, and those of Diego de Heredia, Martin de Lanuza, Pedro de Bolea, Manuel Don Lope and others—the ruins made in the principal streets symbolizing to the people the destruction of their liberties. Nor was the Inquisition remiss in vindicating its insulted dignity. The inquisitors had been changed and the tribunal now consisted of Pedro Zamora, Velarde de la Concha and Juan Moriz de Salazar, who fully realized the work expected of them. They filled the prisons of the Aljafería with men of all classes, who had taken part in obstructing the action of the Holy Office, though they subsequently, under orders from Philip, delivered to Vargas certain of their prisoners who were marked for execution for offences outside of inquisitorial jurisdiction.

Satisfied with the impression thus made, Philip now took measures to calm the agitation. He withdrew the special commission of the Governor of Aragon and promised to the accused a regular trial by an impartial Aragonese judge. Then, on January 17, 1592, there was solemnly proclaimed in Saragossa a general pardon, in which the king dwelt on his love for Aragon and on his clemency, but also on his duty to enforce justice and uphold the Inquisition. There were certain classes excepted from the benefit of the amnesty, which, when subsequently applied to individuals, amounted to 196, whom every one was ordered by proclamation to capture wherever found. The promised impartial judge was appointed in the person of Doctor Miguel Lanz, whose ignorance and cruelty were the cause of bitter complaints.

It was part of Philip's tranquilizing policy that the Inquisition should issue simultaneously an edict of pardon, with exceptions like his own. The two classes of culprits were largely distinct, and the tension of the public mind could not be relieved until the extent of both should be known. With this view, when drawing up his own proclamation, he ordered the Suprema to do the same, but he encountered resistance. The Inquisition was playing for its own hand. It had not only to avenge insults endured but it was resolved to make the most of the opportunity to break down the obstinate resistance in Aragon to its arbitrary proceedings. The Suprema was therefore indisposed to accede to Philip's wishes and, in a consulta of January 2d, it asked for delay. To this Philip replied, in his own handwriting, that the postponement would prevent the desired restoration of confidence and, where there were so many involved, it sufficed to punish those most guilty. He was about to publish his own pardon and he charged the Suprema to do the same on its part with all despatch.

Considerations such as these had no weight with the Suprema, which calmly disregarded the king's wishes. The silence of the Inquisition kept alive popular anxiety and, on March 3d, Philip renewed his urgency. The pardon should be such as to give satisfaction to the people, relieving from infamy those comprehended in it who should come and confess spontaneously. Proceedings could be taken against those arrested and fugitives, who could be summoned by edicts, and the pardon could be general, excepting the prisoners and those cited and to be cited in contumacy, without giving names, but all this he left to the Suprema to do what it deemed best for the authority of the Holy Office.

Philip evidently shrank from too positive insistence, and the Suprema on various pretexts continued to postpone the pardon. In answer to renewed urgency, it presented a consulta, April 29th, reporting its operations, according to which the tribunal of Saragossa had recently voted the arrest of a hundred and seventy-six persons; it had already seventy-four in its prisons, and it contemplated the prosecution of three hundred—which explains the reluctance to issue a general pardon. This was so contrary to the policy of the king that he replied by suggesting the liberation on bail of those whose offences admitted of it, and suspending arrest in cases that might reasonably be condoned. He made no allusion, this time, to a general pardon and the Inquisition carried its point. Without issuing a pardon, on October 20th it celebrated an auto de fe with more than eighty culprits, of whom all were impeders of its free action, except a few Moriscos and a bigamist. Six were relaxed, ostensibly as guilty of homicide in the disturbances of September 24, 1591, and the rest were penanced, mostly by exile from Aragon, although some were sent to the galleys, among whom was Miguel Don Lope. The procession at the auto was closed with the effigy of Pérez, condemned to the flames in a sentence which, we are told, recited a million of arrogant and ill-sounding propositions against God and the king, his affection for Vandoma (Henry IV), treasons committed in his office of Secretary, strong indications of sodomy, his flight to France, his listening to preachers and taking communion with Huguenots, sufficient to prove him a Huguenot, with presumption that all his actions had been directed to that end and to destroy the Inquisition, as he was a descendant of Jews and great-grandson of Aubon Pérez, a Jew who relapsed after conversion, was burnt and his sanbenito was hanging in the church of Calatayud. The sentence was relaxation, with disabilities of descendants.

On the day of the auto Philip was at Rioja, on his way to Tarazona, where the Córtes which had been called had been sitting and had nearly finished its labors. As the Inquisition had still withheld its general pardon, he again insisted that it be put into shape and sent to him, in order that everything might be concluded before he reached Tarazona. Still unsatiated and procrastinating, the Suprema replied with the names of eleven persons, whom it characterized as principal leaders of the tumults and asked him to give such instructions as he pleased. He responded that he would delay answering till he reached Tarazona and could survey the aspect of matters there. Some days later he wrote

asking that the propriety of issuing the pardon should be discussed, as also the form which it should have. Thereupon the Suprema sent him a form, with a letter to the inquisitors which he could forward, at the same time stating that there were objections. The royal pardon was unconditional and took effect of itself, but the Inquisition was not so easily satisfied and required that all who availed themselves of its mercy should make personal application and submission. The papal decree *Si de protegendis* inflicted an *ipso facto* anathema on all who obstructed in any way the action of the Holy Office, and this censure had to be removed, wherefore the proposed formula required that all applicants for pardon should seek relief from the censures, those present within two months, and the absent within four, but the Suprema added that publication should be preceded by edicts against seven specified persons and others notoriously guilty who could not be named without violating the secrecy of the Inquisition. Even this the Suprema felt to be too great a concession, and the next day it forwarded another consulta, saying that it had received from the Saragossa tribunal the names of some parties notoriously and deeply inculpated; there was evidence of their guilt in the tribunal and it had commenced action against them with edicts. This was submitted to the king so that he could order the inquisitors to commence before publishing the pardon, in order that the parties might be excepted. Philip disregarded this last effort of the Inquisition to maintain its hold on those who had offended it. Without further correspondence he sent the pardon to Saragossa with orders for its publication, which was done with great solemnity, November 23d, when more than five hundred penitents presented themselves.

Meanwhile the Córtes had been employed in modifying the institutions of Aragon to meet the wishes of the king. While resolved thus to take full advantage of the opportunity, he was shrewd enough to see that such a settlement to be enduring must be in conformity with the fueros. While his army still overawed the land he therefore convoked the Córtes, which met at Tarazona, June 15, 1592. According to rule, he should have presided over it, but he desired not to enter Aragon until the trials and executions under Dr. Miguel Lanz should be completed, and, though he left Madrid May 30th, he took the circuitous route by way of Valladolid, and his leisurely journey was interrupted by attacks of gout. After some difficulty, the Córtes accepted the presidency of Archbishop Bobadilla, and modified the immemorial rule requir-

ing unanimity in each of the four *brazos* or chambers. The way being thus cleared, and still further smoothed by a lavish distribution of "graces," it was merely a work of time to obtain the adoption of a carefully devised series of fueros which, without changing the form of Aragonese institutions, removed the limitations on the royal power which had so long been the peculiar boast of the kingdom. The changes were too numerous for recapitulation here in full; some of them were beneficial in facilitating the punishment of crime, but the most important from the monarch's stand-point were those which established his right to appoint viceroys who were not Aragonese; which placed in his hands the nomination and dismissal of the Justicia and the nomination of his lieutenants, with preponderance in the machinery for hearing complaints against the latter; which took from the Diputados the power of convoking the cities and citizens, which limited the amount that they could spend, and which transferred from them to the crown control over the rural police; which prohibited raising the cry of "libertad" under penalties extending even to death; which provided punishment for offences against royal officials; which established extradition for crime between Castile and Aragon; which required the royal licence for the printing of books, and which deprived the lands of the nobles, secular and ecclesiastical, of the right of asylum for criminals. Thus the Justicia and his court, which had been the pride of the land, became in fact, if not in name a royal court; the Diputados, who had been the executive of the popular will, were deprived of all dangerous exercise of authority, the barriers against the encroachments of arbitrary power were removed, and all this had been accomplished through the representatives of the people, apparently of their own volition.

When, early in December, Philip at Tarazona held the *solio* in which he confirmed the acts of the Córtes, he followed it with a general pardon, liberating all those prosecuted by Dr. Lanz, except the jurists and lieutenants of the Justicia, who had counselled resistance and who were punished with exile. Cosme Pariente, an unlucky poet, was sent to the galleys as the author of the pasquinades which had stimulated revolt, and there was another significant exception. Philip's inextinguishable hatred of his favorite still kept in prison Juana Coello and her seven children, the youngest of whom was born in captivity. Thus they languished for nine years until their gaoler had passed away. Philip III signalized the first year of his reign with pardoning those excepted in his father's edicts and, in April 1599, Juana was set

free. She hesitated to leave her children, the eldest of whom was in her twentieth year, but she finally did so to labor for their release, which she accomplished in the following August. The friends of Pérez sought to have him included in the royal mercy, but were told that his offence was a matter of the Inquisition with which the king could not interfere.

Before relieving Aragon of his army, Philip caused the Aljafería to be fortified and lodged there a garrison of two hundred men to keep the turbulent city in check. To this the inquisitors objected strongly, and asked to be transferred to some other habitation, but he refused, as their protection served as an excuse for the garrison. They never grew reconciled to their unwelcome guests and, in 1617 and again in 1618, we find them complaining that the soldiers exercised control over the castle and that their audacious pretensions diminished greatly the popular respect due to the Holy Office.[1] Their remonstrances were unheeded until, in 1626, Philip IV, as a special favor transferred the garrison to Jaca.

Pérez and his friends had succeeded in reaching Béarn, where they were welcomed by the governess, Catherine, sister of Henry IV. Imagining that a small force would raise the Aragonese in defence of their liberties, they persuaded Henry to try the experiment, to be followed, in case of success, by an army of fifteen or twenty thousand men, to wrench from Spain Aragon, Catalonia and Valencia, and form a republic under French protection. In February, 1592, therefore, some fifteen hundred or two thousand Béarnese, under the leadership of Martin Lanuza, Gil de Mesa, Manuel Don Lope, and Diego de Heredia attempted an invasion, but the Aragonese rose against them. Embarrassed by the deep snows in the mountains, they attempted to retreat but were vigorously attacked and most of them were taken prisoners, including Dionisio Pérez, Francisco de Ayerbe and Diego de Heredia. Vargas liberated the Béarnese, but the refugees were sent to Saragossa, where they expiated their treason on the scaffold.

In spite of this misadventure, Pérez was warmly welcomed and was pensioned by Henry IV, as a personage of importance, a statesman versed in all the arts of Spanish diplomacy. The peace of Vervins, however, in 1598 reduced him to insignificance. Age and infirmities overtook him and his adventurous existence ter-

[1] Archivo de Simancas, Inq., Lib. 19, fol. 48.

minated in misery, November 3, 1611, when he manifested every sign of fervent Catholicism. After his death, Juana Coello and his children undertook the vindication of his memory and solicited to be heard in his defence. It was not, however, until January 22, 1613 that the Suprema presented to Philip III a consulta recommending that the widow and children should be heard by the Saragossa tribunal. Sentences rendered *in absentia*, as we have seen, were never regarded as conclusive, but the tribunal was unforgiving. It interposed delays and then, on March 16, 1615, it rendered an adverse judgement. This the Suprema refused to confirm and, after an obstinate resistance, the tribunal, on June 19th was forced to utter a sentence absolving the memory and fame of Antonio Pérez, declaring the limpieza of his blood and pronouncing that his descendants were under no disabilities. Nothing, however, was said about removing the confiscation of his property, probably because this had been decreed both by the secular sentence of July 17, 1590 and by the inquisitorial one of October 20, 1592.[1]

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[1] Few episodes in Spanish history have been more exhaustively investigated than the career of Antonio Pérez and its consequences. Ample materials for its elucidation exist in the Spanish archives, in the Llorente collections preserved in the Bibliothèque nationale of France, at The Hague and in the British Museum, and these have been industriously utilized by modern writers. The contemporary sources are—

Las Obras y Relaciones de Antonio Pérez, Paris, 1654.

Proceso criminel que se fulminó contra Antonio Pérez, Madrid, 1788.

Argensola, Informacion de los sucesos del Reino de Aragon en los años de 1590 y 1591. Madrid, 1808.

Coleccion de Documentos inéditos, Vols. XII, XV, LVI.

Giambattista Confalonieri, in Spicilegio Vaticano, Vol. I, P. II, pp. 226 sqq.

Tommaso Contarini, in Relazioni Venete, Serie I, T. V, p. 401.

Cabrera, Historia de Felipe II, T. II, pp. 448, 540; T. III, pp. 529 sqq (Ed. 1876-77).

Lanuza, Historias eclesiasticas y seculares de Aragon, T. II, Lib. II, III. (Zaragoza, 1622).

The principal modern authorities are—

Llorente, Historia crítica, cap. XXXV, XXXVI.

Mignet, Antonio Pérez et Philippe II, Paris, 1854.

Pidal, Historia de las Alteraciones de Aragon en el Reinado de Felipe II, 3 vols, Madrid, 1862-3.

Muro, Vida de la Princesa de Eboli, Madrid, 1877.

Philippson (Ein Ministerium unter Philipp II, Berlin, 1895) and Major Hume (Españoles é Ingleses, Madrid, 1903) give interesting details as to the earlier events.

Thus in this, the most prominent instance of inquisitorial political intervention, the Holy Office was invoked only as a last resort, when all other methods had failed, and, when it was called in, so far from being the obsequious instrument of the royal will, it resolutely sought to advance its own interests with little regard for the policy of the monarch.

Yet the impression made at the time is reflected in the report of the Venetian envoy, Agostino Nano, in 1598, when he says that the king can be termed the head of the Inquisition, for he appoints the inquisitors and officials. He uses it to hold in check his subjects and to punish them with the secrecy and severity of its procedure, when he cannot do so with the ordinary secular authority of the Royal Council. The Inquisition and the Royal Council mutually help each other in matters of state for the king's service.[1] This was a not unnatural conclusion to draw from a case of this nature, but the royal power, by this time, was too securely intrenched to require such aid. It was only the peculiar features of the Aragonese fueros that called for the invention of a charge of heresy in a political matter. The Inquisition, as a rule, considered it no part of its duties to uphold the royal power for, in 1604, we find it sentencing Bartolomé Pérez to a severe reprimand, a fine of ten thousand maravedís and a year's exile for saying that obedience to the king came before that due to the pope and to the Church.[2] Thus the mere denial of the superiority of the spiritual power over the temporal was a crime.

Sporadic cases occurred in which special considerations called for the aid of the Inquisition, but they were not numerous and were apt to be directed against ecclesiastics, whose privilege exempted them from the secular courts. Such was that of the Jesuit, Juan de Mariana, distinguished in many ways, but especially by his classical History of Spain. He had served the Inquisition well as a censor of books, but in his *Tractatus septem*, published anonymously at Cologne, in 1609, in an essay on the debased Spanish coinage, the freedom with which he reprobated its evils and spoke of the malfeasance of officials gave great offence to the royal favorite Lerma and his creatures. Had Mariana been

[1] Relazioni Venete, Serie I, T. V, p. 485.

The assertion of the co-operation of the Inquisition and the Royal Council, which were habitually antagonistic, shows how little the envoy knew of the inner working of Spanish administration.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

a layman there would have been no trouble in punishing him severely, but to reach the Jesuit Philip invoked the papal nuncio Caraffa and the Toledo tribunal took a hand. The whole proceeding was irregular and the pope was asked to render sentence, but, after a year's imprisonment, Mariana was liberated, without an imputation on his character, and he died, in 1624, full of years and honor, at the age of 87.[1]

It is true that, when the Barcelona tribunal was battling to maintain its pretensions against the Córtes of Catalonia, it represented, in 1632, in a memorial of Philip IV, among its other claims to consideration, the secret services often rendered in obtaining information and in the arrest of powerful persons, which could not otherwise be so well accomplished. Its thorough organization, no doubt, occasionally enabled it to be of use in this manner, and there was no scruple in calling upon it for such work, as in 1666, when Don Pedro de Sossa, the farmer of the tax of *millones*, in Seville, absconded with a large sum of money and was understood to be making his way to France, the Suprema wrote to Barcelona and doubtless to other tribunals at the ports and frontier districts, with a description of his person and an order to arrest him and embargo his property.[2]

The prosecutions of the two fallen favorites, Rodrigo Calderon, in 1621 and Olivares, in 1645, were not state affairs but intrigues, to prevent their return to favor and were rendered unnecessary, in the one case by the decapitation of Calderon and in the other by the death of Olivares.[3] The secrecy of the Inquisition and its methods of procedure rendered it a peculiarly favorable instrumentality for such manœuvres, as was seen in the Villanueva case, as well as for the gratification of private malice, and it was doubtless frequently so abused, but this has no bearing on its use as a political agency.

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[1] Vida y Escritos del P. Juan de Mariana, pp. lxix-lxxviii (Historia de España, Valencia, 1783, T. I).—Alegambe, Scriptt. Soc. Jesu, p. 258.—De Backer, V, 518.

The "Tratado y Discurso sobre la Moneda de Vellon" of course was suppressed and became scarce. My copy is in MS., transcribed in 1799.

Mariana did not conceal from himself the danger to be incurred. In his address to the Reader he says—"Bien veo que algunos me tendrian por atrevido, otros por inconsiderado, pues no advierto el riesgo que corro."

[2] Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 9.—Libro XIII de Cartas, fol. 195 (MSS. of Am. Philos. Society).

[3] Llorente, Hist. crítica, cap. xxxviii, n. 17, 19.

With the advent of the Bourbon dynasty there was a change. In the governmental theory of Louis XIV the Church was part of the State and subject to the dictation of the monarch. In the desperate struggle of the War of Succession, the advisers of the young Philip V had no hesitation in employing all the resources within reach and the Inquisition was expected to play its part. At an early period of the conflict, the Suprema sent orders to the tribunals to enjoin earnestly, on all their officials, fidelity to the king, who thus had the benefit of a well-distributed army of missionaries in every quarter of the land.[1] It was easy, as we have seen, for inquisitorial logic to stretch the elastic definition of heresy in any desired direction, and lack of loyalty to Philip was made to come within its boundaries. In an edict of October 9, 1706, the Suprema pointed out that Clement XI had threatened punishment for all priests who faltered in their devotion to the king, yet notwithstanding this there were some who in the confessional urged penitents to disobedience and relieved them from the obligation of their oath of allegiance. This was a manifest abuse of the sacrament and, as it was the duty of the Inquisition to maintain the purity of the faith and prevent the evil resulting from a doctrine so pernicious, all penitents so solicited were ordered, within nine days, to denounce their confessors, under pain of excommunication and other discretional penalties.[2]

The Inquisition, during the war, was especially serviceable in dealing with ecclesiastics, who were beyond the reach of secular and military courts, and this in cases where there was no pretence of heresy. The events of 1706—the capture and loss of Madrid by the Allies and the revolutions in Valencia and Catalonia—occasioned a number of trials for high treason. The Suprema was still in Burgos when Philip V informed Inquisitor-general Vidal Marin that he had ordered the arrest of Juan Fernando Frias, a cleric, who was to be delivered to the Inquisition at Burgos, to be tried for high treason, with all speed. The Suprema replied, August 13th, that it had placed Frias in safe custody, *incomunicado;* the inquisitor-general had commissioned the Prior of Santa María de Palacio of Logroño to serve on the tribunal, and there should be the least possible delay in the verification and punishment of the offence. It assured the king that he could

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 153.
[2] Bibl. nacional, MSS., H, 177, fol. 251.

rely on the promptest fulfilment of his wishes and of the *vindicta publica*, for the Apostolic jurisdiction of the Suprema extended to the infliction of the death-penalty.[1] In its loyal zeal it took no thought of irregularity. Indeed, the Suprema seems to have issued commissions to tribunals to act in such cases. In 1707, Isidro de Balmaseda, Inquisitor of Valencia, signs himself as "Inquisidor y Juez Apostólico contra los eclesiasticos difidentes," in the case of Fray Peregrin Gueralt, lay-brother of the Servite convent of Quarto, whom the testimony showed to be an adherent of the Archduke Charles, industriously carrying intelligence to the Allies and, on his return, spreading false reports, to the disturbance of men's minds. In this trial the formality of a *clamosa* by the fiscal was omitted; the inquisitors had the testimony taken and on receiving it ordered the arrest of Gueralt without submitting it to calificadores.[2]

From this time forward the Inquisition was at the service of the State whenever it was required to suppress opinions that were regarded as dangerous though, when its interests clashed with those of the crown, the cases of Macanaz and Belando show that it could still assert its aggressive independence. As the century wore on, however, it became more and more subservient. A writer about 1750, while regretting that it did not repress the Probabilism of the fashionable Moral Theology, gives it hearty praise for its political utility; it is not only, he says, engaged in preserving the purity of the faith, but, in an ingenious way, it maintains the peace of the State and the subordination due to the king and the magistracy. In his wars Philip V made use occasionally of its tribunals in difficult conjunctures with happy results and therefore he honored and distinguished it throughout his reign.[3]

Thus, as its original functions declined, a new career was opened. We have seen how its censorship was utilized to prevent the incursion of modern liberalism, and its procedure was similarly employed against individuals. With the outbreak of the French Revolution, its vigilance was directed especially against the propagation of the dangerous doctrines of popular liberty, and any expression of sympathy with events beyond the Pyrenees was sufficient to justify prosecution. As early as 1790, Jacques

[1] Archivo de Simancas, Inq., Lib. 56, fol. 605.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 383.

[3] Bibl. nacional, MSS., Mm, 130.

Jorda, a Frenchman, was tried by the Barcelona tribunal for propositions antagonistic to the spiritual and temporal authorities, and prosecutions for such offences continued to be frequent. In 1794, during the war with the French Republic, even so important a personage as Don Antonio Ricardo, general-in-chief of the army in Roussillon, was on trial by the tribunal of Madrid for utterances in sympathy with occurrences in France and, at the same time, his secretary, Don Josef del Borque, was undergoing a similar experience in the Logroño tribunal.[1] War carried on in such fashion could not fail to be disastrous.

This prostitution of an ecclesiastical tribunal to temporal purposes was one of the reasons given by the Córtes of Cádiz for its abolition. Even its chief defender, Fray Maestro Alvarado, could not deny the accusation, but, he turned the tables by ascribing the fault to the Jansenists, to whom the orthodox attributed all the evils of the time. It was they, he argued who mingled religion and politics, and set the State above the Church.[2] He did not live to see the refutation of his dialectics, when Ultramontanism triumphed in the Restoration, and the political functions of the Inquisition became still more prominent. In 1814, a copy of the treaty of July 30th with Louis XVIII was sent to the tribunals in order that they might enforce the clauses appertaining to them, and when, in 1815, the news of Napoleon's return from Elba was received, King Fernando, by an order of April 8th, included the tribunals of the Inquisition in the instructions given to the military and ecclesiastical authorities to keep watch on the frontier against surprises, and to guard in the interior against the artifices and seductions of the disaffected.[3] In fact, we may say, the chief work expected of the Inquisition was that of the *haute police*, for which its organization rendered it especially fitted. April 8, 1817 we find it notified that the refugees, General Renovales and Colonel Peon, accomplices in the attempted rising of Juan Diaz Porlier in Galicia, were hovering on the Portuguese border. The tribunal of Santiago (Galicia) was therefore to put itself in communication with that of Coimbra, it was to devise means for their capture and, through its commissioners and familiars, find out what was on foot, for the security of the throne and of the altar required of the

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.
[2] Cartas del Filósofo rancio, II, 496.
[3] Archivo de Simancas, Inq., Lib. 559.

Holy Office extreme vigilance under existing circumstances. The inquisitor-general forwarded this to Galicia with orders to execute it "at once, at once, at once" and, not content with this, instructions were sent to the tribunals of Murcia, Córdova, Saragossa and Barcelona, all of which responded with promises of the utmost activity and of watchfulness over reactionaries.[1] So, in 1818 the Logroño tribunal reported that its commissioner at Hernani (Guipúzcoa) reported that he had heard a person utter the proposition "*La nacion es soberana.*" To this the Suprema replied that this was a matter of high importance and might lead to great results. Llano must make a formal denunciation with all details; also he must declare why he suspected Don Joseph Joaquin de Mariategui, and how he knows of his journey to France and England and his relations with the refugees there—all of which must be done with the utmost caution and speed and the results be reported.[2]

It is scarce worth while to multiply trivial details like these to indicate how efficient a political agency the Inquisition had become under the Restoration. Its activity in this direction continued until the end and when, in the Revolution of 1820 at Seville, on March 10th, the doors of the secret prison were thrown open, the three prisoners liberated were political.[3]

Besides these direct political services, the Inquisition was sometimes called upon by the State to aid in enforcing secular laws, when the civil organization found itself unequal to the duty. The most conspicuous instance of this is found in the somewhat incongruous matter of preventing the export of horses.

From a very early period this was regarded with great jealousy. From the twelfth century onward, the Córtes of Leon and Castile, in their petitions, constantly asked that the prohibition should be enforced and, at those of Burgos in 1338, Alfonso XI decreed death and confiscation for it, even if the offenders were hidalgos, a ferocious provision which was renewed by Ferdinand and Isabella in 1499.[4] Aragon, which lay between Castile and France, suffered from this embargo. The Córtes of Monzon, in 1528, petitioned Charles V for the pardon of certain citizens who had

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[1] MS. *penes me.*

[2] Archivo de Simancas, Inq., Lib. 559.

[3] Relacion histórica de la Judería de Sevilla, p. 49 (Sevilla, 1849).

[4] Córtes de Leon y de Castilla, I, 450.—Nueva Recop., Lib. VI, Tit. XVIII, ley 12.

drawn horses from Castile and were condemned to death and other penalties, to which Charles replied that he would not pardon those who had carried horses to France; as for those who had merely taken them to Aragon, if they could be pointed out, he would grant them pardon. Another complaint of the Córtes indicates the rigid methods adopted to prevent evasions. If an Aragonese went to Castile on business, he was allowed to remain ninety days; if he exceeded the limit, on his return his horse was seized at the frontier, even though at the same place by which he had entered.[1] Severe as were these measures, they were ineffective. Contraband trade of all kinds flourished in the wild mountain districts along the French frontier, and the prohibition respecting a beast of burden, which transported itself, was notoriously difficult of enforcement.

In 1552, we find the Suprema ordering the Saragossa tribunal to prosecute and punish one of its commissioners in the mountains of Jaca, accused of passing horses to France, but this was evidently due to the fact that the offender was entitled to the fuero of the Inquisition.[2] There was as yet no ingenious attribution of suspicion of heresy to this contraband trade and, when in 1564, the Córtes of Monzon prohibited the exportation of horses and mares from Aragon, the only reason alleged was their scarcity in the kingdom.[3] The third Lateran Council, however, in 1179, had denounced excommunication and severe penalties on all who furnished the infidel with warlike material, and this had been carried into the Corpus Juris; Nicholas IV had specifically included horses and had sharpened the penalties; Boniface VIII, in 1299, had placed the offence under the jurisdiction of the Holy Office, and had ordered all inquisitors to make vigilant inquest in their districts, and the prohibition was repeated in the annual bulls *In cœna Domini*.[4] The south of France, and especially the contiguous territory of Béarn, had become interpenetrated with heresy and a colorable pretext was afforded of invoking the aid of the Inquisition to suppress the contraband traffic.

This was first confided, in 1573, to the tribunal of Saragossa,

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[1] Dormer, Añales de Aragon, Lib. II, cap. xli.

[2] Archivo de Simancas, Inq., Lib. 79, fol. 75.

[3] Fueros y Observancias del Reyno de Aragon, fol. 215. Cf. fol. 194 (Zaragoza, 1624).

[4] Lib. V in Sexto, Tit. vi, cap. 6.—Digard, Registres de Boniface VIII, n. 3354.—Bullar. Roman. I, 507, 718; II, 496.

by a commission empowering it to act in the premises. It accordingly inserted in the Edict of Faith a clause requiring the denunciation of all who sold arms or horses to infidels, hereties, or Lutherans, or who passed, or assisted to pass, them to Lutheran lands. This brought in numerous denunciations but, as there were no means of knowing what became of the horses after they passed the border, the tribunal was powerless to prosecute and so reported to the Suprema. It replied, August 25, 1573, that further provision was necessary; assuming that Béarn was inhabited by hereties under heretic rulers, the tribunal could proceed against and punish, as fautors of hereties, those who bought or sold or passed horses to Béarn, even when it did not appear that they had been sold to hereties, and it was urged to be active in the matter. The edict was therefore modified to include, as fautors of heretics, all concerned in passing horses to Béarn; it was sent, with a secretary, to all the principal fairs where horses were sold, to be published in the church, with notice that the commissioner would receive any one who desired to unburden his conscience. Exportation was forbidden, unless the owner was known and would give security that the horses were not to be taken to Béarn, or else would present himself with his horses before the inquisitors within a designated time, so that note could be taken of the animals and an account be required as to their destination. Another device, which proved effective, was to register all the horses at the fairs, with descriptions and the names of the owners, who were required to keep an account of all sales and purchasers. This however, applied only to natives; as for Frenchmen and Béarnais, any horses that they had were seized without ceremony; if the owner was a Frenchman, the horses would be kept, awaiting instructions from the Suprema; if a Béarnais, he was seized with his horses and prosecuted, as being included in the Edict. Spaniards found with horses going towards France or Béarn, were treated like Frenchmen—the horses were sold to pay expenses and, if any balance was left, it was handed to the receiver. Pains, moreover were taken to find who made a trade of passing horses to France; they were arrested on some pretext and thrown into prison; if evidence were found against them, they were prosecuted; if not, after detention they were released under bail, because, as the inquisitors said, there was no penalty expressed in the Edict or in the laws of the kingdom. In view of the risk that the parties might apply for a firma or manifestacion, the Suprema

was asked for further instructions, when it replied, July 1, 1574, that the prosecutions were to be conducted as in cases of heresy, the accused be required to give their genealogies and then, if recourse was had to manifestacion, it was to be met with an assertion that the case was a matter of faith. Yet the fraudulent character of this assumption is revealed in the admission that the secular magistrates could prosecute for the offence.[1]

Thus the zeal and activity of the Inquisition, working through its disregard of all laws, and its methods of procedure, virtually placed under its control the whole trade of the kingdom in horseflesh. Encouraged by this, the Saragossa tribunal sought a still further extension of jurisdiction and, in 1576, it reported to the Suprema great activity in the exportation to France, Béarn and Gascony of arquebuses, powder, sheet iron for cuirasses and other warlike material, and it suggested an edict concerning that trade similar to that respecting horses. To this the Suprema assented, with the caution that it must be understood that these arms and munitions were intended for heretics.[2] The difficulty inherent in this probably prevented action, for I have met with no case of its enforcement.

It will be observed that the Saragossa tribunal pointed out that there was no penalty defined by law for the offence. This omission was rectified in the Córtes of Tarazona, in 1592, which deprived of what was known as the *via privilegiata* a long list of crimes, including that of passing horses and munitions of war to Béarn and France, with the addition that it could be punished with the death-penalty.[3]

A decision of the Suprema, rendered to the Barcelona tribunal in 1582, was to the effect that, if horses were taken to France, it must be ascertained whether they were for heretics in order to justify prosecution by the Inquisition, but, if to Béarn, that alone sufficed.[4] In time this nice distinction was abandoned, although the fiction was maintained that it was a matter of faith. About 1640, an inquisitor informs us that it was customary to punish those who exported horses or warlike material to France, even though there were no evidence that they were for heretics, for the

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 272.—Archivo de Simancas, Inq., Lib. 82, fol. 130; Lib. 939, fol. 115.

[2] Archivo de Simancas, Inq., Lib. 83, fol. 26.

[3] Argensola, *op. cit.*, p. 199.

[4] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 8.

act was very prejudicial. The accused was generally confined in the secret prison, the trial was conducted as one of faith, and was voted upon in a regular consulta de fe, including the episcopal Ordinary. Unless the case was light, the culprit appeared in a public auto. If he belonged to the lower classes, he was sometimes scourged; if of higher estate, he suffered exile and a fine, together with forfeiture of the horse or, if it had been passed successfully, he paid double its value. In the case of a Benedictine abbot, who had passed one or two horses to France, the Suprema fined him in six hundred ducats and suspended him from his functions for a year. Sometimes the sentence included disability for public office for both the culprit and his descendants.[1]

Oddly enough, in the case of Antonio Pérez this matter emerges for a moment in a manner significant of the uses to which it could be put. In the Spring of 1591, when it was desirable to suppress Diego de Heredia, Inquisitor-general Quiroga wrote, March 20th to the Saragossa tribunal, that he was suspected of passing horses to France. By April 4th, the tribunal was taking testimony to show that, a year or two before, he had sold two horses to a Frenchman for three hundred and sixty libras and that they were to be taken to France. There had been no secrecy in the transaction and further evidence was obtained that Heredia brought horses from Castile to Saragossa, whence they were taken to the mountains and were seen no more.[2] The events of May 24th, however, rendered further researches in this direction superfluous.

When this peculiar inquisitorial function was abandoned, does not clearly appear. In 1667 the Barcelona tribunal prosecuted Eudaldo Penstevan Bonguero for exporting horses to France. Already it would seem that the cognizance of the offence had become obsolete for, in 1664 the Suprema had called in question the competence of the tribunal to deal with it, when it replied, July 23d, that it held a papal brief conferring the faculty. The Suprema asked for an authentic copy of this or of the instructions empowering it to act, but neither was forthcoming and, on November 11, 1667, the Suprema again asked for them in order to decide the case of Bonguero.[3] We should probably not err in considering this to mark the last attempt to enforce a jurisdiction so foreign to the real objects of the Holy Office.

[1] Bibl. nacional, MSS., V, 377, cap. xxv, xxvi.
[2] Bibl. nationale de France, fonds espagnol, T. 85, fol. 7.
[3] Libro XIII de Cartas (MSS. of Am. Philos. Society).

A still more eccentric invocation of the terror felt for the Inquisition, when the secular machinery failed to accomplish its purpose, occurred when the debasement of the coinage threw Spanish finance into inextricable confusion. The miserable vellon tokens were forced into circulation at rates enormously beyond their intrinsic value, and statesmen exhausted their ingenuity in devising clumsy expedients to arrest their inevitable depreciation—punishments of all kinds to keep down the premium on silver, and laws of maximum to regulate prices, from shirts to house-rent. The rude coinage, mostly battered and worn, was easily counterfeited, and there was large profit in manufacturing it abroad and flooding Spain with it at its fictitious valuation. Sanguinary laws were enacted to counteract this temptation, and the offence was punishable, like heresy, with burning, confiscation and the disabilities of descendants. To render this more effective, it was declared to be a case for the Inquisition and, like the exportation of horses, there was an attempt to disguise it as a matter of faith. A carta acordada of February 6, 1627, informed the tribunals that it fell within their jurisdiction if any heretic or fautor of heretics imported vellon money for the purpose of exporting gold or silver or other munitions of war, thus weakening the forces of the king, and all such offences belonged exclusively to the Inquisition. But when this was done by Catholics, for the sake of gain, the jurisdiction belonged exclusively to the king and as such he granted it cumulatively to the Inquisition, with the caution that, in competencias, censures were not to be employed. A papal brief confirming this was expected and meanwhile such prosecutions were to be conducted as matters of faith. It is not likely that Urban VIII condescended to authorize such misuse of the power delegated to the Inquisition for, in little more than a year, Philip IV revoked this action and confined the cognizance of the offence to the secular courts.[1]

If, as we have seen, the Inquisition was not a political machine of the importance that has been imagined, this was not through any lack of willingness on its part to be so employed. When its services were wanted, they were at the command of the State and if this rarely occurred under the Hapsburg princes, it was because they were not needed.

[1] MSS. of the Royal Library of Copenhagen, 218b, p. 259.—Novís. Recop., Lib. IX, Tit. xii, ley 11.

CHAPTER XI.

JANSENISM.

JANSENISM is a convenient term wherewith to stigmatize as heresy whatever is displeasing to Ultramontanism, whether in Church or State, and it served as a pretext for the continued existence of the Inquisition, after the older aberrations were exterminated. As a concrete heresy, however, it defies accurate theological definition. It took its rise in the interminable disputes over the insoluble questions of predestination, grace and free will, as settled by St. Augustin and the Second Council of Orange, and accepted by the Church, till the use made of predestination by Calvin forced a modification by the Council of Trent, and the daring Jesuit, Luis de Molina, revived the problem. Then the discussion became a trial of strength between the rising Company of Jesus and its elder rivals, the Augustinians and Dominicans, when Clement VIII vainly imposed silence on the disputants. Cornelis Jansen, Bishop of Ypres, sought to vindicate St. Augustin in his work entitled "Augustinus," around which the controversy raged, until the Jesuits won a victory, in 1653, by procuring the condemnation of the famous Five Propositions, drawn from the work—a condemnation to which the followers of Jansen assented, while denying that he had taught them.[1]

Another contest, of which we shall see the results, was waged over the writings of Cardinal Henry Noris, in which the Jesuits suffered defeat. He was also an Augustinian and professor of ecclesiastical history at Pisa, who busied himself in vindicating the doctrines of St. Augustin. Two of his works, the *Historia Pelagiana* and the *Dissertatio de Quinta Synodo Œcumenica*, were accused, before publication, of Baianism and Jansenism; the MSS.

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[1] Urbani PP. VIII Bull. *In eminenti*, 6 Mart. 1641.—Innocent PP. X. Bull. *Cum occasione*, 31 Maii, 1653 (Bullar. V, 369, 486).

A precursor of Jansen was Michel de Bay or Baius, a theologian of Louvain, whose seventy-nine propositions were condemned by Pius V and Gregory XIII and were publicly abjured by him before the University, May 24, 1580. His name does not occur in the Spanish Indexes before that of 1632, (p. 761) where he is spoken of as a man of high reputation who abandoned his errors.

were ordered to Rome and were carefully examined by revisers, who pronounced them orthodox and licence to print was granted. When published, interpolations in the press were charged and disproved. Noris was called to Rome as chief of the Vatican Library by Innocent XI and, as this was regarded as a step to the cardinalate, fresh accusations of Jansenism were brought against him. His promotion was deferred; eight theologians were set to work upon his books; their favorable report was confirmed by the Congregation of the Inquisition, and Innocent appointed him one of its consultors. Attacks on him continued, which he answered in five dissertations, printed in 1685, when Innocent gave him a cardinal's hat and made him member of several important congregations, including that of the Inquisition, in which he served with distinction, until his death in 1704.[1]

France, however, was the principal seat of Jansenism, where the impalpable doctrinal points involved, after the decision of 1653, were obscured by more living issues. The Jansenists represented the more austere and puritanical portion of the clergy, as opposed to the supporters of the relaxed morality of Probabilism, of which the Jesuits were the foremost advocates—an aspect of the controversy which has been immortalized by Pascal. Besides, as Rome had decided against Jansen, those who had defended him were naturally led to minimize the authority of the Holy See, to disregard its condemnatory utterances as subreptitious, to assert the supremacy of general councils, and to exalt the independence and privileges of the Gallican Church, which, since the time of St. Louis, in the thirteenth century, had steadily resisted the encroachments of the papacy. There was a reinfusion of theology in the quarrel, when the Jesuits procured the condemnation, in the Bull *Unigenitus*, of Quesnel's views on sufficing contrition and inchoate charity, but this was only another incident in the struggle between rigorism and laxism.

While Jansenism thus was denounced as a heresy, it really was concerned much less with faith than with discipline and morals, and every one hostile to Probabilism, Jesuitism and Ultramontanism was stigmatized as a Jansenist. Louis XIV and Madame de Maintenon, who had persecuted the original Jansenists, were of the sect, because of their enforcement of the

[1] Letter of Benedict XIV to Inquisitor-general Prado y Cuesta (Semanário erúdito, XXX, 53).

royal prerogative; Bossuet was suspected of Jansenism for his defence of the Declaration of the Gallican clergy, in 1682, against the Ultramontane doctrines of the papal power; Cardinal Aguirre was a Jansenist, because he opposed the laxity of Probabilism, and so was even the Jesuit General, Tirso González, because he wrote a book to prove that the Jesuits were not all laxists. When, under the protection of Leopold, Grand-duke of Tuscany, Bishop Scipione de'Ricci, in his Council of Pistoja, in 1786, sought, without papal authority, to effect an internal reformation of his Church, he was a Jansenist and, after his protector had been transferred to the imperial throne, Pius VI, in 1794, had the satisfaction of condemning, in the bull *Auctorem fidei*, no less than eighty-five errors of the Council, mostly Jansenistic. In France the clergy were, for the most part, attached to Gallicanism and were largely rigorist, so practically Jansenism flourished and made itself felt in such measures as the expulsion of the Jesuits. The ex-Jesuit Bolgeni took his revenge by writing a book to prove that the Jacobinism of the Revolution was merely Jansenism in action. In fact, the Civil Constitution of the Clergy of 1790 was clearly Jansenistic because, without meddling with dogma, it embodied the democratic development of Gallicanism.

Spain paid little attention to the theological controversy over Jansen, though his works and those of his followers were duly condemned by the Inquisition.[1] It is a curious illustration of this indifference that when the great bibliographer, Nicolás Antonio, in defending Prudentius against the attack of Hincmar of Reims, pronounced as good Catholic doctrine the assertion of Prudentius that the blood of Christ was shed only for believers and not for unbelievers, this, which is virtually the same as the fifth of the condemned propositions of Jansen, escaped attention. The book was printed in Rome at the expense of Cardinal Aguirre; the Spanish Inquisition took no note of it in the Indexes of 1707 and 1747 and the passage is retained in the edition of 1788, produced under the auspices of Carlos III.[2] Yet Spain could not keep wholly out of the quarrel, for its Flemish provinces were a hot-bed of Jansenism which could not be eradicated from the University of Louvain. In 1649 Doctor Rescht, as the representative of the University and of its great protector Engelbert Dubois,

[1] Indice de 1707, I, 19, 28, 231–2, 478.

[2] Nic. Anton. Biblioth. Vet. Lib. VI, cap. xi, n. 268.

Archbishop of Malines, came to Madrid, where he printed and circulated a memorial against the bull of Urban VIII and the Archduke Leopold so insulting to both that the Inquisition suppressed it, by a decree of September 13, 1650.[1] This did not cool the ardor of the Flemish followers of Jansen and, in 1656, Alexander VII felt obliged to address Don John of Austria, then Governor of the Low Countries, with an urgent exhortation to suppress the propagation of the condemned errors.[2]

The struggle continued and, soon after 1690, Carlos II was induced to issue an order that all Jansenists and Rigorists and other innovators should be dismissed and excluded from all offices and preferment, secular and ecclesiastical. Under this decree some of the prominent Jansenists were deprived and exiled, among them five doctors of Louvain—Gummare Huygens, E. van Geet, G. Baerts, R. Backz and Willem van den Enden. The persecuted sect appealed to Rome and procured from Innocent XII a brief of February 6, 1694, addressed to the bishops, forbidding that any one should be defamed for Jansenism on vague charges, or be excluded from any spiritual function or office unless convicted, in the regular order of justice, of having merited a punishment so severe. This trammelled episcopal action, for it was represented that the bishops could not be expected to undergo the expense and the labor of regular trials requiring absolute proof and subject to legal cavils, but it did not affect the secular arm and the Elector of Bavaria, then Governor of Flanders, reiterated in October and November 1695, to the Councils of the Provinces and the University, the repeated royal orders to exclude from all

[1] Memorial espagnol presenté á sa Majesté Catholique contre les pretendus Jansenistes du Pays-Bas, p. 45 (s. l. 1699).

This is a memorial drawn up by Juan de Palazol, S. J., in the name and by order of Tirso González, the Jesuit General. To it I am indebted for the details that follow.

In January 1691 a congregation of the Flemish bishops addressed to the Roman Inquisition an urgent appeal for help in their struggle with the Jansenists, whose missionary and controversial efforts were incessant and successful. It illustrates the elusory character of the theological subtilties involved that the bishops sent, as a specially successful exposure of Jansenist devices, a little book under the name of Cornelis van Cranebergh, but Rome thought differently of it and condemned it by decree of March 19, 1692. Its real author was the Jesuit Jacques de la Fontaine, who was one of the most zealous champions against Jansenism.—Collectio Synodorum Archiep. Mechliniensis, I, 575.—Reusch, Der Index, II, 645.—De Backer, IV, 230.

[2] Le Tellier, Recueil des Bulles et Constitutions etc. p. 125 (Mons, 1697).

ecclesiastical dignities and secular employment those suspected of Jansenism and Rigorism. Then, on March 1, 1696, Carlos modified his decrees in a manner to embolden the schismatics, who seem to have had abundant popular and official support. We hear of a writing in defence of the Catholic party being publicly burnt by the executioner in Brussels, in front of the palace and, on January 29, 1698, the people of Brussels went tumultuously to the Archbishop of Malines, Ferdinand de Berlo de Brus, demanding that he should withdraw his opposition to N. van Eesbeke, who had been appointed by the chapter of the church of Sainte Gudule as their parish priest. This condition of affairs led the Jesuit General González to address a memorial to Carlos warning him that this spirit unless suppressed would lead to the ruin of religion and the destruction of his dominions, and supplicating, in terms much less respectful than Spanish custom required, that he should represent to the pope the dangerous consequences of the papal brief, that he should punish those who procured it as well as the authors of a memorial presented to Carlos in 1696 and that he should order the Flemish bishops to disregard the pretexts put forward as to vague accusations. The Jesuits overshot the mark in this insolent interference, and the memorial was suppressed by the Spanish Inquisition, in a decree of September 28, 1698, as insulting to the authorities, secular and ecclesiastical, of Flanders.[1]

Spain, though with less success than France, had long been struggling to emancipate itself from papal control, and it is a curious paradox that its most resolute assertion of political Jansenism arose from an attempt to discredit doctrinal Jansenism. Jesuit influence had gradually dominated the Inquisition and, as we have seen, Cardinal Noris was the special object of Jesuit hatred. When, in 1721, the Augustinian Manso published at Valladolid his "S. Augustinus de Virtutibus Infidelium," the work was condemned and suppressed in 1723, while virulent attacks on him by Jesuits, in both Latin and the vernacular, were allowed free circulation.[2] The culmination came when the Jesuit Padre

[1] These details are not without interest as indicating the causes which led to the establishment of the still existing schismatic see of Utrecht.

[2] Suplemento á el Indice, 1739, p. 36.—Manuel F. Miguélez, Jansenismo y Regalismo en España, pp. 98 sqq. (Valladolid, 1895). Fray Miguélez is an Augustinian, seeking to vindicate St. Augustin and his Order from Jesuit attacks. His work is based on inedited documentary material.

Rábago, confessor of Fernando VI, controlled the weak and irresolute inquisitor-general Pérez de Prado y Cuesta, bringing about an anomalous condition in which the Inquisition defied the Holy See, the so-called Jansenists became the warmest defenders of papal authority, and the Jesuits asserted the supremacy of the regalías.

When Prado y Cuesta assumed his office, in September, 1747, it was announced that the Suprema had a new Index Expurgatorius in an advanced state of preparation by the Jesuits Casani and Carrasco. The printing was nearly finished, when the 1744 edition of the *Bibliothèque Janseniste* of the Jesuit Dominique de Colonia reached Madrid. This was substantially a polemical work, a catalogue of writers and books opposed to Jesuitism, and the Jesuits conceived the brilliant idea of printing it as an appendix to the Index, and thus suppressing at one blow all antagonistic literature. Some trifling omissions were made but, when the Index appeared, it contained Noris's *Historia Pelagiana* and *Dissertatio*. There were many other equally orthodox books, but these became the storm-centre as they had been repeatedly and formally approved by the Holy See, after special examination. Appeal was made to Benedict XIV, who addressed, July 31, 1748, to Prado y Cuesta a brief in which he recited the investigations into Noris's books and pointed out that all questions concerning them had been finally settled by the solemn judgement of Rome, so that it was not lawful for the Spanish Inquisition to reopen the question, and much less to condemn the books. He could not patiently endure the injury thus without reason inflicted on Noris and he admonished Prado y Cuesta to find means to avert discord between Spain and Rome.[1]

The inquisitor-general adopted the favorite inquisitorial device of evasion. He replied that he had found the Index nearly printed when he assumed office; he had endeavored to have it issued without his name, but this was impossible; he had not known that Noris's name was in it until the Augustinians complained, and he dwelt on the difficulty of making a change, especially in view of the grave reasons for which the books had been included. This correspondence was strictly secret, but the brief had been shown in Rome to the Augustinian procurador-general, who sent a copy to Madrid, where it was busily transcribed and circulated through-

[1] Miguélez, *op. cit.*, pp. 90–5.—Semanário erúdito, XXX, 53.

out the land, creating a tremendous sensation. Prado y Cuesta, addressed, September 16, 1748, a bitter complaint to Benedict, dwelling on the indiscretion of allowing such matters to be gossiped on the streets, and of affording such comfort to the heretics. The Jesuit party openly proclaimed the independence of the Spanish Inquisition in such matters, and asserted that its honor was at stake. Padre Rábago undertook to manage the king and induced him to inform the pope that he would not permit any invasion of the privileges of the Inquisition.

The affair dragged on. Portocarrero, the ambassador to Rome, hurried to Spain and came to a compromise with Prado y Cuesta, but Rábago, who would agree to nothing but the submission of the Holy See, persuaded Fernando to hold firm and the affair became a struggle between the regalías and the papal supremacy, in which Noris was merely an incident. Fernando wrote, July 1, 1749, to Benedict, stating plainly that he would not permit his rights and those of the Inquisition to be impaired. It was of no importance whether the faithful in Spain could or could not read the works of Noris, but it was of supreme importance to him to remove the discord excited among his subjects. Benedict replied moderately and the king relented in so far as to offer a compromise, which would have closed the matter had it not become doubly embroiled by a papal decree of September 24th condemning Colonia's *Bibliothèque Janseniste*, thus putting on the Roman Index a considerable section of the Spanish. In a letter to the Spanish agent in Rome, Rábago threatened in retaliation that the king would not only prohibit the works of Noris but the Roman Index itself. Still more audacious were the instructions which he sent to Portocarrero. Of these there were two sets, one long and argumentative, the other briefer, to be used only in case of necessity. It insolently asserted that the papal eagerness in defence of Noris was a new argument against infallibility; that Popes Liberius and Honorius, for suspicions no graver, had been anathematized by a synod, and it would be humiliating to his Holiness if the same should happen to him. Portocarrero was a trained diplomatist but, in an audience of November 26, 1749, he handed to Benedict a copy of this portentous document, translated into choice Italian, and the next day he wrote cheerfully to Rábago that he thought it would end the affair; the pope was displeased but, knowing his character, this need cause no alarm.

Benedict seems to have passed over in dignified silence this

indecent threat that he might be anathematized for heresy, but the breach was wider than ever. In the Spring of 1750 the affair was taken out of the hands of Portocarrero and was confided to Manuel Ventura Figueroa, an auditor of the Rota, who skilfully induced Benedict to drop the matter, while with equal skill and unlimited bribery he negotiated the Concordat of 1753, which virtually gave to the crown the patronage of the Spanish Church. Then, in 1755, came the dismissal of Rábago, for his share in exciting the resistance of the Jesuits of Paraguay to the treaty of 1750 transferring that colony to Portugal. He was succeeded as confessor by Manuel Quintano Bonifaz who, in that same year, had become inquisitor-general on the death of Prado y Cuesta. Benedict had never ceased to claim the fulfilment of an offer once made by Fernando to remove Noris's name from the Index and, in 1757 he urged the king to afford him that satisfaction, before his death, in return for the many favors bestowed.

Jesuit influence was no longer supreme, and Fernando ordered an investigation. The documents were collected and were submitted to Bonifaz who, in December, presented a consulta, dwelling upon the care habitually bestowed by the Inquisition before condemning the most insignificant book while, in this case, Casani and Carrasco had included in the Index the works of Noris, without any preliminary examination and without the knowledge of the inquisitor-general, which was a foul abuse of the confidence reposed in them. Noris's book had been printed in Spain in 1698, dedicated to Inquisitor-general Rocaberti, and had undisputed circulation until these two padres discovered in it traces of Jansenism. Bonifaz therefore concluded that the pope had just cause of complaint and that the royal promise should be fulfilled. Accordingly, on January 28, 1758, an edict was issued, reciting the prohibition and ending with "But, having since considered the matter with the mature and serious reflection befitting its importance, we order the removal of the said work from the Index, and declare that both it and its most eminent author remain in the same repute and honor as before." For this the good old pope expressed his gratification in warm terms to Fernando.[1]

[1] Miguélez, *op. cit.*—In connection with Padre Rábago it may be mentioned that, in 1747, when already royal confessor, he was denounced to the Santiago tribunal for solicitation, but escaped trial under the rule requiring two denunciations. Archivo hist. nacional, Inq. de Toledo, Leg. 233, n. 108, fol. 60.

The Indice Ultimo of 1790 (p. 192) records the removal of Noris's books and prohibits all writings on both sides of the affair.

This may be assumed as the last struggle over what were conceived to be the doctrinal errors of Jansenism, and subsequent persecution was directed against it as the opponent of Ultramontanism and Jesuitism, and as the supporter of the royal prerogative. There had been, under Philip II, a strong tendency in the Spanish Church to the Gallicanism which became known as Jansenism. In 1598 Agostino Zani, the Venetian envoy, says that the Spanish clergy depend on the king first and then on the pope; there was talk of separation from the Holy See and forming under Toledo a national Church in imitation of the Gallican.[1] The Concordat of 1753, which concentrated patronage in the crown, could only strengthen this dependence of the clergy, while the second half of the eighteenth century witnessed an ominous tendency throughout Europe to throw off subjection to Rome. The celebrated work of "Febronius,"[2] in 1763, boldly attacked the papal autocracy, and encouraged the assertion of the regalías; the claims of the Holy See, in both spiritual and temporal matters, were called in question with a freedom unknown since the great councils of the fifteenth century, while the reforms of Joseph II and of his brother Leopold of Tuscany and the "Punctation" of the Congress of Ems were disquieting manifestations of the spirit of revolt. It was convenient to stigmatize this spirit as heresy under the name of Jansenism, which thenceforth became the object of the bitterest papal animadversion.

Fray Miguélez informs us that Bonifaz, for his share in the vindication of Noris, was reproached with Jansenism, and that thenceforth the Inquisition became a mere instrument in the hands of a court bitterly hostile to Rome; that instead of being a terrible repressor of heresy, it was the defender of the regalías and persecutor of Ultramontanism—in other words, that it was Jansenist—and that it was used in an attempt to lay the foundations in Spain of a schismatic Church like that of Utrecht.[3] This was not the case, but as Jansenism was now merely a doctrinal misnomer for a principle, partly political and partly disciplinary, the Inquisition had a narrow and difficult path to tread. Carlos III was fully convinced of the extent of the regalías; he was involved in

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[1] Relazioni Venete, Serie I, T. V, p. 484.

[2] Jo. Nic. von Hontheim, De Statu Ecclesiæ et legitima Potestate Romani Pontificis. Bullioni, 1763.

[3] Miguélez, *op. cit.*, pp. 274, 364, 366, 380.

constant struggles with the Roman court, and had little hesitation in dictating to the Inquisition. It did not dare to interfere with the royal prerogatives but, in so far as it could, it favored Ultramontanism by persecuting those against whom it could formulate charges under the guise of Jansenism.

The ministers of Carlos III, who survived into the earlier years of Carlos IV, were animated with this spirit of revolt and there was an active propaganda. The book of Febronius was secretly printed in Madrid and was largely circulated for, although condemned, the Inquisition was compelled prudently to close its eyes.[1] The acts of the Synod of Pistoja were translated into Spanish and persistent efforts were made to obtain licence for their publication, until Pius VI intervened with a letter to the king and frustrated the attempt.[2] When the bull *Auctorem fidei*, condemning, in 1794, the errors of the synod, reached Spain the Council of Castile reported against its admission.[3] The University of Salamanca was regarded as a Jansenist hot-bed. Jovellanos tells us that all who were trained there were Port-Royalists of the Pistoja sect; the works of Opstraet, Zuola and Tamburini were in everybody's hands; more than three thousand copies were in circulation before the edict of prohibition appeared, and then only a single volume was surrendered.[4] We hear of the Marquis of Roda, one of the most influential ministers of Carlos III, uttering warm praises of Port-Royal and of the great men connected with it.[5] Naturally episcopal vacancies were filled with bishops of the same persuasion and one of them, Joseph Clíment of Barcelona, had trouble with the Inquisition for lauding the schismatic Church of Utrecht. In 1792, Agustin Abad y la Sierra, Bishop of Barbastro, was denounced to the Saragossa

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[1] Rafael de Vélez, Apología del Altar y del Trono, I, 442 (Madrid, 1825).—Clément, Journal de Correspondances et de Voyages pour la Paix de l'Eglise, II, 31 (Paris, 1802).

Clément, then canon and treasurer of Auxerre, and subsequently Bishop of Versailles, was a self-appointed negotiator in 1768 to prevent the schism, which he thought was impending, and to unite all the courts in opposition to Ultramontanism. His candid self-complacency and belief in his own importance give a certain life to his otherwise formless account of his mission, while his dread lest the Inquisition should obtain knowledge of what he was doing shows how thoroughly it was on the Ultramontane side.

[2] Cartas del Filósofo rancio, II, 32.

[3] Muriel, Historía de Carlos IV (Mem. hist. español, XXXIV, 119).

[4] Menéndez y Pelayo, III, 245.

[5] Clément, II, 102.

tribunal as a Jansenist who favored the French Revolution, but soon afterwards his brother Manuel was appointed inquisitor-general and the prosecution was suspended, but, when the latter, in 1794, was ordered by Carlos IV to resign, he was immediately denounced in his turn.[1]

The Inquisition, in fact, could not but be opposed to Jansenism, for one of the objects of the Jansenistic movement was the restoration of episcopal rights and privileges, so seriously curtailed by the Holy Office, and the remodelling of its organization was regarded as essential to the overthrow of Ultramontanism.[2] The Jesuits were therefore inevitably the allies of the Inquisition; they had conceived a strong hostility to Carlos III who, since his accession in 1759, had diminished their influence by dismissing from office those who were devoted to them. Their disaffection culminated in the tumults and disturbances of April 1766, which spread through the kingdom from Guipúzcoa to Andalusia, and humiliated Carlos to the last degree. These were evidently the result of concerted action, intelligently directed and supported by ample funds, working on popular discontent caused by scarcity and high prices. Prolonged investigation convinced the king that the Company of Jesus was responsible for the troubles, thus explaining the rigor with which the expulsion was executed in 1767, and the implacable determination of Carlos in demanding of Clement XIII and Clement XIV the suppression of the Order.[3]

The elimination of the Jesuits was a triumph for so-called Jansenism. It left the educational system of Spain in confusion, and advantage was taken of this to reconstruct it on lines which should train the rising generation in Gallican ideas as to the relations of Church and State, and should replace medievalism by modern

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[1] Llorente, Hist. crít., cap. xxix, art. iii, n. 1, 2; cap. xliii, art. iii, n. 1.

[2] Clément, *op. cit.*, II, 44, 83–5, 296–7.

[3] Ferrer del Rio, Historía de Carlos III, Lib. ii, cap. ii, iv.

The trial of Dr. Benito Navarro, a Jesuit Tertiary, was printed at the time and indicates the participation of the Jesuits in the troubles, with the object of forcing the restoration to power of the Marquis of la Ensenada. Incidentally the evidence shows the enormous influence wielded by the Jesuits through having their creatures in governmental positions, where they could mislead and betray their superiors. To statesmen like Aranda, Campomanes, Roda and Floridablanca, the continued existence of the Jesuits in Spain was a manifest impossibility.

The documents connected with the expulsion are printed by Miraflores in his "Documentos á los qué se hace referencia en los apuntes historico-críticos sobre la Revolucion de España," II, 38–71 (Londres, 1834).

science.[1] Yet the Inquisition continued the struggle, and its jealous watchfulness is indicated when, in 1773, some chance expressions of a student led to the denunciation, to the Barcelona tribunal, of the teaching of the great Catalan University of Cervera, as infected with Baianism and Jansenism, in conformity to the *Théologie de Lyon*, a book condemned in Rome for its Gallican principles—a denunciation which was duly followed by the prosecution of one of the professors, a Dominican named Pier.[2]

A reaction in the policy of the court came with the rise to power of the infamous royal favorite Godoy. By a decree of October 19, 1797, Carlos IV permitted the repatriation of the survivors among the Jesuits expelled in 1767. The occupation of the papal states by Napoleon had deprived them of their Bolognese refuge, and they found themselves ill at ease in the Ligurian Republic to which they had gone. They were therefore compassionately allowed to return, under precautions that should scatter them where they should not trouble the public peace, but they speedily made their influence felt, and were busy in denouncing to the Inquisition as Jansenists all who did not share their blind devotion to the Holy See.[3] Still more threatening was the reception, in 1800, of the bull *Auctorem fidei*, brought about by the influence of Godoy, and enforced by a royal decree of December 10th, charging the bishops to punish all opinions contrary to the definitions of the bull, while the Inquisition was ordered to suppress all writings in support of the condemned propositions, and the king promised to employ all the power given to him by God to enforce these commands. The triumph of Ultramontanism was complete, and Godoy richly earned the grotesquely incongruous title bestowed on him, by Pius VI, of Pillar of the Faith.[4]

[1] Novís. Recop., Lib. VIII, Tit. i–ix.—Carta de Josef Clíment, Obispo de Barcelona, 26 de Junio, 1767.

[2] MSS of Am. Philos. Society.

[3] Art de Vérifier les Dates depuis l'année 1770, III, 358. A subsequent decree of March 11, 1798, permitted the ex-Jesuits to live with their kindred or in convents, provided that this was not in any royal residence (Original *penes me*).

[4] Muriel, Hist. de Carlos IV, *loc. cit.*—Cartas del Filósofo rancio, II, 34.—Vélez, Apología, I, 44–6.

Yet the *Acta et Decreta Synodi Diœcesanæ Pistoriensis anni* 1786, against which the bull *Auctorem fidei* was directed, were not prohibited until March 18, 1801.—Suplemento al Indice Expurgatorio, p. 1 (Madrid, 1805).

On May 18, 1801, the Commissioners of the Canary tribunal at Orotava report to it that the edict has been duly read and affixed to the doors of the parish churches.—Birch, Catalogue of the MSS. of the Inq. in the Canary Islands, II, 1008.

The charge was one easy to bring, and the intelligent classes in Spain were kept in a state of unrest and apprehension. An illustrative case was that of two brothers, Gerónimo and Antonio de la Cuesta, one penitentiary and the other archdeacon in the church of Avila. They incurred the enmity of their bishop, Rafael de Muzquiz, confessor of Queen María Luisa de Parma: he organized a formidable conspiracy against them and they were denounced as Jansenists, in 1801, to the tribunal of Valladolid. Muzquiz was promoted to the archiepiscopal see of Compostela, but there was no slackening in the energy of the prosecution. Antonio escaped to Paris but Gerónimo was thrown into the secret prison, where he lay for five years. In spite of the mass of testimony accumulated against him, he was acquitted by the tribunal, but the Suprema refused to accept the decision and removed the inquisitors. The brothers had powerful friends at court, who prevailed on Carlos to intervene, when he had all the papers submitted to him and decided the case himself—an assumption of royal jurisdiction for which it would be difficult to find a precedent. By royal decrees of May 7, 1806, he ordered that the Valladolid inquisitors should be in no way prejudiced by their removal but should be capable of promotion. Gerónimo was restored to his dignity in the church of Avila, with ceremonies galling to his adversaries; he was to receive all the arrears of his prebend; his trial and imprisonment were not to inflict any disability on him or his kindred, and his name was to be erased from the record so that no trace of it should remain. The papers in the case against the fugitive brother Antonio were to be sealed up and delivered to the Secretaria de Gracia y Justicia. Heavy fines moreover were levied on all concerned in the prosecution, to defray the expenses of the trial, and any excess was to be paid to Gerónimo. They amounted in all to 11,455 ducats, assessed upon twenty-one persons, all clerics except one or two officials and, in addition to these, there were nine regulars—Carmelites, Benedictines, Franciscans and Dominicans—who were banished for thirty leagues around Madrid and royal residences. Two of them were calificadores and one a notary of a commissioner, who were incapacitated for their functions.[1]

Archbishop Muzquiz did not wholly escape. Gerónimo's defence placed him in the position of a calumniator and, in his

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 3, fol. 16.

efforts at extrication, he accused the inquisitors of Valladolid and the Inquisitor-general Arce y Reynoso of partiality. This exposed him to prosecution under the bull *Si de protegendis;* his episcopal dignity protected him from arrest, but he was fined in eight thousand ducats and the Bishop of Valladolid who, when canon of Avila, had joined in the conspiracy, was fined in four thousand. They would not have escaped so easily but for the influence with Godoy of a lady who was popularly reputed to have received a million of reales for her services.[1]

As we have seen, in Jansenism the doctrinal points involved were of interest only to the sublimated theologian and they were virtually lost to view at an early period. Being thus incapable of precise theological definition, it was a favorite weapon for the gratification of enmity, as it could be charged against all opponents of whatever character. Even as the French Jacobins were stigmatized as Jansenists, so those Spaniards who submitted to the "intrusive" government of Joseph Bonapart were classed as Jansenists, and so were their most active antagonists, the liberal members of the Córtes of Cadiz.[2] The fact is that the French Revolution, which orthodox writers represent as the triumph of Jansenism, was, in reality, its death-blow, for in that cataclysm disappeared the powerful and well-organized hierarchy which alone could struggle within the Church against the advance of Ultramontanism and its attendant Probabilism.

We hear little of Jansenism under the Restoration, though it is sometimes included subordinately in the charges of anti-political opinions. The bitterness still felt towards it, however, is well expressed by Vélez, Archbishop of Santiago, as late as 1825, when he ignorantly declares that Jansen caused the rebellion of the Low Countries against Spain in the Assembly of 1633, while his disciples, uniting in Bourg-Fontaine and Portugal, conspired against the lives of all princes. Jansen supported the doctrines of the Calvinists and Lutherans against the faith and his followers promulgated the greatest errors against the Church and its discipline.[3]

[1] Llorente, Hist. crít., cap. XXV, n. 33, 34; cap. XXIX, art. iii, n. 5; cap. XLIII, art. iii, n. 5.

[2] Se vió á todos los jansenistas, impios y hombres desmoralizados ponerse del lado de los invasores.—Vic. de la Fuente, Hist. eclesiastica, III, 463.—Cf. Cartas del Filósofo rancio, *passim*.

[3] Vélez, Apología del Altar y del Trono, I, 391–2.

CHAPTER XII.

FREE-MASONRY.

FEW subjects have been so fertile as Free-Masonry in the growth of legend and myth. If we may believe some of its over-enthusiastic members, the Archangel Michael was the Grand Master of the earliest Masonic lodge; the builders of the Tower of Babel were wicked Masons and those who held aloof from the impious work were Free-Masons. Others trace its origin to Lamech and others again tell us that the first Grand Lodge in England was founded by St. Alban in 287. Its adversaries are equally extravagant; if we may trust them it is the precursor of Antichrist and a survival of Manicheism; it is supreme in European cabinets and directs the policy of the civilized world in opposition to the Church. Every pope in the nineteenth century fulminated his anathema against it. The Abbé Davin assures us that Jansenism is the masterpiece of the powers of evil and that it has become, in the form of Masonry, the most formidable of secret societies, organized for the destruction of the Christian Monarchy.[1] There are zealous Spanish Masons who assure us that the Comunidades of Castile and the Germanía of Valencia were the work of Masons; that Agustin and Pedro Cazalla and the other victims of the auto of May 21, 1559 were Masons, and that the unfortunate Don Carlos was a victim to Masonry.[2]

Descending to the sobriety of fact, Masonry emerges into the light of history in 1717, when Dr. Desaguliers, Anthony Sayer, George Payne and a few others formed, in London, an organization based on toleration, benevolence and good-fellowship. Its

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[1] G. de Castro, Il Monde Segreto, IV, 59 (Milano, 1864).—Précis historique de l'Ordre de la Franc-Maçonnerie, par J. C. B. . . . (Paris, 1829).—Luigi Parascandalo, La Frammassoneria figlia e erede del Manicheismo, 4 vols, 8vo (Napoli, 1865).—Ch. Van Dusen, S. J., Rome et la Franc-Maçonnerie (1896).—L'Abbé V. Davin, Les Jansénistes politiques et la Franc-Maçonnerie, p. 5 (Paris, s. d.).

[2] Mariano Tirado y Rojas, La Masonería en España, I, 241–3, 252, 255–6 (Madrid, 1893).

growth was slow and its first appearance in Spain was in 1726, when the London lodge granted a charter for one in Gibraltar. Lord Wharton is said to have founded one in Madrid, in 1727, and soon afterwards another was organized in Cádiz. These were primarily for the benefit of English residents, although doubtless natives were eligible to membership. As yet it was not under the ban of the Church, but its introduction in Tuscany led the Grand-duke Gian Gastone to prohibit it. His speedy death (July 9, 1737), caused his edict to be neglected; the clergy represented the matter to Clement XII, who sent to Florence an inquisitor; he made a number of arrests, but the parties were set at liberty by the new Grand-duke, Francis of Lorraine, who declared himself the patron of the Order and participated in the organization of several lodges.[1] Clement sustained his inquisitor and issued, April 28, 1738, his bull *In eminenti*, calling attention to the oath-bound secrecy of the lodges, which was just cause for suspicion, as their object would not be concealed if it were not evil, leading to their prohibition in many states. Wherefore, in view of the grave consequences threatened to public tranquility and the salvation of souls, he forbade the faithful to favor them or to join them under pain of *ipso facto* excommunication, removable only by the Holy See. Prelates, superiors, Ordinaries and inquisitors were ordered to inquire against and prosecute all transgressors and to punish them condignly as vehemently suspect of heresy, for all of which he granted full powers.[2] Thus the only accusation brought against Masonry was its secrecy, but this sufficed for the creation of a new heresy, furnishing to the Inquisition a fresh subject for its activity.

The nature of the condign punishment thus threatened was left to the discretion of the local tribunals, but a standard was furnished by an edict of the Cardinal Secretary of State, January 14, 1739, pronouncing irremissible pain of death, not only on all members but on all who should tempt others to join the Order, or should rent a house to it or favor it in any other way. The only victim of this savage decree is said to have been a Frenchman who wrote a book on Masonry; it is true that, in this same year, 1739, the Inquisition in Florence tortured a Mason named Crudeli, and kept him in prison for a considerable time, but the death-

[1] [Thory] Acta Latomorum, I, 35 (Paris, 1815).

[2] Bullar. Roman., XV, 184.

penalty was a matter for the secular authorities and in Florence these were not under control. Indeed, when the Inquisition offered pardon for self-denunciation, and a hundred crowns for information, and made several arrests, the Grand-duke interposed and liberated the prisoners.[1] Even when the arch-impostor Cagliostro, in 1789, ventured to found a lodge in Rome and was tried by the Inquisition, the sentence, rendered April 7, 1791, recited that, although he had incurred the death-penalty, it was mercifully commuted to imprisonment for life.[2] He was accordingly imprisoned in the castle of San Leone where he is supposed to have died in 1795.

The Parlement of Paris refused to register the bull of 1738 and when, in 1750, the jubilee attracted crowds of pilgrims to Rome, so many had to seek relief from the excommunication incurred under it that Benedict XIV was led to revive it, May 18, 1751, in his constitution *Providas*, pointing out moreover the injury to the purity of the faith arising from the association of men of different beliefs, and invoking the aid of all Catholic princes to enforce the decrees of the Holy See.[3] When thus, without provocation, Rome declared war to the knife against the new organization, it naturally became hostile to Rome, and when its membership was forbidden to the faithful, it was necessarily confined to those who were either indifferent or antagonistic to the Roman faith.

While the papal commands were ignored in France, they had been eagerly welcomed in Spain. The bull *In eminenti* received the royal exequatur and the Inquisitor-general Orbe y Larreategui published it in an edict, October 11, 1738, pointing out that the Inquisition had exclusive jurisdiction in the matter. He promised to prosecute with the utmost severity all disobedience to the bull, and called for denunciations, within six days, of all infractions, under pain of excommunication and of two hundred ducats. The edict was to be read in the churches and to be affixed to their

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[1] Acta Latomorum, I, 43–44.

[2] Compendio della vita di Giuseppe Balsamo, denominato il Conte Cagliostro, che si è estratto dal Processo contra di lui formato in Roma l'anno 1790 (Roma, 1791).

The importance attached to the case is indicated by the formal removal of the seal of secrecy and the semi-official publication of the volume. The edict imposing the death-penalty is quoted on p. 80.

[3] Bullar. Bened. PP. XIV, III, 167 (Romæ, 1761).

portals, thus giving an effective advertisement to the new institution by conveying a knowledge of its existence to a population thus far happily ignorant.[1]

The Inquisition, however, was not allowed long to enjoy the exclusive jurisdiction claimed, for Philip V, in 1740, issued an edict under which, we are told, a number of Masons were sent to the galleys, while the Inquisition vindicated its rights by breaking up a lodge in Madrid and punishing its members.[2] There was thus established a cumulative jurisdiction which continued, for State autocracy and Church autocracy were alike jealous of a secret organization of unknown strength which, in troublous times, might become dangerous. Fernando VI manifested this by a pragmática of July 2, 1751, in which he forbade the formation of lodges under pain of the royal indignation and punishment at the royal discretion; all judges were required to report delinquents, and all commanders of armies and fleets to dismiss with dishonor any culprits discovered in the service. That, in spite of these repressive measures, Free-Masonry was spreading, may be assumed from the publication, about this time, of two editions of a little book against it, in which this decree is embodied.[3] Padre Feyjoo assisted in advertising the Order by devoting to it a letter in which, with gentle satire, he treated it as a hobgoblin, imposing on public credulity with false pretences, although there might be evil spirits among the harmless ones.[4]

The Inquisition meanwhile was not idle, though it did not imitate the severity of the papal government or of the royal edicts. In 1744 the Madrid tribunal sentenced, to abjuration *de levi* and banishment from Spain, Don Francisco Aurion de Roscobel, canon of Quintanar, for Free-Masonry; in 1756 the same tribunal prescribed reconciliation for Domingo de Otas and, in 1757, a Frenchman named Tournon escaped with a year's detention and banishment from Spain, although, by endeavoring to induce his

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[1] Bulario de la Orden de Santiago, Lib. V, fol. 280.

[2] Acta Latomorum, I, 47.

[3] Fray Joseph Torrubia, Centinela contra Francs Massones, Segunda Edicion, Madrid, 1754. From the dates of the approbations it would appear that the first edition was issued in 1751 or 1752.

[4] Feyjoo, Cartas, T. IV, Cart. xvi. This letter must have been written between 1751 and 1754, as it alludes to the *Centinela*, while the second edition of the latter alludes to the letter. Feyjoo refers to another recent book on the subject by Fray Juan de la Madre de Dios, which I have not seen.

employees to join the Order, he was reckoned as a dogmatizer.[1] Another case about the same time reveals a strange indifference, possibly attributable to hesitation in attacking a dependent of a powerful minister. A priest named Joachin Pareja presented himself, April 19, 1746, to the Toledo tribunal and related that when, in 1742, he accompanied the Infante Phelipe to Italy, he lay for some months in Antibes, where he made the acquaintance of Antonio de Rosellon, gentleman of the chamber to the Marquis of la Ensenada, who talked freely to him about Free-Masonry, of which he was a member. He had but recently learned that Free-Masons were an infernal sect, condemned by a papal bull, and he had made haste to denounce Rosellon. No action was taken for eighteen months when, on October 13, 1747, the tribunal asked the Madrid inquisitors to examine Rosellon, after consulting the Suprema. The Suprema promptly scolded it for its remissness and ordered it to make inquiry of other tribunals; the customary interrogations were sent around with negative results and, on January 8, 1748, the fiscal reported accordingly; there was but one witness and therefore he recommended suspension, which was duly voted. Some twenty months passed away when suddenly, September 7, 1751, the Suprema recurred to the matter and wrote to Toledo demanding a report. Toledo waited for more than a month and then, on October 16th, replied that it referred the whole affair to the Madrid tribunal as Pareja and Rosellon were both in that city.[2] This probably ended the case.

Free-Masonry was growing and extending itself throughout influential circles. In 1760 the *Gran Logia española* was organized and independence of London was established; in 1780 this was changed to a Grand Orient, symbolical Masonry being subordinated to the Scottish Rite. In this we are told that such men as Aranda, Campomanes, Rodríguez, Nava del Rio, Salazar y Valle, Jovellanos, the Duke of Alva, the Marquis of Valdelirias, the Count of Montijo and others were active; that the ministers of

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[1] Archivo de Simancas, Inq., Lib. 879, fol. 301 B; Lib. 1024, fol 10.—Llorente, Hist. crít., cap. XLI, art ii, n. 10–16.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 108, n. 1.

The Portuguese Inquisition was as prompt as the Spanish. See "The Sufferings of John Coustos for Free-masonry," London, 1746, and it continued after the reforms of Pombal, as appears from "A Narrative of the Persecution of Hippolyto Joseph da Costa Pereira Furtado de Mendoza....for the pretended crime of Free-masonry," 2 vols., London, 1811.

Carlos III were mostly Masons and that to them was attributable the energetic action against Jesuitism and Ultramontanism.[1] To what extent this is true, it would be impossible to speak positively, but unquestionably Masonry afforded a refuge for the modern spirit in which to develop itself against the oppressive Obscurantism of the Inquisition.

A disturbing element was furnished by Cagliostro who, in his two visits to Spain, founded the lodge España, in competition with the Grand Orient. This attracted the more adventurous spirits and grew to be revolutionary in character. It was the centre of the foolish republican conspiracy of 1796, known as the conspiracy of San Blas, from the day selected for the outbreak. Arms were collected in the lodge, but the plot was betrayed to the police; three of the leaders were condemned to death but, at the intercession of the French ambassador, the sentence was commuted to imprisonment for life. The chiefs were deported to Laguayra where they captured the sympathies of their guards and were enabled to escape. In 1797 they organized a fresh conspiracy in Caraccas, but it was discovered and six of those implicated were executed.[2]

In the troubled times that followed, the revolutionary section of Masonry naturally developed, at the expense of the conservative. There is probably truth in the assertion that the French occupation was assisted by the organization of the independent lodges under Miguel de Azanza, one of the ministers of Carlos IV, who was grand master. The ensuing war was favorable to the growth of the Order. The French armies sought to establish lodges in order to popularize the "intrusive" government, while the English forces on their side did the same, and the Spanish troops were honeycombed with the *trincheras*, or intrenchments, as these military lodges were called.

With the downfall of Napoleon and liberation of the papacy, Pius VII made haste to repeat the denunciation of Masonry. He issued, August 15, 1814, a decree against its infernal conventicles, subversive of thrones and religion. He lamented that, in the disturbances of recent years, the salutary edicts of his predecessors had been forgotten and that Masonry had spread everywhere. To their spiritual penalties he added temporal punishments—sharp corporal affliction, with heavy fines and confiscation, and

[1] Tirado y Rojas, I, 269–73, 354.

[2] Ibidem, I, 274–8, 289–99, 355.

he offered rewards for informers. This decree was approved by Fernando VII and was embodied in an edict of the Inquisition, January 2, 1815, offering a Term of Grace of fifteen days, during which penitents would be received and after which the full rigor of the laws, secular and canonical, would be enforced. Apparently the result was inconsiderable for, on February 10th, the term was extended until Pentecost (May 14th) and inviolable secrecy was promised.[1] Fernando had not waited for this but had already prohibited Masonry under the penalties attaching to crimes of the first order against the State and, in pursuance of this, on September 14, 1814, twenty-five arrests had been made for suspicion of membership.[2]

Thus, as before, there was cumulative jurisdiction over Masonry. The time had passed for competencias between the Inquisition and the royal courts; it was too closely identified with the State to indulge in quarrels, but still there was jealous susceptibility and self-assertion. As early as 1815 this showed itself in the prosecution of Diego Dilicado, parish priest of San Jorje in Coruña, because he had reported the existence there of a lodge to the public authorities and not to the Inquisition.[3] Several cases, in 1817, show that when a culprit was tried and sentenced by the royal courts, the Inquisition insisted on superadding a prosecution and punishment of its own. Thus when Jean Rost, a Frenchman, was sent to the presidio of Ceuta by the chancellery of Granada, the Seville tribunal also tried him and ordered his confinement in the prison of the presidio, at the same time demanding from the chancellery the Masonic title and insignia of the prisoner and whatever else appertained to the jurisdiction of the Inquisition.[4] The Madrid tribunal, May 8, 1817, sentenced Albert Leclerc, a Frenchman, for Free-Masonry; he had already been tried and convicted by the royal court and a courteous note was addressed, as in other similar cases, to the Alcalde de Casa y Corte, to have him brought to the secret prison, for the performance of spiritual exercises under a confessor commissioned to instruct him in the errors of Masonry, and to absolve him from the censures incurred, after which he would be returned to the alcalde for the execution of his

[1] Archivo de Simancas, Inq., Leg. 1473; Lib. 559.
[2] Acta Latomorum, I, 265.
[3] Archvio de Simancas, Inq., Lib. 890.
[4] Ibidem, Lib. 435[2]; Lib. 890.

sentence of banishment. So, in July 1817, the Santiago tribunal collected evidence against Manuel Llorente, sergeant of Grenadiers, and the Suprema directed that, as soon as the secular trial was finished, he was to be imprisoned again and tried by the tribunal.[1]

For this punctiliousness there was the excuse that the papal decrees rendered Masonry an ecclesiastical crime involving excommunication, of which the temporal courts could take no cognizance. This duplication of punishment may possibly explain the extreme variation in the severity of the penalties inflicted. In 1818 the Madrid tribunal sentenced Antonio Catalá, captain in the volunteer regiment of Barbastro, to a very moderate punishment, alleging as a reason his prolonged imprisonment and ill-health. The Suprema sent back the sentence for revision, when the abjuration was changed from *de levi* to *de vehementi*. Then the Suprema took the matter into its own hands and condemned him to be reduced to the ranks for four years' service in the regiment of Ceuta, which was nearly equivalent to four years of presidio. On the other hand, in 1819, the sentence was confirmed of Martin de Bernardo, which was merely to abjuration *de levi*, absolution *ad cautelam*, a month's reclusion and spiritual penances. Greater severity might surely have been shown in the case of the priest, Vicente Perdiguera, commissioner of the Toledo tribunal, when, in 1817, the Madrid tribunal suggested that, in view of his notorious Free-Masonry and irregular conduct, he should be deprived of his office and insignia and of the fuero of the Inquisition. To this the Suprema assented and with this he escaped.[2]

It casts doubt upon the reported extent of Free-Masonry that, in spite of the vigilance of the Inquisition, the number of cases was so small. From 1780 to 1815 they amount in all only to nineteen. Then, in 1816, there is a sudden increase to twenty-five; in 1817 there are fourteen, in 1818 nine and in 1819 seven.[3]

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[1] Archivo de Simancas, Inq., Lib. 890. [2] Ibidem.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

In this list is not included the curious case of the Bishop of Havana, Juan José Díaz de la Espada y Landa, accused of Free-Masonry in Cuba by the zealous inquisitor Elosua in 1815. The matter was transferred to Spain and was suspended November 11, 1819 (J. T. Medina, La Inquisicion de Cartagena de las Indias, p. 416). It does not seem to have interfered with the position of the good bishop, who retained his see until his death, Sept. 12, 1832 (Gams, Series Episcopp., p. 152).

Possibly there may have been others tried by the civil or military courts, which escaped inquisitorial action, but, in view of its jealous care of its jurisdiction, these cannot have been numerous.

Yet all authorities of the period agree that, under the Restoration, Masonry flourished and spread, especially in the army; that it was the efficient source of the many plots which disturbed Fernando's equanimity, and that the revolution of 1820 was its work, backed by the widespread popular discontent aroused by the oppression and inefficiency of his rule. When, in January, 1820, the movement was started by the troops destined for America, in their cantonments near Cádiz, there was a lodge in every regiment. Riego, who led the revolt, was a Mason, and so was the Count of la Bisbal who ensured its success when, at Ocaña, whither he had been sent to command the troops gathered for its suppression, he caused them to proclaim the Constitution. At Santiago, the first act of the revolutionaries was to sack the Inquisition and to liberate the Count of Montijo, grand master of the Masonic organizations, who lay in the secret prison.[1]

We shall have occasion hereafter to see the ruinous part played by Free-Masonry, and its offshoot the Comuneros, during the brief constitutional epoch from 1820 to 1823. With the restoration of absolutism the Comuneros disappeared and Masons became the object of persecution far severer than that of the Inquisition. They were subjected to the military commissions set up everywhere throughout Spain, and those who would not come forward and denounce themselves were declared, by an order of October 9, 1824, to be punishable with death and confiscation.[2]

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[1] Tirado y Rojas, II, 46, 72–3, 81–88.—Miraflores, Apuntes historico-críticos, p. 28.—Modesto Lafuente, Hist. de España, XXIX, 213–15, 333–4.

The "Memoirs of Don Juan van Halen" (London, 1830) which had an extensive circulation in many languages, are of no historical value He was a real personage however, whose dextrous treachery in deserting the French, in 1814, is described by Toreno (Historía del Llevamiento etc., III, 323). In 1822 he was on the staff of Gen. Mina in Catalonia (Memorias del Gen. Espoz y Mina, III, 7) and, in 1838, was in high command in Valencia (Manifestacion del Gen. Córdova, p. 13).

In 1818 his name occurs as on trial in Toledo (not in Madrid, as he represents) and the charge was impeding the Inquisition, not Masonry and conspiracy—Catálogo de las causas etc., p. 131 (Madrid, 1903).

[2] [Martinez de la Rosa] Examen crítico de las Revoluciones de España, I, 417–18 (Paris, 1837).

CHAPTER XIII.

PHILOSOPHISM.

In the earlier period, Spanish orthodoxy seems to have been little troubled with free-thinking, nor, when this was encountered, does it seem to have been visited with the same vindictiveness as Protestantism. From a temporal point of view, it was less dangerous, and the denial of God was an offence less than the denial of papal supremacy. In an auto at Toledo, November 8, 1654, there appeared Don Francisco de Vega Vinero, characterized as "herege apostata, ateista," who escaped with reconciliation, confiscation, ten years of prison and three years of exile from Toledo, Madrid and Renedo.[1] The intellectual movement of the eighteenth century in France, however, could not but awake an echo in Spain, despite the severity of censorship, and the quarantine at the ports. There was a steady infiltration of liberalism, political and spiritual; Spaniards of culture who travelled, or who were sent abroad on missions, returned with enlarged horizons of thought, and could not but compare the backwardness of their native land with the activity, for good or for evil, of the other European nations. The more the writings of the fashionable philosophers of France were denounced, the greater became the curiosity to examine them. A reactionary writer tells us that the works of Filangieri, Rousseau, Mably, Condillac, Pereira, Febronius (Hontheim) and Scipione de'Ricci had full circulation in the universities and colleges. Some professors taught many of their principles, the students were infected and this moral pestilence extended rapidly without attracting due attention.[2] The Abbé Clément found, in 1768, that one of the obstacles to the success of his Jansenizing mission was the secret tolerance and indifferentism; it was difficult to believe how great were the evidences of incredulity, united with all the externals of devotion, even under the oppression of habitual dread of the severity of the Inquisition.[3]

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Vélez, Apología del Altar y del Trono, I, 41.

[3] Clément, Journal, II, 89.

Thus, in the latter half of the eighteenth century, the decadent activity of the Holy Office found a new heresy to combat, which it styled Philosophism or Naturalism.

The leading ministers of Carlos III, such as Aranda, Campomanes, Roda and Floridablanca, were shrewdly suspected of sympathy with these dangerous speculations, but the time had passed when the Marquis of Villanueva could be arrested and prosecuted without the assent of the king. It was safer to make examples of men not thus protected but yet sufficiently conspicuous to serve as warnings. Such a case was that of Dr. Luis Castellanos, health-officer of the port of Cádiz—a free-thinker calling himself a philosopher, an agnostic who professed to know nothing of God and who probably was indiscreet in airing his opinions. On his trial by the Seville tribunal he at first denied, but subsequently he confessed and begged for mercy. On June 30, 1776, an auto with open doors was held in the chapel of the castle of Triana, at which were present, doubtless by invitation that could not be declined, the Duke of Medina Celi, the Count of Torrejon and innumerable other distinguished personages, at which Castellanos was sentenced to abjuration and confiscation, to wear a *sanbenito de dos aspas* and to serve for ten years in the hospital of the presidio of Oran—a severity which emphasizes the dread inspired by this negation of opinion.[1]

Contemporary with this was a case of more far-reaching influence. Pablo Olavide, a young lawyer of Lima and judge in the Audiencia, distinguished himself in the terrible earthquake of 1746 and was made custodian of the treasures dug from the ruins. After satisfying those who could prove their claims, he employed the remainder in building a church and a theatre. There were disappointed claimants who carried their complaints to Madrid. Olavide was summoned thither, disbarred, condemned to pay various sums and imprisoned. His health failing, he was allowed to go to Leganes, where he contracted marriage with Isabel de los Rios, whose two successive husbands had left her large fortunes. He was remarkably intelligent, brilliant in society, and, with the aid of his wife's money, he speedily acquired prominent social position. He travelled and in France he formed relations with Voltaire and Rousseau, with whom he maintained corre-

[1] Archivo municipal de Sevilla, Seccion especial, Siglo XVIII, Letra A, Tomo 4, n. 55.

spondence. Aranda, who secretly sympathized with him in this, was then at the height of his power and became his warm friend, seeking to use his abilities in the projects on foot to elevate Spain from its condition of poverty and misery.

Practical statesmen had long recognized as a serious evil the *baldios*, or extensive and numerous tracts of uncultivated land, useless for all purposes except as pasturage for the migratory flocks of the *Mesta*, that powerful combination of sheep-owners who had secured legislation restricting all cultivation that interfered with their privileges. As early as 1749 the Marquis of la Ensenada had entertained projects of introducing colonies of foreigners to occupy these idle lands; in 1766 the idea was revived and *Nuevas Poblaciones*, as they were called, were established in various places. A contract was made to bring six thousand German and Swiss Catholics and establish them on the southern slope of the Sierra Morena, along the main road from Madrid to Cádiz—a wild and rugged country, the haunt of highway robbers. Campomanes drew up the plan, under which establishments of the religious Orders were absolutely prohibited; the settlers were to have pastors of their own race; all spiritual affairs were to be in the hands of the parish priests, subject to episcopal jurisdiction, and the dreaded Mesta was not allowed to intrude. Olavide was appointed superintendent of the colony, and was also made *assistente*, or governor of Seville.

He threw himself into the project with enthusiasm, labored with intelligent activity, overcame the initial difficulties and for some years success seemed assured. Gradually however trouble arose with the Capuchin friars who had accompanied the colonists as their priests. Friar Romuald of Freiburg, the prefect of the group, was a disturbing element, involved in quarrels with the episcopal officials; friction sprang up between him and Olavide, which developed into hatred, and the Inquisition furnished ready means for gratifying malevolence. In September, 1775, Romuald presented a formal denunciation of the Superintendent as an atheist and materialist, who was in correspondence with Voltaire and Rousseau, who read prohibited books, denied the miracles, and held that non-Catholics could be saved. Ample details were furnished of his irreligious walk and conversation, some of which indicate the points on which quarrels had arisen—not resorting to prayer and good works to avert calamities, forbidding the ringing of bells in tempests, wanting corpses buried in cemeteries

rather than in churches, and defending the Copernican system condemned by the Church. Olavide's protector, Aranda, had fallen from power in 1773 and the opportunity was not to be lost by the Inquisition of striking at a man, conspicuous enough to serve as a terrifying example, and yet who, as a "kinless loon," had no influential family behind him. Besides, the whole scheme of the Poblaciones had aroused the hostility of two influential classes—the friars whose establishments were excluded and the Mesta whose flocks were not allowed to ravage the fields.

It shows the decadence of the Inquisition that the royal permission to prosecute was sought and obtained. Olavide was summoned to court, towards the end of 1775, on a pretext; after some delay he realized the situation and sought the protection of Manuel de Roda, then minister of Gracia y Justicia, who was too vulnerable himself to compromise his own safety, and who merely wrote to Inquisitor-general Beltran a note speaking favorably of Olavide. The Madrid tribunal moved with deliberation, for it was not until November 14, 1776, that Olavide was arrested. For two years he disappeared from human sight. Seventy-two witnesses were examined, and the fiscal accumulated a formidable array of a hundred and sixty-six heretical propositions. He admitted imprudent talk, while denying all lapse from the faith, but he confessed enough for the inquisitors to assume that he secretly cherished the opinions of the fashionable philosophy, and his condemnation was inevitable. We are told that a public auto was desired, in order to emphasize the warning, but it was felt that the occasion scarce justified such a solemnity, and the Roman Inquisition was consulted which suggested that the purpose would be answered by a private auto with a large number of spectators. It was held, November 24, 1778, in the audience-chamber, after inviting—invitations equivalent to commands—Campomanes and numerous prominent nobles, statesmen and others who had been connected with Olavide, or were suspected of philosophism, so that when he was brought in he found himself surrounded by his friends assembled to witness his humiliation. For three hours he listened to the long-drawn recital of all the heretical propositions proved against him by the witnesses, to which he responded by ejaculating "I never have lost the faith although the fiscal says so." Then followed the sentence, pronouncing him a convicted heretic, a rotten member of the Church, and condemning him to reconciliation, confiscation, and banishment for ever for forty

leagues from Madrid and all royal residences, the kingdoms of Lima, Andalusia and the colonies of the Sierra Morena, to reclusion for eight years in a convent and to the customary disabilities for himself and his descendants to the fifth generation. This tremendous severity so overcame him that he fell senseless to the floor. A distant convent at Gerona was selected for his confinement; in 1780, on the plea of ill-health, he was allowed to visit a watering-place, from which he escaped to France, not without, it is said, the secret connivance of the court, although, when his extradition was demanded, he sought safety in Geneva. With the outbreak of the Revolution he returned to France, where he narrowly escaped the guillotine; adversity brought a change of heart and, in 1798, he published anonymously at Valencia his "El Evangelio en Triunfo, ó Historía de un Filósofo disengañado," which had an enormous circulation and so impressed Inquisitor-general Lorenzana that he was allowed to return to Spain. He was offered restoration to his positions, but he was disillusioned with the world; he retired to Baeza, devoting himself to good works and dying in 1804.[1]

The Inquisition had not miscalculated the salutary influence of the example. Don Felipe Samaniego, Archdeacon of Pampeluna, Knight of Santiago and member of the Royal Council, was one of those constrained to be present, and was so frightened that the next day he denounced himself to the tribunal as a reader of prohibited books, of which he presented a long list. This, he said, had led him to religious doubt but, on serious reflection, he

[1] In this celebrated case I have relied chiefly on Ferrer del Rio, *Hist. del Reinado de Carlos III*, Lib. IV, cap. i, and on Menéndez y Pelayo, *Heterodoxos*, III, 205 sqq. See also Llorente, *Hist. crít.*, cap. XXVI, art. iii, n. 13, 35, and Puigblanch, *La Inquisicion sin Máscara*, p. 295.

Frequent reference was made to Olavide in the debates of the Córtes of Cádiz on the suppression of the Inquisition. Señor Mexia stated that he had visited him at Baeza; that the *Triunfo* was merely a translation of the Abbé Lamourettes *Délices de la Religion* (Paris, 1788) somewhat enlarged, with the addition of a politico-economical portion, derived from the *Ami des Hommes* of the Marquis of Mirabeau,—Discusion del Proyecto sobre la Inquisicion, pp. 254–5. (Cádiz, 1813).

In 1831 De Custine says that there was little remaining of the prosperous colony founded by Olavide (L'Espagne sous Ferdinand VII, II, 93–107), but La Carolina, the principal town, had, in 1877, 6474 inhabitants. The district has historical interest as the scene of the victory of Las Navas de Tolosa, in 1212, and of the surrender of Bailen in 1808.

had resolved to adhere firmly to the Catholic faith and he asked to be absolved *ad cautelam*. He was turned to account by being required to submit a sworn statement as to where and how he had procured the books, how long he had held these views, who had taught him, with whom had he discussed these matters, and who had refuted or accepted his opinions. This brought out a detailed confession compromising almost all the learned and enlightened men of the court—Aranda, Floridablanca, Campomanes, O'Reilly, Lacy, the Duke of Almodovar and many others of high position. Prosecutions were instituted against them all, but the testimony of a single witness was insufficient and the power of those implicated was so great that the tribunal was content to let the cases remain in suspense.[1]

Offenders less conspicuous were less fortunate, and numerous cases attested the resolve of the Inquisition to crush out the new ideas. It was merciful to Benito Bails, a professor of mathematics and author of a series of text-books long in use, for a neice was allowed to enter with him the secret prison and take care of him, as he was aged and crippled in all his limbs. Before the publication of evidence he confessed to having entertained doubts as to the existence of God and as to immortality, but that solitude and reflection had removed them, and that he was ready to abjure and accept penance. As reclusion in a convent would have deprived him of the care of his neice, his house was charitably assigned to him as a prison, with various spiritual penances.[2] A more suggestive case was that of Doctor Gregorio de Vicente, professor of philosophy in the University of Valladolid, for certain theses in which were discovered twenty propositions savoring of "naturalism," and for a sermon in which he argued that true religion consisted in the practice of virtue and not in external observance. For eight years he lay in the secret prison, but it chanced that he had an uncle who was an inquisitor of Santiago, whose influence induced the Valladolid tribunal at length, in 1801, to pronounce him insane, while condemning his propositions. On his release, however, he gave such evidence of sanity that the tribunal felt obliged to arrest him again and repeat his trial. This time a year of incarceration sufficed; he abjured his errors publicly and accepted certain penances.[3]

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[1] Llorente, Hist. crít., cap. xxvi, art. iii, n. 42. [2] Ibidem, n. 10.
[3] Ibidem, cap. xxv, art. i, n. 112.—Menéndez y Pelayo, III, 255.

A case which excited much attention was that of D. Ramon de Salas, a prominent man of letters and professor in Salamanca, imprisoned in 1796, on the charge of entertaining the errors of Voltaire, Rousseau and other exponents of the new philosophy. He admitted that he had read their works, but only for the purpose of confuting them, which he had done publicly and in writing. The accounts which have reached us of his trial differ irreconcileably, but it appears that the prosecution was the result of private enmity on the part of men high in office, and that Salas had powerful protectors who induced Carlos IV to evoke the case, after he had been condemned. This invasion of inquisitorial jurisdiction led to resistance on the part of Inquisitor-general Lorenzana, which caused Queen María Luisa to exclaim to him "It is you, hypocrite, and the like of you who cause the revolutions of Europe." Not only was the sentence annulled and Salas was liberated, but a royal order was obtained that in future no arrest should be made without previously consulting the king. This was duly drawn up, but Vallejo, Archbishop of Santiago and President of the Council of Castile, one of the enemies of Salas, had sufficient influence with Godoy to procure its withdrawal.[1]

This case illustrates the struggle on foot between the forces of conservatism and progress, in which the Inquisition, as the protagonist of the former, was not always successful. The propagators of the new ideas were difficult to silence. Even under Carlos III, we are told that in 1785–6 there appeared in Saragossa essays scandalizing to the faithful, for they sought to establish that celibacy is prejudicial to the State, that vows of religion should be postponed to the age of 24, that the Church had customs detrimental to the State and that its abuses and superstitions should be suppressed. Apparently the Inquisition took no steps to vindicate the faith, and when Fray Diego de Cádiz, at the request of many ecclesiastics, preached against these subversive propositions, he was obliged to fly and even then he was pursued by the wrath of the innovators.[2] Under the anomalous government of Carlos IV, constant changes in the ministry and the fluctuating whims of his favorite Godoy, who liked to pose as the patron of letters

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[1] Llorente, cap. xxv, art. i, n. 89.—Art. de vérifier les Dates depuis l'année 1770, III, 355.—Modesto Lafuente, Hist. Gen. XXII, 127.—Cf. Rodrigo, Hist. verdadera, III, 365.—Discusion del Proyecto, p. 464 (Cadiz, 1813).

[2] Vélez, Apología, I, 40.—Cf. Menéndez y Pelayo, III, 227.

and enlightenment, in turns repressed the Inquisition and gave it free rein. A prominent personage of the time was the Count Francisco Cabarrús, a French adventurer who founded the Bank of San Carlos and alternated, like other statesmen of the period, between guiding the destinies of the nation and a dungeon. After his imprisonment in the castle of Batres, he relieved his mind in 1792 and 1793 of the thoughts which had accumulated there, in three letters to Jovellanos, developing in verbose rhetoric the ideas of Rousseau and the *contrat social*. Education, he argued, should be universal, but it should be purely secular, and the clergy should not be allowed to meddle with it, religious training being left to parents and parish priests. In colleges the studies should be directed to fitting youth for actual life; the existing universities were sewers of humanity, whose scholastic theology and teaching of jurisprudence were equally destructive to the human race. The numbers of the clergy were enormously excessive, constituting a running sore and a body subversive of all the principles of morals and statesmanship. There should be stimulated a holy and virtuous indignation against all the absurd and apocryphal devotions which pervert reason, destroy virtue and cause heathendom to ridicule Christianity.[1] For much less than this many a man, like Olavide, had suffered bitterly but, in 1795, Cabarrús prefaced these letters with one addressed to Godoy himself as "mi amigo" and, secure in the protection of the all-powerful favorite, he was beyond the reach of the Inquisition, showing how uncertain were its functions during the disastrous period when absolutism was in the hands of a frivolous courtier.

The feelings of the orthodox towards these innovators are comprehensively expressed by Fray Francisco Alvarado, the leading champion of conservatism against the Córtes of 1810. "These philosophers" he says, "have come to disrupt our union, to disturb our peace, to embarrass our defence, to distract our attention, to corrupt our fidelity, to overturn our State, to seize our fortunes, to degrade our reason, to abolish our religion, to—what shall I say?—to make our free cities a hell where nothing but blasphemies are heard and where there is little lacking to replace order with sempiternal horror."[2] Virulent as is this objurgation, it is but the natural expression of the passions excited by the struggle in

[1] Cartas escritas por el Conde de Cabarrús, pp. 81, 83, 87–9 (Vitoria, 1808).
[2] Cartas del Filósofo rancio, I, 299.

progress, which each side felt to be a combat to the death. A moderated philosophism, as we shall see, triumphed in the Córtes of 1810–13 and, although there has followed nearly a century of vicissitudes, some of them sanguinary, it has, at least established its right to existence. The Inquisition was not mistaken in recognizing it, from the first, as its most dangerous enemy—the embodiment of the modern spirit, destined, for better or worse, finally to supplant medievalism.

CHAPTER XIV.

BIGAMY.

From an early period the Church assumed jurisdiction over marriage, derived from the function of the priest for its due celebration, and when, in the twelfth century, matrimony was erected into a sacrament, its control became absolute. Monogamy was a distinguishing feature of Christianity, and marriage was declared to be insoluble. The sacrament could be enjoyed but once during the life of both spouses, and its repetition was invalid, all of which naturally came within the province of the episcopal courts. The infraction of the ecclesiastical law, however, considered as an offence against society, was subject to secular penal statutes and, under the Partidas, it was punishable with relegation to an island for five years and confiscation for the benefit of children, to which penalties Juan I, in the Córtes of Briviesca, in 1387, added branding in the face.[1] In 1532, the Córtes of Segovia petitioned to have it made a capital offence, which Charles V refused, but added half confiscation and, in 1548, the Córtes of Valladolid substituted the galleys, the term for which Philip II, in 1566, defined as ten years, with public vergüenza.[2]

Thus there was ample provision for the trial and punishment of the offence by the spiritual and secular authorities, and there was no necessity for the assumption of jurisdiction by the Inquisition. Presumably it obtained a foothold through the laxity of the marriage tie among Moors and Jews, so that bigamy, like abstinence from pork and wine and change of linen on Saturday, created suspicion of heresy. This showed itself first in Aragon. As early as 1486, the Saragossa tribunal burnt in effigy the fugitive Dionis Ginot, a notary, for marrying a second wife during the lifetime of

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[1] Partidas, P. vii, Tit. xvii, ley 16.—Córtes de Leon y de Castilla, II, 378.

In the middle of the sixteenth century, branding with the letter "q" was still in force in Castile.—Rojas de Hæret., P. i, n. 544.

[2] Colmeiro, Córtes de Leon y de Castilla, II, 160, 219.—Nueva Recop., Lib. v, Tit. i, leyes 6, 7.—Novís. Recop., Lib. xii, Tit. xxviii, leyes 8, 9.

the first, and a number of other cases followed in which bigamy is conjoined with Judaic practices. For simple bigamy the penalty seems to have been perpetual prison, the punishment indicated for two culprits in the auto of February 10, 1488.[1] It also involved confiscation, for a letter of Ferdinand, October 22, 1502, to his receiver at Saragossa, orders him to deliver to certain parties ninety-four head of cattle confiscated on the bigamist Dornan Morrell.[2] In some way bigamy was construed as heresy for, in the Barcelona auto of February 3, 1503, Pere de Sentillana was required to abjure for marrying two wives, and in that of July 2, of the same year, Pere Ubach abjured for marrying in Rhodes and in Barcelona.[3]

This was one of the grievances of the Catalans, which they thought to remove in the Concordia of 1512, where it was agreed that bigamists, male and female, should be tried by the Ordinaries and not by the Inquisition, but they unwarily allowed the insertion of a provision "unless they believe erroneously as to the sacrament of matrimony or are suspect in the faith."[4] As this practically left it to the discretion of the inquisitors, Inquisitor-general Mercader, in his Instructions of 1514, was safe in telling the tribunals that they were not to try cases of bigamy unless there was presumption of erroneous belief as to the sacrament, and this was the answer sent, in 1515, to the Sicilians, when they made complaint of inquisitorial abuses.[5] Leo X, when, in 1516, confirming the Concordia of 1512, in the bull *Pastoralis officii*, was careful to make the same reservation,[6] but in this, as in everything else ostensibly gained by the Concordia, the subjects of the crown of Aragon found themselves deceived and when the Córtes, about 1530, complained that the inquisitors assumed jurisdiction over bigamy, the curt answer was that they observed the provisions of the law.[7]

A case occurring in 1513 suggests ample justification for this struggle to prevent the Inquisition from acquiring cognizance of bigamy. In 1477, Don Jorje de Bardaxí betrothed himself by

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[1] Memoria de diversos Autos (See Appendix to Vol. I).
[2] Archivo de Simancas, Inq., Lib. 2, fol. 21.
[3] Carbonell de Gestis Hæret. (Doc. de la C. de Aragon, XXVIII, 154).
[4] Pragmaticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1, § 4.
[5] Archivo de Simancas, Inq., Lib. 933; Lib. 918, fol. 381.
[6] Pragmaticas etc. de Cathalunya, Lib. I, Tit. viii, cap. 2.
[7] Archivo de Simancas, Patronato Real, Inq., leg. único, fol. 38.

words *de præsenti* to Leonor Olzina but, learning that she was pregnant or had borne a child, he never married her in the face of the Church or consummated the marriage. He remained single, but she, in 1497, married Antonio Ferrer. In some way the Saragossa tribunal got wind of the betrothal twenty years previous and prosecuted her in 1513. In her defence she alleged that Bardaxí had previously been married to Doña Juana de Luna, whereupon the tribunal commenced proceedings against him for the betrothal in 1477 and would have thrown him into the secret prison had he not been too infirm. He was a man of consideration and appealed for protection to Ferdinand, who ordered that he should not be arrested, that every care be taken to eliminate perjured testimony and that, on conclusion of the case, the papers be sent to Inquisitor-general Mercader.[1] The result is unknown, but Bardaxí was at least exposed to the terrors of an inquisitorial trial on a vague assertion of an indiscretion committed thirty-six years before.

Whether there was any formal opposition in Castile it would be impossible to say. There was a decided assertion of episcopal jurisdiction in the Council of Seville, held in 1512 by Archbishop Deza, the former inquisitor-general, which imposed a fine of two thousand maravedís on bigamists, in addition to the penalties provided by law; long absence of a missing spouse was not to be accepted as an excuse, and the death must be notorious or be duly proved before the Ordinary, before he could permit a second marriage.[2] Still, there was no special reclamation on the subject by the Córtes of Valladolid in 1518, nor any provision in the reform attempted through the Chancellor Jean le Sauvage. As in Aragon, the question turned theoretically upon the presumable heresy of the bigamist. About 1534, Arnaldo Albertino devoted an elaborate discussion to the matter,[3] but all this was academical rather than practical. In 1537, Dr. Giron de Loaysa, in his inspection of Toledo, reported that he had found everywhere many bigamists; they were so numerous that the inquisitors prosecuted them without distinction as to belief, and he suggested

[1] Archivo de Simancas, Inq., Lib. 3, fol. 241.

[2] Concil. Hispalens., ann. 1512, cap. xxxvii (Aguirre, V, 374).

[3] In the 1534 edition of his *Repetitionem novam* (Col. 363) Albertino says that he has treated the question extensively in his "Speculum Inquisitorum"—subsequently embodied in his "Tractatus de agnoscendis Assertionibus" as Q. XXIII (Romæ, 1572).

that special orders should be accordingly issued as the offence was so evil and so frequent.[1] This would have been superfluous. Simancas admits that, if the culprit says that he knew that he could not have two wives and thus did not err in the faith, it would seem that the Inquisition was estopped from proceeding, but custom has prevailed, though it would appear wiser to leave them to the episcopal courts. In a later work, however, he says that the Inquisition prosecutes them as thinking wrongly of the sacrament and impiously abusing it.[2] Thus it became settled, and otherwise the Inquisition would have been obliged to abandon its jurisdiction, for about 1640 an experienced inquisitor tells us that the accused never admitted heresy, but always professed consciousness of guilt. He was always asked whether he regarded a bigamous marriage as lawful and, if he answered in the affirmative, he was to be punished as a heretic.[3]

To keep up this fiction, the formal accusation by the fiscal asserted heresy or at least suspicion, at first in a simple form but subsequently with much amplification, stigmatizing the accused as an apostate heretic, or at least gravely suspect in the faith, for "thinking ill of the holy sacrament of matrimony and its institution and adopting the error of the heretics against the prohibition of polygamy."[4] With the same view he was always required to abjure for suspicion of heresy, in the earlier time *de vehementi*, but later *de levi*.[5] The flimsiness of the pretext, however, is exposed by the fact that, in the Suprema, bigamy cases were always considered in the afternoon sessions, at which assisted the two lay members of the Council of Castile, and where public pleas and other secular matters were discussed.[6] Still, when the jurisdiction once was acquired, it was asserted to be exclusive and was defended with customary aggressiveness. The civil magistrates were unwilling to surrender their immemorial cognizance of the crime, and assumed that it was *mixti fori*, leading to fre-

[1] Bibl. pública de Toledo, Sala v, Est. 11, Tab. 3.

[2] Simancæ de Cath. Instt., Tit. XL, n. 3; Enchirid., Tit. XII, n. 4–6.

[3] Bibl. nacional, MSS., V, 377, cap. xvii.—Elucidationes S. Officii, § 33 (Archivo de Alcalá, Hacienda, Leg. 544[2], Lib. 4).

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 361, fol. 7.—MSS. of Royal Library of Copenhagen, 218[b], p. 418.

[5] Peña, Comment. LXXXI in Eymerici Direct., P. II.—Bibl. nacional, *ubi sup.*—Archivo de Simancas, Inq., Lib. 921, fol. 231.

[6] Archivo de Alcalá, Hacienda, Leg. 544[2]; Lib. 10.

quent collisions. The tenacity with which these contests were conducted is illustrated in a Sardinia case, in 1658, where the royal court arrested Miquel Fiori for bigamy. When the inquisitors heard of this, they demanded the accused and the papers but, three hours after the demand was made, Fiori was paraded through the streets of Cagliari, receiving two hundred lashes, and was sent to the galleys. The indignant tribunal refused conference and competencia, and promptly excommunicated the veguer and his assessor. Then the quarrel was transferred to Madrid, where the Suprema and the Council of Aragon alternately for two years pelted the king with consultas, the former assuming that the crime was purely one of faith and that the jurisdiction of the Inquisition was exclusive; there could be no competencia, because the inquisitor-general was the sole judge of what constituted cases of faith. In October, 1659, the king ordered the excommunication of his judges to be lifted; the Suprema replied that it had commanded this in the previous February, but the inquisitors had given reasons for not obeying; it had repeated the order in August and presumed that it had been complied with, but it had not been and, in November the king reiterated his commands. He decided, however, as usual, in favor of the Inquisition, and the judges were summoned to surrender the prisoner and the papers, but they replied that Fiori had escaped from the galleys and that the papers had been sent to Spain. The Suprema regarded this as an evasion and the utmost it would do was to suspend the excommunications for six months at a time, especially as the offending judges refused to present themselves before the tribunal and beg for absolution.[1]

The time-honored episcopal jurisdiction over bigamy was treated with similar imperiousness. In 1650 the Suprema ordered the Valencia tribunal to demand from the Ordinary the case of Joana Arais, charged with bigamy, because it was a matter of faith, pertaining exclusively to the Inquisition. So, in 1658, when the Bishop of Salamanca arrested Domingo Moreno on the same charge, as soon as the Valladolid inquisitors heard of it, they claimed and obtained and tried him.[2] Yet, notwithstanding this,

[1] Bibl. nacional, MSS., Mm, X, 157, p. 190.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 9, n. 3, fol. 313.—Archivo de Simancas, Inq., Leg. 552, fol. 42.

It was the same in Portugal, where the bishops had to yield. The question was carried to Rome and, in 1612, the Archbishop of Lisbon was commanded to hand bigamists over to the Inquisition.—Collect. Decret. S. Congr. S. Inquis., p. 361 (MS. *penes me*).

the episcopal authority over the sacrament of matrimony was acknowledged and, in all sentences, there was a clause referring to the Ordinary the question as to the validity of the marriages.

The Roman Inquisition was less aggressive than the Spanish for, while it claimed jurisdiction, it was willing that bigamy should be regarded as *mixti fori* between the secular, the spiritual and the inquisitorial tribunals. If the civil magistrate was the first to take action he could carry a case to its conclusion, and punish the delinquent according to the municipal law, but the episcopal Ordinary, or the inquisitor, ought to demand the culprit for examination as to his belief in the sacrament and then, after making him abjure and imposing appropriate penance, return him to the secular court.[1] Offenders were treated with somewhat greater severity than in Spain. The abjuration was always *de vehementi* and torture was freely employed for intention. The penalty was the galleys—five years in ordinary cases and seven or more when justified by circumstances.[2]

In Spain, as we have seen, the secular laws provided penalties, but these were disregarded by the Inquisition, when it secured exclusive jurisdiction, and in practice the tribunals exercised a wide discretion. Ordinarily men were punished with one or two hundred lashes and from three to five years of galleys at the oar, though those of gentle blood were exempt from scourging and were sent to presidios or to military service in the galleys.[3] The Seville auto of May 13, 1565, may be taken as an example, where there were fourteen bigamists. Ten of them were scourged with an aggregate of seventeen hundred lashes, and five, in addition, were sent to the galleys, with an aggregate of twenty-nine years. A woman had two hundred lashes, with prohibition to leave Seville for ten years, and two others were paraded in vergüenza. The heaviest punishment was that of the Bachiller Cristóbal de Ordaz, a physician, who was fined in two hundred ducats, provided that this did not exceed half his property, he suffered two hundred lashes and was sent to the galleys for six years irremissibly, after

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[1] Decreta S. Congr. S. Officii, pp. 461, 466 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del. S. Officio, Vol. 3).

[2] Archivo de Simancas, Inq., Lib. 54, fol. 117.—Ristretto cerca li Delitti più frequenti, pp. 113–141 (MS. *penes me*).

[3] Miguel Calvo (Archivo de Alcalá, Hacienda, Leg. 544,[2] Lib. 4).—Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80; Inq. de Toledo, Leg. 1.

which he was banished for life, with a threat of perpetual galleys in case of infraction.[1]

Full allowance was made for extenuating circumstances. If husband or wife had been absent for years and reasonable effort had been made to ascertain their fate, or false news of death had been received, the accused was acquitted or the penalty reduced.[2] This is illustrated in the case of Anton de Cueba, a peasant of Cienpozuelos, before the Toledo tribunal in 1606. Both his wives were of his native place. He left it for awhile and on his return found his first wife absent. Then news came of her death in the hospital of Anton Martin in Madrid. He went there and verified it, returning with a certificate, on the strength of which and of public notoriety, four years afterwards, a licence for a second marriage was granted. Then the first wife returned and he was placed on trial. All this was carefully verified and the case was suspended.[3] There can, indeed, be little doubt that honestly misguided bigamists fared better at the hands of the Inquisition than they would have done in the secular courts, while the thorough organization of the tribunals enabled it to collect evidence throughout the land, whether for severity or mercy, in a manner impossible to either the civil or episcopal authorities. Its unwearied perseverance was sometimes severely taxed in the case of soldiers, removed from post to post, and is fairly illustrated in that of Joseph Antonio Ferro, a private in the regiment of Castile, accused, in 1763, to the Barcelona tribunal. His corps shifted its quarters and he was transferred to the regiment del Rey; his movements were followed up for years, the tribunals of Barcelona, Seville and Valladolid were successively employed on the case and, in 1769, that of Madrid was charged with its conduct.[4]

Discretion could be used to sharpen as well as to mitigate penalties, as may be seen in the case of the most accomplished bigamist in the records, Antonio ——, who appeared in the Valladolid auto of October 4, 1579. He confessed promptly and freely that within ten years he had married fifteen wives. It was the profession by which he earned a livelihood, for he wandered through the land marrying and running away with whatever he

[1] Archivo de Simancas, Inq., Leg. 787.

[2] Elucidationes S. Officii, § 33 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4)—Bibl. nacional, MSS., V, 377, cap. xvii, § 1.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. 1.

[4] Proceso contra Jos. Ant. Ferro (MSS. of Am. Phil. Society).

could secure. He must have been a most plausible scamp, for his favorite device was to personate some one who had disappeared, after gathering information sufficient to enable him to maintain the deception. This plan he repeated eleven times, in some cases establishing claims to considerable property. His sentence was to appear in the auto with a mitre bearing the insignia of all the fifteen marriages (usually the figure of a woman for each), two hundred lashes and the galleys for life. In view of the latter clause it seemed slightly superfluous to remit to the Ordinary, as usual, the question as to which of the women he should live with.[1]

As the eighteenth century advanced, the inquisitorial claim to exclusive jurisdiction was called in question. In the New Granadan case of Alberto Maldonado, of Santafé de Bogotá, the alcalde resisted the interference of the Inquisition with his prosecution of the culprit; the matter was brought before the royal Audiencia, which decided in favor of the tribunal, on grounds of expediency. Appeal was made to the home government, resulting in a decree, February 18, 1754, to the effect that bigamy was *mixti fori* and that cognizance belonged to the jurisdiction taking first action. Against this the Suprema presented a consulta, March 18th, but to no purpose. The decree was enclosed to all viceroys in a royal cédula, commanding that, in no case, should a competencia be admitted, for no custom could prevail against the regalías, without the royal consent. If the Inquisition desired to take action for the suspicion of heresy involved, it could do so after the culprit had served out the punishment imposed by the royal courts.[2]

The Inquisition was irrepressible and, in spite of these positive commands, a competencia arose in New Granada, which induced Carlos III to reconsider the questions. Consultas were called for and were presented, by the Suprema in April, 1765, and by the Council of Indies in April, 1766, resulting in a decree of July 21, 1766, by which Carlos restored the exclusive jurisdiction of the Inquisition. This was sent to the viceroys, September 8th and we find it ordered to be duly obeyed in Mexico by the Marquis de

[1] Bibliothèque nationale, fonds espagnol, No. 354, fol. 242.

[2] Memorias de los Vireyes del Perú, III, 38.—Archivo de Simancas, Inq., Lib. 28, fol. 115.

Croix, February 26, 1767.[1] Carlos soon saw reason to change his views. The Auditor de la Guerra had tried and sentenced an invalid soldier, when the Inquisition interposed and demanded the papers. This aroused him to a sense of the incongruity of the position, and he ordered the Royal Council to consider the matter. It presented a unanimous report, January 10, 1770, in conformity with which he decreed, February 5th, that the case belonged exclusively to the Auditoria de la Guerra. He utilized the occasion, moreover, by adding that he had ordered the inquisitor-general to instruct inquisitors that, in cases of this kind, they must observe the laws of the kingdom and not embarrass the royal judges in matters appertaining to them, but must limit the use of their faculties strictly to heresy and apostasy and not dishonor the royal vassals by arrests without manifest preliminary proof. All the royal tribunals were ordered to try and punish bigamists, according to the laws and to be zealous in preventing any contravention of the decree.[2]

This was a bitter rebuke, sullenly resented by the Inquisition. There were many pending cases in the tribunals and they forthwith suspended proceedings. This led to a royal letter of September 30, 1771, in which authority was granted to proceed with all cases not on trial in the royal courts, and all that might be denounced to the Inquisition, but subject to the condition that, when the culprit was not *reo de fe*, through belief that bigamy is lawful, sentence should not be rendered or punishment be inflicted but that the case should then be handed over to the courts having jurisdiction.[3]

Although this conceded only the power of trying without convicting, it was an entering wedge, which the Suprema lost no time in turning to advantage, by stimulating denunciations and making the people believe that it still held jurisdiction. In the Edict of Faith for 1772, therefore, bigamy was included, with the cautious formula "so that the Holy Office may prevent the offences against God committed in this crime."[4] The royal decree was sent around to the tribunals, with instructions that, when denunciations were received, care was to be taken to see that the accused was not on trial elsewhere. In that case he was to be regularly tried and

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[1] MS. *penes me.*

[2] Novís. Recop., Lib. xii, Tit. xxviii, ley 10.

[3] Bibl. nacional, MSS., Mm, 93.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11 fol. 7; n. 10, fol. 92

convicted and made to appear in an *auto particular*, with the insignia of bigamy and double-knotted halter indicating scourging; he was to be made to abjure and be remanded to prison for two or three weeks of penance and then be handed over to the secular court, so that his subsequent punishment might have the appearance of being merely the execution of a sentence by the tribunal.[1]

While these devices doubtless had the effect designed, the offensive decree of 1770 remained in force and was a standing humiliation which the Suprema strove earnestly to remove. In 1777 it presented a memorial representing that the decree was printed and sold and published in the journals, causing infinite prejudice to religion and giving immense impulse to profligacy and infidelity. It debarred the Inquisition from acting in any cases save those of heresy and apostasy, and even in these it could make no arrests unless guilt was conclusively proved. Since that year, it says, how many have abandoned themselves to solicitation, sorcery and other crimes, believing themselves secure from the Inquisition! How many have allowed themselves to utter propositions impious or heretical, believing that, even when denounced, they could not be arrested until their offences were fully proved—a thing which could rarely or never happen! It is in vain that the Inquisition publishes its yearly Edict of Faith; the impression produced by the cédula is uneffaced and it ought to be called in and suppressed.[2]

This appeal led to a royal declaration of September 6, 1777, to the effect that the cédula of 1770 did not impede the jurisdiction of the Inquisition in cases of which cognizance was reserved to it. As to bigamy, the offence was partitioned between three jurisdictions; the deceit of the woman and the injury of offspring were subjected to the secular courts; the validity or invalidity of the marriage, to the episcopal courts; and heresy as to the sacrament, when it existed, to the Inquisition. The three jurisdictions should coöperate, by each imposing the penalties belonging to it and delivering the culprit from one to another in order that his offences might be verified.[3] This subdivision of a crime into three was too clumsily scientific to be reduced to practice. In appearance it

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 15, n. 11, fol. 1–6; Inq. de Toledo, Leg. 1.

[2] Ibidem, Inq. de Valencia, Leg. 15, n. 11, fol. 5.—Archivo de Alcalá, Estado, Leg. 2843.

[3] Alcubilla, Códigos antiguos, II, 1908.

only defined the existing method, but in a shape which enabled the Inquisition to encroach on the secular jurisdiction. As early as 1781, we find that the bigamist, after trial, was handed over to the royal court with a certificate designating him not merely as a convict but expressing the punishment of exile and presidio, thus showing that the tribunal presumed to sentence him to temporal as well as to spiritual penance. In 1791 a case indicates that it even went further, for the Toledo tribunal held an auto particular for Gabriel Delgado, in which his sentence was read, prescribing not only abjuration de levi and spiritual penance, but exile for eight years from Toledo, Madrid and royal residences. The only difference between this and the practice of a century earlier, was a clause that his person was to be delivered to the secular justice.[1]

Under the Restoration the Inquisition assumed full jurisdiction over bigamy; the tribunal sentenced the culprit as of old, usually to scourging and presidio or exile, and the Suprema, in confirming the sentence, ordered the scourging omitted on some pretext. Nothing was said about handing the culprit over to the secular courts. They might, if they saw fit, exercise cumulative jurisdiction, and entertain cases that came to them, but, after they rendered judgement, the Inquisition tried the culprits over again and modified the sentence at its pleasure, either to increase or diminish the penalties. Thus, in 1818, the Granada criminal court sentenced Eusebio Reulin to six years of presidio of which one was to be in Africa. Then the tribunal took hold of him, adding spiritual penances and perpetual exile from certain places, and increasing the presidio to ten years, but, when this went for confirmation to the Suprema, it cut down the exile to eight years and the presidio to two. The sentence of the criminal court was treated with the utmost contempt. An exception to this seems to have been made when the army was concerned. In 1817, Eladio de Aragon was tried by the Madrid tribunal and convicted of having three wives; his sentence comprised only abjuration and spiritual penances, after the performance of which he was to be handed over to the captain-general with a copy of his sentence and a recommendation to mercy, in view of his long imprisonment, his confession and the hopes entertained of his amend-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 16, n. 5, fol. 50; Inq. de Toledo, Leg. 1, fol. 286.

ment.[1] Evidently, in dealing with the army, the Inquisition felt constrained to obey the laws.

Bigamy formed a portion by no means inconsiderable of the current business of the Inquisition. In the Toledo record, from 1575 to 1610, the number of cases is fifty-four, ranking next to those of Moriscos. In the same tribunal, from 1648 to 1794, there were sixty-two cases, being next in number to solicitation. In the sixty-four autos held in Spain from 1721 to 1727, there were thirty-four cases, the only crimes exceeding this being Judaism and sorcery. In the later period, owing doubtless to the interference of the secular jurisdiction and the decadence of the Inquisition, the number falls off, the total in all tribunals from 1780 to 1820 being one hundred and five.[2]

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[1] Archivo de Simancas, Inq., Lib. 890.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inq. de Toledo, Leg. 1; Inq. de Valencia, Leg. 100.—Royal Library of Berlin, Qt. 9548.

CHAPTER XV.

BLASPHEMY.

BLASPHEMY is a somewhat elastic term but, for our purpose, it may, in a general way, be defined as imprecation derogatory or insulting to the Divinity. Punished with lapidation under the Levitical law, it was, during the Middle Ages, the subject of infinite legislation, both on the part of secular and ecclesiastical lawgivers, and savage punishments, such as boring the tongue with a hot wire, were frequently imposed. Enrique IV, in 1462, prescribed cutting out the tongue, together with scourging or banishment and, in 1476, Ferdinand and Isabella confirmed this.[1] Jurisdiction over blasphemy was cumulative, belonging both to the secular and spiritual courts, and was also within the cognizance of the Old Inquisition, provided it was heretical, but the distinction between non-heretical and heretical was not easy. Eymerich tells us that imprecations reviling God or the Virgin, or expressing ingratitude to him, are simple blasphemy with which the Inquisition has no concern; to give it cognizance there must be a denial of some article of faith, and the repetition of this definition by the Repertorium in 1494 shows that this continued to be accepted as the rule in practice.[2]

The Spanish Inquisition, at its inception, thus found itself possessed of jurisdiction and, in Aragon at least, where the institution had the tradition of centuries, there was no hesitation in exercising it, immediately after the reorganization. In the Saragossa auto of December 17, 1486, there appeared a Christian punished for blasphemy, his tongue being pierced with a stick, and a Jew with a bridle in his mouth, a mitre and a straw *espuerta*. In this field, as in so many others, inquisitorial zeal outran discretion; there was little attention paid to the distinction between heretical and non-heretical and, in the Instructions of 1500, inquisitors were told that they made arrests for trifling

[1] Nueva Recop., Lib. VIII, Tit. iv.

[2] Eymerici Director, P. II, Q. XLI.—Repertor. Inquisit. s.v. *Blasphemus*.

matters, not directly heretical, as for words uttered in anger that were blasphemy and not heresy; in future, no one was to be arrested for such things and, if there was doubt, the inquisitor-general was to be consulted.[1] This warning was all the more needed, as the secular courts were not ready to abandon their jurisdiction, for a pragmática of Ferdinand and Isabella, in 1502, provides lashes, prison and other penalties for blasphemies so evidently heretical as *descreo de Dios* (I disbelieve in God).[2] The bishops likewise continued to assert control, for the Council of Seville, in 1512, under ex-Inquisitor-general Deza, imposed a fine of three gold florins and imprisonment at discretion on clerics, while for laymen, in addition to the legal penalties, the ecclesiastical judge was directed to prosecute for swearing, blasphemy, or insults to God, the Virgin and the saints.[3]

The caution enjoined in the Instructions of 1500 was lost on the inquisitors and their abuse of power, in this respect, suggested one of the complaints of the Córtes of Monzon, in 1510. In the Concordia of 1512 it was provided that they should not have cognizance of blasphemy, unless it manifestly savored of heresy, such as denying the existence of God or his omnipotence. Inquisitor-general Mercader embodied this in his Instructions of 1514, and Leo X confirmed it, in 1516, in his bull *Pastoralis officii*.[4] The Aragonese Suprema accepted this and, in the Edict of Faith of 1515, it was specially stated that denunciation of blasphemy was not required, except when it was contrary to articles of faith.[5] As we have seen in bigamy, however, no attention was paid to this and, among the grievances of the Córtes about 1530, there is complaint that the Inquisition threw into prison orthodox persons for blasphemy and for words merely uttered in the heat of passion, to which the imperturbable inquisitor-general replied that the inquisitors acted only in accordance with the law and, if parties had been aggrieved, let their names be given, when due provision would be made.[6]

These troubles were by no means confined to Aragon. In Castile a royal pragmática of 1515 recites a supplication to the

[1] Arguello, fol. 14.

[2] Llorente, Añales, I, 278.

[3] C. Hispalens. ann. 1512, cap. xxxviii (Aguirre, V, 374).

[4] Pragmáticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1, 2.—Archivo de Simancas, Inq., Lib. 933.

[5] Archivo de Simancas, Inq., Lib. 918, fol. 382.

[6] Ibidem, Patronato Real, Inq., Leg. único, fol. 37.

king asking that inquisitors should not have cognizance of blasphemy, wherefore it was ordered that they should only hear cases which they could and ought to hear, and a special charge was given to the inquisitor-general not to permit them to do otherwise, and to provide that abuses, if such there were, should cease.[1] This ambiguous utterance naturally produced no effect and, in 1534, the Córtes of Madrid represented forcibly the hardship that a blasphemy, uttered in the excitement of gambling or in the passion of a quarrel, should expose a man, noble and of pure blood, to arrest by the Inquisition, when, as the cause was not known, the whole lineage suffered infamy. They asked, therefore, that the offence should be remanded exclusively to the secular courts, which should punish it rigorously. To this Charles evasively replied that the judges would execute the laws and the inquisitors would not exceed their powers, and he contented himself with reissuing the pragmática of 1515.[2]

It is easy to appreciate the feelings underlying these remonstrances, for there was no function of the Inquisition which brought it more fully in contact with the mass of the Old Christian population, thoroughly orthodox at heart, strict in observance, proud of purity of blood, and dreading nothing so much as the *nota* incurred by the slightest suspicion of heresy. The Spaniard was choleric, and not especially nice in his choice of words when moved by wrath; gambling was an almost universal passion and, in all lands and ages, nothing has been more provocative of ejaculations and expletives than the vicissitudes of cards and dice. What, to women in the humbler walks of life, were the prosecutions for sorcery, those for blasphemy were to men of all ranks. Trivial as this portion of inquisitorial activity may seem to us, we may feel sure that in no other way was the influence of the Holy Office more keenly felt or more dreaded by that great body of the nation which zealously welcomed its persecution of the Jewish and Moorish New Christians.

It is true that, in theory, the jurisdiction of the Inquisition was confined to heretical blasphemy and, if the older definitions were observed, only a moderate self-restraint was required for the most inveterate gambler or hot-headed ruffler to keep on the safe side,

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[1] Andres de Burgos, Reportorio de todas las Prematicas, fol. xxxix (Medina del Campo, 1551).

[2] Córtes de los Reinos de Leon y de Castilla, IV, 589.

but definitions were malleable and could be moulded to suit the temper or the aggressiveness of a tribunal anxious for business and for fines. The doctors found it no easier to agree upon the delimitation of heretical blasphemy than upon the thousand other questions suggested by Moral Theology. It was easy to say in general terms that heretical blasphemy consisted in affirming or denying of God that which the faith requires to be denied or affirmed, or in attributing to the creature that which pertains solely to the Creator, but when it came to applying these abstract principles in the concrete, there was apt to be discordance, and it is easy to imagine how ample a field for casuistry was afforded by the variety, vigor and picturesqueness of the blasphemy of the southern races.

As a rule, the Suprema was inclined to check the readiness of the tribunals to discover heresy in expletives which were, it is true, blasphemous, irreverent and indecent, but not indicative of lack of faith. There was a class of these, which seem to have been in the mouth of every one, ineradicable by the most severe legislation, such as "Mal grado aya Dios" (May it spite God), "Pese á Dios" (May God regret) "Reniego á Dios" (I renounce God), "Descreo de Dios" (I disbelieve in God) etc., for which Ferdinand and Isabella, in their laws of 1492 and 1502, provided penalties ranging from a month's imprisonment for a first offence, to piercing the tongue for a third and, in 1525, Charles V added "Por vida de Dios" (By God's life) to the list. In 1566, Philip II in his desire for naval recruits, added ten years of galleys to the penalties for blasphemy and six years of galleys to the tongue-piercing for the third offence, as provided by his predecessors.[1] When these offences were so fully covered by secular law, the Suprema deemed it unnecessary that the tribunals should be diverted from their legitimate functions to take cognizance of them. In 1537, Dr. Giron de Loaysa, in his visitation of Toledo, writes for instructions concerning these expletives. He regards them as heretical, but he understands that the Suprema does not wish the tribunals to take action on them, as they are so common and there are already judges enough for them.[2] It was probably in response to this that, in the same year 1537, the Suprema decided that utterances such as these were not within its jurisdiction, because they were

[1] Nueva Recop., Lib. VIII, Tit. iv.

[2] Bibl. pública de Toledo, Sala v, Est. xi, Tab. 3.

conditional, being merely explosions of wrath or disappointment, a decision which it repeated in 1547; it had already, in 1535, construed the Instructions of 1500 as implying that sudden ejaculations of anger were to be handed over to the episcopal courts and, in 1560, it included "por vida de Dios" among non-heretical blasphemies. In 1567, however, among the charges against Estevan Pueyo, in Valencia, is included his exclaiming "pese á Dios" and the tendency of inquisitors to widen the definition is seen in the rebuke by the Suprema of Inquisitor Moral because, in San Sebastian, he had punished for sayings such as "God cannot do me more harm" and "in this world you will not see me suffer," unless, indeed, it sagely observes, the last expression is used with disbelief in the final Judgement.[1]

This latter remark illustrates the ingenious casuistry with which heresy could be discovered whenever desirable, of which we have already seen an example in the case of Antonio Pérez, for one of the charges against him was his swearing that, if God the Father interfered with his defence, he would cut off his nose, in which Fray Diego de Chaves found savor of the heresy of the Vaudois who attributed human members to God. It is possible that the successful employment against Pérez of the jurisdiction over blasphemy may have led to a more liberal definition of heresy for, in the seventeenth century, we find a consensus of opinion that such expletives as "reniego de Dios" or "de la fee" or "de la crisma" or "de Nuestra Señora" or "descreo de Dios" were heretical. Whether this applied to renouncing St. Peter, St. Paul and other saints was a more doubtful question on which the doctors differed. There were even strict constructionists who held that to call God all-wise or all-beautiful, as a lover might address his mistress, was blasphemy. In Sicily, the exclamation "Sanctus Diabolus" was usually admitted to be heretical, but it was not prosecuted because it was so universally used that it was more convenient to class it as simple blasphemy.[2] It will readily be seen how elusive were the questions arising from the variegated ingenuity of blasphemers, and what scope there was for the indulgence of temperamental idiosyncracies among inquisitors.

In the region so full of doubt, where there were three claimants

[1] Archivo de Simancas, Inq., Lib. 939, fol. 106; Lib. 81, fol. 27.—Archivo hist. nacional, Inq. de Valencia, Leg. 31.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.—Alberghini, Man. Qualificat., cap. xvi.

of jurisdiction—the secular, the spiritual and the inquisitorial—much clashing might naturally be expected, but I have not met with any competencias with the royal courts arising from this source.[1] In his anxiety to suppress blasphemy, Philip IV in 1639 assembled a junta to consider whether the jurisdiction of the Inquisition could not be enlarged, so that it could punish the utterance of a single "por vida," when the outcome of its deliberations was a comprehensive decree punishing all swearing, save in judicial procedures, with a graduated scale of penalties, and those addicted to the habit were incapacitated for holding office under the State. Of course this was ineffective and, in 1655 and 1656 he ordered the rigid infliction of the punishment in order to disarm the divine indignation manifested in the public misfortunes.[2]

Neither did the episcopal courts surrender their jurisdiction, and it proves the ineradicable character of the offence that it continued to flourish in spite of persecution by all three. A case illustrative of their cumulative action, and of the susceptibility of Spanish piety, was that of Diego Cabeza, of Manzanal de la Puente who, about 1620, in quarrelling with a man, said that he did not know what God was about when he made him. The local magistrate, Francisco Prieto, exacted of him a fine of forty ducats, by threatening to denounce him to the Inquisition, but the episcopal court heard of the matter, arrested, tried and punished him. Then, some ten years later, in 1630, he was denounced to the Valladolid tribunal; the calificadores duly pondered over his utterance and pronounced it to be an heretical blasphemy, but, when the inquisitors learned that it was ten years old, and that he had already been punished by the episcopal Ordinary, they wisely suspended the case.[3]

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[1] This was not the case in Italy where, in 1555, the Inquisition assumed jurisdiction over blasphemy. There were occasional conflicts with the secular authorities, especially in the Venetian territories, as when, in 1595, the podestà of Brescia refused to allow a blasphemer to be imprisoned by the inquisitor. The Roman Congregation protested, but the podestà prevailed and punished the offender, probably with greater severity than the Inquisition would have done. There was the same difficulty of distinction between heretical and non-heretical blasphemy. In 1606 the Congregation decided that *puttana de Dio* was not heretical although outside of Rome it was held to be so.—Decret. S. Cong. S. Officii, p. 29 (MSS. of Bibl. del Reale Archivio di Stato in Roma, Fondo Camerale, Congr. del. S. Officii, Vol. 3).

[2] Cartas de Jesuitas (Mem. hist. español, XV, 191).—Nueva Recop., Lib. I, Tit. i, ley 10.—Autos Acordados, Lib. VIII, Tit. ii, Auto 1.

[3] Archivo de Simancas, Inq., Leg. 552, fol. 13.

Presumably it was the worst cases of blasphemy that came before the Inquisition and, as a rule, its moderation offers a favorable contrast to the savage ferocity of secular legislation. It is true that, as suspicion of heresy was inferred, the accused was thrown in the secret prison which, in itself, was a severe infliction, but torture was not employed. The penalties prescribed were abjuration *de levi*, appearance in an auto, gagging, scourging and galleys, according to the gravity of the offence, while frailes were recluded in convents of their own Orders.[1] These, however, were reserved for aggravated cases of habitual blasphemy by offenders of low degree; nobles and gentlemen had their sentences read in the audience-chamber, were excused from abjuration, and were recluded in a monastery for some months. Outbreaks of passion, in quarrels or gambling and even drunkenness, were held to entitle the accused to acquittal, or to merely nominal penalties. A writer of about 1640, indeed, assumes as a rule that the culprit was only reprimanded in the audience-chamber, without abjuration, except in very scandalous cases, deserving of scourging and the galleys, but even in these such punishments were no longer inflicted. There was no sequestration of property, and repetition of the offence was not regarded as relapse.[2] A later writer, however, holds that such heretical blasphemies as "reniego de Dios," "descreo de Dios" and the like are punishable with vergüenza or a hundred lashes.[3]

It may be assumed, in fact, that there was a wide discretion in these matters. We have seen the severity with which the wild outbursts of rage of Antonio Pérez were treated, yet, in 1624, a young soldier who, when put in the stocks, exclaimed "I renounce God and the saints; devils why don't you come and carry me off?" when duly tried with all formality by the Valladolid tribunal, was discharged with a reprimand and without a sentence. So, in 1630, two girls in the Dominican convent of Valladolid, on being confined in a room by the prioress, in a burst of rage repeatedly renounced God and the saints. Naturally on trial they expressed extreme repentance and were discharged with a reprimand.[4] This wise moderation did not exclude severity, when the case seemed

[1] Archivo de Alcalá, Hacienda, Leg. 544,[2] Lib. 4.

[2] Ibidem.—Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.—Bibl. nacional, MSS., V, 377, cap. 1.

[3] Elucidationes S. Officii, § 37 (Archivo de Alcalá, *ubi sup*).

[4] Archivo de Simancas, Inq., Leg. 552, fol. 3, 13.

to demand it. In 1669, Antonio del Hero, for heretical blasphemy "en grado superlativo" was sentenced in Toledo to appear in the auto of April 7th, to abjure de levi, to hear mass as a penitent, to receive a hundred lashes and to serve three years in the galleys.[1]

Considering the prevalence of the vice and the energetic efforts for its suppression, the number of cases in the Inquisition is less than might be expected. In the Toledo record, from 1575 to 1610, there are only forty-six. In that of the same tribunal from 1648 to 1794, the number is but thirty-seven. In all the tribunals, from 1780 to 1820 the total is one hundred and forty-seven. It is evident that, in this matter, the activity of the Inquisition diminished greatly as time wore on, whether from an increase in popular reverence or from a growing disinclination to denounce the offence.

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

CHAPTER XVI.

MISCELLANEOUS BUSINESS.

In the undefined and widely extending jurisdiction of the Inquisition there were a number of matters, more or less connected with the faith, of which it assumed cognizance. Their cursory consideration is indispensable and they can more conveniently be grouped together.

Marriage in Orders.

The celibacy enjoined on the Catholic clergy includes the seculars, from the subdiaconate upwards, and the regulars who are bound by the three vows of chastity, poverty and obedience. Even degradation from orders does not remove the disability, as the indelible *character* impressed in ordination remains.[1] Strict as has been the enforcement of the canons, since the twelfth century, the weakness of the flesh has, at all times, led to occasional infractions of the rule, punishable with degradation, reclusion in a monastery and other penalties. Whether the offence was justiciable by the Inquisition was, in the earlier period, the subject of debate, some authors holding that, if the marriage was public, it implied heretical error, bringing it under inquisitorial jurisdiction, but that, if it was secret, this showed that there was no intellectual misbelief, making the offender guilty only of violating the law and subjecting him, if secular, to the spiritual courts, and if regular, to the prelates of his Order.[2]

The Reformation, which sanctioned clerical marriage, introduced a new and controlling factor that in time altered the situation.

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[1] Reportorium Inquisit. s.v. *Degradatio*, § *an clericus*.

[2] Simancæ de Cath. Instt., Tit. xl, n. 8–13; Ejusd. Enchirid., Tit. xii, n. 1–3.—Arnaldi Albertin. Repetitionem novam, Q. xiii, n. 47 (Ed. 1534, col. 331).

It is perhaps worth noting that the *Repertorium* of 1494 has no allusion to the subject under the titles *Castitas*, *Clericus*, and *Matrimonium*. At that time it was evidently considered to be outside of the sphere of the Inquisition.

Yet, for a considerable period there was a powerful movement, especially among German Catholics, to relax the prohibition in the hope of effecting a reunion. The question was regarded as open for discussion, as a matter merely of discipline; Arnaldo Albertino argues that the pope can dispense for marriage in orders, and instances the dispensation granted by Alexander VI to his son Cæsar Borgia, then a cardinal-deacon, to marry the heiress of Valentinois.[1] The reactionary influences which controlled the Council of Trent changed all this when, in 1563, it made clerical celibacy a matter of faith, rendering priestly marriage unquestionably thenceforth heretical.[2]

The Inquisition, however, did not wait for this to assume jurisdiction, though it seems not to have acted until after the outbreak of the Reformation had rendered clerical celibacy a subject of discussion. The earliest case that I have met is that of Miguel Gómez, a priest of Saragossa, sentenced, for marrying in orders, by the Toledo tribunal in 1529, when the peculiar punishment would seem to show that it was a novelty for which no precedent existed. He was exhibited for three days on a ladder at the portal of the cathedral, in his shirt and drawers, with his hands tied, his feet chained and a mitre on his head, after which he was deprived for life of sacerdotal functions and banished forever from the province. Toledo had no other case until 1562, when it had to deal with the somewhat complicated offence of Fray Juan Ramírez, who entered a religious order while married, but twice left it and returned again, during which performances he married two wives.[3] That jurisdiction depended wholly on the sacrament is seen in the case of Juan Carrillo, *alias* Fray Juan Ortiz, a Franciscan denounced, in 1596, to the Toledo tribunal by his prelate, Fray Juan de Ovando, for apostasy and living with a woman reputed to be his wife. Investigation showed that she was merely his concubine, so the case was suspended, and he was remanded to Ovando to be dealt with under the rules of the Order.[4]

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[1] Arnaldi Albertini de agnoscendis Assertionibus, Q. XXIII, n. 41.

In Germany, many Catholic priests took wives. By the *Interim* of Charles V, in 1548, they were allowed to remain undisturbed until the Council of Trent should decide the question.—Interim, cap. XXVI, § 17.

[2] C. Trident. Sess. XXIV, De Sacr. Matrimonii, can. ix. Yet the council recognized the papal power of dispensation.

[3] Catálogo de las causas seguidas ante el tribunal de Toledo, pp. 306, 307.

[4] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

After the offence had clearly been made heresy by the Council of Trent, the terrifying formula of accusation by the fiscal describes the offender as unworthy of mercy, to be deprived of all ecclesiastical privilege, to be degraded from his orders and to be relaxed to the secular arm, to which was added the *otrosi* demanding the free use of torture.[1] In practice, however, there was the widest discretion. It is true that writers speak of appearance in public auto or degradation and reclusion in a monastery for a few years, or a similar term of galley service, but there seems to have been no rule.[2] Indeed, it is not easy to understand how an offence so uniform in its nature should have been visited with penalties so diverse. In 1597, Francisco Agustin, an Augustinian of Barcelona, married in Toledo, sought to defend himself on the plea that he had entered the Order under compulsion in order to escape his debts: his sentence was appearance in an auto, abjuration *de levi* and imprisonment for life in the convent where he had made profession.[3] In 1629, Fray Lorenzo de Avalle, a Benedictine priest, accused himself to the Valladolid tribunal of having married and lived for eight years as a musician in Aragon. Notwithstanding his self-denunciation, he was sentenced to verbal degradation and to four years' detention in a monastery, where he was to undergo a circular discipline, while the woman was notified that she was free to marry again.[4] In strong contrast with this was the case of Juan Alonso Palacios, a married Jesuit, before the Toledo tribunal in 1659, who, though not an *espontaneado*, escaped with a reprimand and four years of reclusion. Then, in 1664, Fray Juan de Ayala, a Mercenarian priest, was, by the same tribunal, suspended perpetually from his functions and recluded for three years in a convent with one year's Friday fasting and some spiritual penance. Again, in 1675, the same tribunal condemned Gerónimo de Morales, a married subdeacon, to five years in the galleys, three more of exile and disqualification for orders.[5] Five years of galleys, with three more of exile and deprivation of functions and benefices, was the portion of Don Cristóval de Zabiati,

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[1] MSS. of Royal Library of Copenhagen, 218b, p. 420.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.—Elucidationes S. Officii, § 34 (Archivo de Alcalá, Hacienda, Leg. 544,[2] Lib. 4).

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[4] Archivo de Simancas, Inq., Leg. 552, fol. 11.

[5] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

alias Don Juan Baptista de Verganza, priest of Talavera de la Reina, who appeared in the great Madrid auto of 1680.[1] In 1700 the Toledo tribunal had to deal with a case characterized as "con circonstancias gravísimas," so that we may regard the sentence as representing the extremity of punishment for the offence. The culprit was not required to appear in an auto, but his sentence was read in the audience-chamber, in the presence of twenty-four ecclesiastics. It prescribed abjuration *de levi*, perpetual deprivation of functions, perpetual confinement in a convent cell, to be left only for choir and refectory, in which he was to have the last place, to fasting for four years, on bread and water on Fridays and vigils, and to a circular discipline when taken to the convent. The details of his career are not given, but there is a suggestion of material for a picaresque novel, as the culprit was a Dominican, Fray Tomas Juster, who had been a calificador of the Inquisition and a preacher of the king, and who enjoyed the multifarious aliases of Don Juan de San Feliú Cisneros, Don Vicente de Ochaita and Don Juan de Ibarrola.[2] It is somewhat remarkable that degradation appears so rarely to be resorted to.

The offence seems to have been by no means frequent. In the Toledo reports from 1575 to 1610, there are only the two cases referred to above, and, in the record of the same tribunal from 1648 to 1794 the number is only ten. From 1780 to 1820 the combined records of all the tribunals show only six cases.[3]

PERSONATION OF PRIESTHOOD.

The veneration with which the sacraments are regarded, and the supreme importance ascribed to them as a means of salvation, render it indispensable that they should be guarded with the utmost solicitude. Not only is their validity essential to those who seek them, but any fraud in their dispensation is sacrilege, which, in the case of the mass, may plunge all worshippers present into the sin of idolatry. With the exception of baptism, they can be administered only by those in full priest's orders, and the pretence to do so by men unqualified is a wrong, not only to the

[1] Olmo, Relacion del Auto, p. 204.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Ibidem, Inq. de Valencia, Leg. 100.

faithful who are deceived, but to the Creator who has established them for the solace and salvation of His creatures.[1]

The fees attaching to the confection and bestowal of the sacraments are a valuable privilege of the priesthood, and the temptation was great for graceless laymen or clerics in the lower orders to simulate the possession of the requisite faculties, and to betray the unsuspecting into accepting from their hands the worthless simulacra. In the venality of the fourteenth century this would seem not to have been regarded as an especially grave offence for, in the tax-roll of Benedict XII, the official fee for absolution for pretending to be a priest, hearing confessions and granting absolution, is only six *grossi* or about three-quarters of a florin.[2] After the outbreak of the Reformation it was regarded as a more serious matter. Paul IV, in briefs of May 20, 1557, and February 17, 1559, defined the offence as subject to the Inquisition, and to be punished by relaxation, even when there was not relapse.[3] Sixtus V felt compelled to reissue the brief of Paul, and Clement VIII, in 1601, confirmed the acts of his predecessors, authorizing prosecution by either the Inquisition or the episcopal Ordinary. This was applicable only to culprits who had reached the age of 25, but Urban VIII, in 1627, reduced the limit to 20.[4]

This repetition of legislation shows the stubbornness of the evil and the papal determination to suppress it. Even complicity was sternly punished for, in 1619, a layman assisting a celebrant, whom he knew to be unqualified, was tortured for intention, made to abjure *de vehementi*, to serve five years in the galleys, and was perpetually suspended from assisting at mass.[5] Cardinal Scaglia, however, states that when the offence was committed through thoughtlessness, relaxation was commuted to ten years of galleys,[6] but there was no hesitation in inflicting the full penalty in appropriate cases. As late as July 18, 1711, Domenico Spallacino,

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[1] "Consentaneum visum est de sanctissimis ecclesiæ sacramentis agere, per quæ omnis vera justitia vel incipit, vel cœpta augetur, vel amissa reparatur."—C. Trident. Sess. VII, De Sacramentis, Procem.

[2] P. Denifle, Die älteste Tax-rolle der Apost. Pönitentiarie (Archiv f. Litt. u. K.-Geschichte, IV, 224–5).

[3] Locati Opus judiciale Inquisitor., pp. 475, 476 (Romæ, 1570).—Farinacii de Hæresi, Q. CXCIII, § 1, n. 39.

[4] Bullar. Roman. III, 142; IV, 144.

[5] Collect. Decr. S. Congr. S. Officii, p. 50 (MS. *penes me*).

[6] Ristretto circa li Delitti più frequenti nel S. Offizio, p. 104–5 (MS. *penes me*).

a hardened offender, who had lived for five years by celebrating mass in Rome, Loreto and other places, was relaxed and condemned to be hanged and burned; he was duly hanged in the Piazza di Campo de'Fiori, the body was fastened to an iron stake on a pile of wood and was reduced to ashes, which were gathered up and buried.[1]

In Spain the matter was treated less seriously. The Inquisition at first did not regard itself as having jurisdiction unless there were misbelief as to the sacraments. A carta acordada of January 31, 1533, instructs the tribunals that, in these cases, the culprit is to be asked whether he thought himself possessed of the power, or whether he had anywhere heard it so asserted as an opinion, and what was his intention; if he acknowledges no erroneous belief, the matter does not concern the Inquisition and, he is to be handed over to the magistrate. The briefs of Paul IV were not admitted in Spain, and the matter slumbered until 1574 when, on January 13th, the Suprema addressed to the tribunals a circular inquiry, asking whether there had been any prosecutions for this offence; if so, on what grounds was the jurisdiction based, what form of procedure was followed, and what penalty was inflicted; also opinions were asked as to how such cases should be treated.[2] Evidently no attention had as yet been paid to the question; the replies showed that there was no general policy, and a brief of August 17th, of the same year, was obtained from Gregory XIII reciting that in Spain there were conflicting opinions whether the Inquisition had or had not jurisdiction, wherefore he granted to it exclusive cognizance, and forbade the episcopal courts from entertaining such cases.[3] This the Suprema sent, November 26th, to all the tribunals with orders to prosecute in such cases, and to introduce a corresponding clause in the Edict of Faith.[4]

It is evident that the Spanish Inquisition did not share the horror felt in Rome for such offences, and this is manifested in the comparative moderation of the penalties inflicted. About 1650, a Spaniard in Rome, writing to a friend at home, and comparing the severity of the Italian Inquisition with the mildness of the

[1] Royal Library of Munich, Cod. Ital. 185.—Bibl. del R. Archivio di Stato in Roma, Miscellanea MS., p. 729.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 107.—Ant. de Sousa. Opusc. circa Constit. Pauli V, p. 57.—Rod. a Cunha pro PP. Pauli V Statuto, p. 65.

[3] Bullar. Roman. II, 415.

[4] Archivo de Simancas, Inq., Lib. 939, fol. 108; Lib. 942, fol. 39.

Spanish, instances the Roman torture of bigamists and soliciting confessors, the longer terms of galleys for the former, and the implacable relaxation of those who celebrate mass without ordination.[1] There was no such ferocity in Spain. No time had been lost in assuming the jurisdiction and already, in 1575, there was a culprit in a Toledo auto—Fray Alonso García, a Franciscan—who had celebrated mass and heard confessions, and whose sentence was merely abjuration *de levi* and four years' galley service. The most complete discretion was exercised and the penalties varied in the same tribunal according to the circumstances of the case and the temper of the inquisitors. Thus in Toledo, in 1578, Pero Joan Queito, a student, who carried forged certificates and had confessed many persons, absolving them and imposing penance, appeared in an auto, with halter and candle, abjured *de levi*, and had two hundred lashes and three years of galleys. In the same year a Frenchman named Pierre Saletas, accused of having for twenty years heard confessions and celebrated mass on forged certificates, was tortured without confessing and was banished the kingdom for four years and forbidden to administer sacraments without genuine certificates. In 1600, Balthasar Rodríguez, a deacon, appeared in an auto, abjured *de levi*, was suspended for ten years from the exercise of his orders, with perpetual disability for promotion, and had six years of galleys. In the same year the Mercenarian, Fray Gregorio de Palacios, was spared appearance in an auto, but abjured de levi, had fifty lashes and was recluded for three years in a monastery of his Order.[2] In 1622, at Valladolid, the Franciscan deacon, Fray Juan Tapia, for celebrating mass, was merely ordered to keep his convent as a prison and to present himself when summoned. Somewhat greater severity was shown to Fray Antonio Frechado, a Trinitarian subdeacon, who for publicly hearing confessions was required to abjure *de levi*, was suspended from his functions for two years, during which he was recluded in his convent, was disabled for promotion and had some spiritual penance.[3]

It would be useless to multiply examples of this diversified moderation. I have met with but one case in which the papal prescription of relaxation was obeyed and this occurred in Mexico, in 1606, when Fernando Rodríguez de Castro, a mulatto, was

[1] Bibl. nacional, MSS., D, 118, fol. 114.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

[3] Archivo de Simancas, Inq., Leg. 552, fol. 1, 11.

relaxed for administering sacraments without ordination, but this was no precedent for, in the great auto of 1648, Gaspar de los Reyes was sentenced to two hundred lashes and the galleys for life and Martin de Villavicencio Salazar to the same scourging and five years of galleys.[1]

The systematic writers assure us that the papal decrees were not received in Spain, and that the punishment varied with the nature of the case, consisting usually of scourging, unless the offender was a fraile, the galleys, exile, reclusion, degradation, suspension of functions, etc., varied at the discretion of the tribunal and that, in cases of minor culpability, it could be commuted for money. Relaxation was kept in view only for some error in faith persistently held—a purely academical supposition, although the culprit was exhaustively examined as to his belief in the necessity of priestly orders to the validity of sacraments.[2] That ecclesiastics between themselves in reality attached but little importance to the offence may be inferred from the case of the Mercenarian Fray Pedro de la Presentacion, who celebrated mass when only in subdeacon's orders. The Toledo tribunal condemned him, June 16, 1662, to three years of galleys. The superior of his Order at once interceded for him and, in September, the Suprema commuted the penalty to three years' reclusion in a convent, with three years' subsequent exile from Daimiel, Toledo and Madrid. When only ten months of the term had expired the Provincial of Castile applied for the remission of the remainder, but in vain and, when two years had passed the effort was renewed.[3] Evidently the good frailes recked little of the idolatry into which he had plunged all who were present at his ministration.

As the eighteenth century advanced a still more lenient view seems to have obtained. In 1749 the case of Fray Juan de Santa Rosa, a Franciscan deacon, was an aggravated one, for he had administered the sacraments of baptism, the Eucharist, penitence and matrimony, but the Toledo tribunal only declared him "irregular" for promotion, suspended him from the diaconate for two years and imposed fifteen days of spiritual penance. No special

[1] Obregon, Mexico Viejo, II, 353, 383.—Museo Mexicano, T. I, pp. 338–40 (Mexico, 1843).

[2] Bibl. nacional, MSS., V, 377, cap. xix.—Miguel Calvo (Archivo de Alcalá Hacienda, Leg. 544,[2] Lib. 4).—Elucidationes S. Officii, § 38 (Ibidem).—MSS. of Royal Library of Copenhagen, 218[b], p. 385.

[3] Archivo de Simancas, Inq., Leg. 1183, fol. 13.

expectation of amendment earned this benignity, for his Provincial was instructed to send him to a convent, from which he was not to go out alone, so as not to expose him to relapse.[1]

Under the Restoration there was leniency difficult to understand. The sentence of the Dominican Fray Tomas García by the Cuenca tribunal, November 14, 1816, for celebrating mass without priests' orders, was that the commissioner of Villaescusa was to reprimand him in presence of the superior of his convent, pointing out the severe penalties provided by the papal decrees and prescribing spiritual penances for a year, besides informing the prelate that he could not ascend to full orders. This was confirmed by the Suprema, with the addition that he be transferred to a house of stricter observance. December 11th of the same year, Angel Sampayo, a married layman of Campo Ramiro (Lugo) was convicted of celebrating mass. The Suprema alludes to his *atentato horrible*, but merely orders him to be reprimanded and sent back to his home, where the parish priest and his father are to keep watch over him.[2]

In connection with this subject it may be mentioned that the Inquisition also took cognizance of a class of cases, alluded to above under Solicitation, in which laymen managed to hear confessions of women, not with a view to administer the sacrament of penitence, but through jealousy, or for the opportunity of asking indecent questions, or in the hope of listening to prurient details. These cases were by no means infrequent. In 1785, there were three before the tribunal of Valencia; in 1793, one in Murcia; in 1796, Joseph Herranz was prosecuted in Madrid for doing this in order to hear his wife's confession. The same year there was a case in Seville; in 1797, one in Barcelona and, in 1807, Miguel Domínguez, sacristan of San Miguel de Niebla, pretended to be a Capuchin with the object to listening to the confession of a woman.[3] With what severity such cases were treated, I have not been able to ascertain.

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[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[2] Archivo de Simancas, Inq., Lib. 890.
[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

PERSONATION OF OFFICIALS.

In the universal dread inspired by the Holy Office, the temptation was great to personate its agents, and to extort money as the price of forbearance, for no one ventured to question the authority or acts of any stranger who presented himself as an official.

The opportunities thus afforded were speedily recognized and utilized. As early as 1487, at Saragossa, a special auto was held, April 1st, at which appeared a cleric who had pretended to be an inquisitor and as such had made an arrest. The penalty inflicted is not recorded, but evidently the opportunity was taken to make an impressive warning.[1]

The systematic writers assume that in these cases there should be careful consideration of the injury inflicted, for the pretender may deserve exemplary punishment. The usual offence is asserting that there are accusations and that he will save the accused from prosecution; for this he must refund the money received, appear in an auto and suffer two hundred lashes and five years of galley service. If the imposture is assumed only to escape from some trouble and causing no damage, there is some penalty of fine or exile; if there has been only an assertion of official position, the penalty is very light and secret.[2] Other authorities tell us that, if the culprit is of a low class, he has two hundred lashes and four years of galleys, more or less according to the gravity of the offence; if he is a noble or rich, he is fined one or two thousand ducats and serves for two or three years, without pay, as a gentleman in the galleys, or against the Moors or heretics.[3] Evidently in an offence which varied so much in motive and result, much was necessarily left to the discretion of the tribunal and a few cases will serve to indicate the different methods of operating and the deterrent penalties inflicted.

In the Seville auto of September 24, 1559, there were three cases of personation. Alonso de Hontiveros, for pretending to be a familiar and endeavoring to make arrests for the purpose of extortion, appeared with halter and gag and was sent to Xeres his

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[1] MS. Memoria de diversos Autos (see Appendix to Vol. I).

[2] Bibl. nacional, MSS., V, 377, cap. xvi.

[3] Elucidationes S. Officii, § 47 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4). —MSS. of Royal Library of Copenhagen, 218ᵇ, p. 332.

place of residence to receive a hundred lashes; Juan de Aragon, of Málaga, for the same offence, was spared the gag, but wore a mitre and had a scourging at Málaga and another where his offence was committed, besides two years of exile, while his accomplice, Francisco Prieto, received the same sentence, with the substitution of vergüenza for scourging.[1] On the other hand, at Toledo, in 1581, Francisco de la Bastida was visited with the utmost rigor. He represented himself as an alguazil, carrying a *vara de justicia* and using the name of the inquisitor-general. He would summon the alcades and other officials to render assistance, which was freely given without question; he would make arrests, carry his prisoners to some distance, take their money, leave them in charge of some local familiar and disappear. In this way he moved from Fuente de Enzina to Almaden and Madrid, and thence to Saragossa where he was arrested. He confessed freely at once and was condemned to relaxation, by virtue of a special brief obtained from Gregory XIII, but the Suprema, with doubtful mercy, commuted this to six hundred lashes—two hundred each in Toledo, Almaden and Fuente de Enzina—and the galleys irremissibly for life.[2] Zapata relates what is evidently the exploit which brought to a close the promising career of this enterprising knave. At Almagro, he says, the agent of the Fuggers of Augsburg was Juan Xelder, a man highly esteemed and reputed to be of great wealth. Suddenly a stranger appeared, with the vara of an alguazil of the Inquisition, who sought out two familiars and commanded them to assist him in making an arrest. Proceeding to Xelder's house he made the arrest, locked him up in a room and consoled the frightened family by assuring them of the customary mercy of the Inquisition. He then summoned a notary and placed all the property of the prisoner under sequestration, except two thousand ducats which he said he had orders to take for the expenses of the trial. The whole town was thrown into commotion, but no one dared to ask for papers, or authority, or identification. Xelder was placed in a carriage, with strict orders that no one should exchange a word with him; the familiars were required to accompany it to the next halting place, where they and the carriage

[1] Archivo de Simancas, Hacienda, Leg. 25, fol. 3.

[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.—See above, Vol. III, p. 189. Simancas (De Cath. Instt., Tit. XLVI, n. 92, 93) says that the Inquisition cannot relax for personation, however grave the case may be, which explains the necessity of the special papal brief.

were dismissed with handsome gratuities and the stranger confided Xelder to the care of a familiar of high standing, with orders to guard him carefully, *incomunicado*, while he would proceed to Toledo and send instructions. Ten days passed when the familiar, growing tired of the expense, made inquiries and ascertaining the facts released the prisoner. Meanwhile the impostor, fearing to carry the gold, deposited it with a banker and took a bill of exchange on Saragossa, so that he was readily tracked and arrested when he presented the bill for payment. The secular court claimed him, but the Inquisition asserted its jurisdiction—fortunately, Zapata says, for the culprit, for the offence was capital and he escaped with scourging and the galleys.[1]

Another method of speculation on the fears and hopes of the defenceless appears in the case of Gerónimo Roche, son of the secretary of the University of Lérida. He pretended to be an official, to have much influence with the tribunal, and to hold faculties to remit four sanbenitos and to appoint four familiars. He approached a Morisca who, with her three daughters, had been reconciled, and offered to relieve her of her sanbenito for two hundred ducats, and those of her three daughters if one of them would abandon herself to him. He was forbidden the house but he persisted in writing letters of mingled threats and love. For this he appeared in the Saragossa auto of June 6, 1585, where he was sentenced to vergüenza and eight years in the galleys, being spared the scourging in consideration of his father.[2]

There appears to have been a very lenient view taken, in 1582, by the Toledo tribunal, of the case of Pedro Moreno, a sacristan, who pretended to be a familiar and as such visited the hospital and asked the inmates whether they had confessed, when he arrested and carried off those who had not. It was in evidence also that, on seeing two men quarrelling in a church, he arrested one in the name of the Inquisition. There does not seem to have been a pecuniary motive in these eccentricities, and he escaped with a reprimand and banishment for a year.[3] Another motive, which was regarded with a lenient eye, was assuming official position in order to enjoy the exemptions and privileges of the

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[1] Miscelanea de Zapata (Mem. hist. español, XI, 60).

There is here evidently confusion between Almagro and Almaden.

[2] Danvila y Collado, Expulsion de los Moriscos, p. 208.—Bibl. nacional, MSS., PV, 3, n. 20.

[3] MSS. of Library of Univ. of Halle, Yc, 20, T. I.

Inquisition. Thus when Jayme Corvellana of Barcelona in this manner bluffed off the officers of justice who came to his house to seize some salt, Inquisitor Padilla imposed on him a fine of fifty ducats and some spiritual penance, and was rebuked by the Suprema for inflicting so heavy a penalty for so trifling a cause—"en causas tan livianas."[1]

Personation was by no means uncommon, but I am convinced that Llorente is mistaken when he says that there rarely was an auto in which some one was not punished for this offence. In the Toledo record from 1575 to 1610, the number of cases is only thirteen and, in the same tribunal, from 1648 to 1794, they amount only to four.[2]

The principal interest in these cases is the evidence which they afford of the terror inspired by the Inquisition, the very name of which seemed to paralyze, so that no one, whether magistrate or individual, dared to question the authority of any impostor who assumed to represent it, and this same terror doubtless is the reason why this apparently facile method of trading on popular fear was not more frequently exploited. It required more than common nerve to incur the risk of inquisitorial vengeance.

Somewhat akin to this was the levying of blackmail by threats of denunciation. No doubt there was a good deal of this, in which the victims prudently suffered in silence, rather than to draw upon themselves the attention of the dreaded tribunal. It was a matter of which the Inquisition took cognizance, but the only case which I have happened to meet is that of Pedro Jacome Pramoseltes, who was sentenced by the Toledo tribunal, in 1666, to three years of galley-service for astrology and had his term extended to five for attempts at extortion in this manner.[3]

Demoniacal Possession.

That evil spirits can take possession of a human being, deprive him of his free-will and subject him to extreme bodily and mental suffering, is a belief handed down from ancient times and still largely held as a matter of faith. That relief can be had by the

[1] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 20.

[2] Llorente, Hist. crít., cap. xxiv, art. 1, n. 11.—MSS. of Library of Univ. of Halle, Yc, 20, T. I.—Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[3] Archivo hist. nacional, *loc cit.*

ministrations of an exorcist, duly authorized by admission into one of the lower orders of the priesthood, is a corresponding belief, and formulas without number have been prepared to enable him to exercise his power over the demon. There is no heresy involved in either the possession or the exorcism and, under normal conditions, there was no call for interference by the Inquisition, but when, for any reason, such interference was desired, there was little trouble in finding pretext for its jurisdiction. We have seen (Vol. II, p. 135) the active measures taken, in 1628, with the nuns of San Placido, whose demoniacally inspired revelations were somewhat revolutionary. Greater self-denial was exhibited by the Valladolid tribunal in a contemporaneous case, when a Jesuit confessor reported to it that Doña Felippa and Doña Aña de Mercado, Bernardine nuns in Santo Espíritu of Olmeda, made gestures and other irreverent acts in confession and communion, which caused scandal, and he thought proceeded from demoniacal possession. The tribunal felt doubts as to its jurisdiction and consulted the Suprema, which submitted the matter to a calificador of high attainments. Prolonged investigations were made, other nuns were examined, and it was in evidence that the two inculpated were women of exceptional virtue and piety who had prayed to God to test them with afflictions. The case dragged on for more than ten years, resulting in the conviction that it was undoubtedly one of possession, for which the nuns were free from blame, and finally, April 16, 1630, the Suprema ordered its suspension.[1] Wherever there was the faintest suspicion of heresy, the Inquisition could assert jurisdiction.

This involved the question of the responsibility of the demoniac for his utterances, which was somewhat intricate. In the case of one under trial by the Granada tribunal, in 1650, the learned Jesuit, Padre Diego Tello, who was called in as a calificador, reported, with an immense array of authorities, and after three visits to the accused in the secret prison, that there could be no doubt as to the possession, for he was able to discuss points of theology and other matters far beyond his capacity; he could also speak Latin intelligibly and he quoted Scripture while, as he uttered many heresies, it was evident that the spirit was evil. At the same time he was rational on so many points that he could not be regarded as irresponsible for his heresies. Luther and Zwingli,

[1] Archivo de Simancas, Inq., Leg. 552, fol. 13.

he added, were notoriously possessed by demons, but they were none the less held responsible for their teachings and it was the uniform practice of the Inquisition so to decide in these cases.[1]

In the hysterical epidemics which form so notable a feature of possession, the Inquisition was apt to be called in and was ready to act, although it would be difficult to determine on what grounds. In 1638 there was such an epidemic in one of the Pyrenean valleys and, on September 24th, Jacinto de Robles, secretary of the Governor of Aragon, reported to the Saragossa tribunal that, on a recent visit to Jaca, he had found, in the Valle de Tena, that there were about sixty *endemoniadas* and that the malady was spreading. It was attributed to Pedro de Arrecibo and his friend Miguel Guillen, who had been seized by the secular authorities; Guillen had been executed, while Arrecibo's trial was nearly concluded. He had confessed that a Frenchman had given him a paper and some conjurations through which to win women, but it only rendered them possessed—a statement evidently fabricated to satisfy his torturers. It was the demons who had accused these two men, adding that their death would not stay the infection, for there were other accomplices. The women affected were of the best families, their ages ranging from 7 to 18—some were pregnant and others were suckling their infants, for demons were able to produce these results in the virtuous. The Bishop of Jaca and some Jesuits were exhausting their exorcisms, and an inquisitor was badly needed. What function was expected of an inquisitor is not stated, but the Suprema was consulted and, after some delay it appealed to the king. It was ready to send an inquisitor and four frailes, but it had no funds for the expenses of the latter, which would have to be defrayed from some other source. The king gave orders accordingly, but they were not obeyed, and the last we hear of the matter is another consulta of March 28, 1640, in which he was urged to speedy action in view of the great importance of the affair.[2]

The intervention of the Inquisition might well be welcomed if it was always as rational and as effective as in an epidemic of the kind which troubled Querétaro (Mexico) in 1691. Two young girls who had suffered themselves to be seduced pretended to be possessed. The Franciscans and *Padres Apostólicos* took them in

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. XVII.

[2] Archivo de Simancas, Inq., Lib. 34, fol. 394.

hand, exorcising them at night in the churches with the most impressive ceremonies, which spread the contagion, until there were fourteen patients, and the community was thoroughly excited. It would doubtless have extended much further, but fortunately the Dominicans, the Jesuits and the Carmelites, jealous of the rival Orders, pronounced the whole to be an imposture. The two factions denounced each other from the pulpits, the people took sides, and passions grew so hot that severe disturbances were impending. Both factions appealed to the Inquisition, which submitted the matter to calificadores. These decided that the demoniacal possession was fraudulent, and that the blasphemies and sacrilegious acts of the energumens and the violent sermons of the frailes were justiciable by the Inquisition. With great good sense the tribunal issued a decree, January 9, 1692, ordering the cessation of all exorcism and of all discussion, whether in the pulpit or in private. The excitement forthwith died away and the energumens, left to themselves, for the most part recovered their senses. Prosecutions were commenced against four of them and against the Franciscan Fray Mateo de Bonilla, which seem to have been suspended after a few years. One of the girls, however, who had caught the infection, had her nervous system too profoundly impressed for recovery; she continued under the inspection of the Inquisition, gradually sinking into a condition of confirmed hypochondria, until we lose sight of her in 1704.[1]

Cases of imposture were not infrequent. Whether this in itself rendered the impostor liable to prosecution by the Inquisition may be doubted but, in the deception, she was very apt to commit acts or to utter blasphemies which brought her under its jurisdiction. Thus, in 1796, we find the Valencia tribunal prosecuting Benita Gargori, a pretended demoniac, and Francisca Signes, an accomplice, for irreligious actions and utterances.[2]

The exorciser also occasionally laid himself open to inquisitorial animadversion. Thus, in 1749, Fray Jaime Sans, a lay-brother of the Order of San Francisco de Assis, used to visit the sick and pronounce them to be possessed, when he would make the sign of the cross and sprinkle them with holy water. He was de-

[1] Procesos contra Francisca Mexia y Francisca de la Serna (MSS. of David Fergusson Esq.).

Fuller details of this instructive case will be found in my "Chapters from the Religious History of Spain," pp. 428–35.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

nounced to the Barcelona tribunal, which warned him to desist, for he had no power to exorcise, and threatened to proceed against him, whereupon he promised to obey.[1] Exorcists also sometimes abused their opportunities by committing indecencies upon their patients. I have not met with such cases in the Spanish Inquisition, but in this it would doubtless follow the example of the Roman Congregation, which, in 1639, ordered the prosecution of a most flagrant one, reported by the Inquisitor of Bergamo.[2]

Considered as a whole, the influence of the Inquisition must have been decidedly beneficial in restraining the development of this disease, for experienced inquisitors recognized that the methods usually adopted only aggravated it. Cardinal Scaglia († 1639), in treating of these epidemics among nuns, remarks that the superiors, not content with exorcisms, commence prosecutions, examine witnesses and interrogate the pretended criminals suggestively and absurdly and threaten them with torture, thus extracting whatever confessions they desire and creating still greater disturbance in the convent and the city.[3]

Insults to Images.

Allusion has already been made to the invasion of episcopal jurisdiction by the assumption of the Inquisition that outrages or insults offered to sacred images fell under its cognizance. For this there was more justification than for some other inferential heresies, for wilful irreverence to the objects of universal cult was reasonably regarded as causing suspicion of erroneous belief, and during the period of active persecution of crypto-Judaism and of Protestantism such offences were readily ascribable to heretical fanaticism.

In one instance, at least, the secular magistrates exercised jurisdiction. In December, 1643, Madrid was much excited by a robbery committed on a miracle-working image of Nuestra Señora de la Gracia, when all its jewels, ornaments and vestments were taken, and worst of all, the image was left lying face down-

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[1] MSS. of Am. Philos. Society.

[2] Decret. S. Congr. S. Officii, p. 388 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Officio, Vol. 3).

[3] Prattica per le cause del Sant' Officio, cap. 25 (MS. *penes me*).

wards on the ground. Great efforts were made to detect the perpetrators of the sacrilege, and it was accounted miraculous when they were identified while investigating another robbery. They must have been tried by the criminal judges, for no mention is made of the Inquisition and all three were hanged in March, 1644, in presence of an immense crowd.[1]

This was exceptional, and the jurisdiction of the Inquisition was generally admitted. We are told, by a writer of the period, that, when images of the saints are outraged by word or act, if the accused belongs to a nation infected with iconoclastic heresy, and the evidence is sufficient and he denies intention, he must be tortured. Overcoming the torture, without having sufficiently purged the evidence, he can be sentenced to an extraordinary penalty and to abjuration, either *de levi* or *de vehementi:* if he confesses both fact and intention and begs for mercy, he is to be reconciled, but if pertinacious he must be relaxed.[2] This however applies to cases of absolute heretics, in which the sacrilege was apt to be merely an aggravating incident, while the great majority of cases consisted of more or less reckless Catholics, whose punishment varied with the circumstances and was rarely vindictive. In the Toledo tribunal, from 1575 to 1610, there were but four cases, which illustrate the general principles of treatment and the extreme susceptibility felt with regard to any irreverence towards sacred objects. The first of these occurs in 1579, when Francisco del Espinar, a boy of 13, was tried for pulling up a way-side cross, playing with it until he broke it and cast the fragments into a vineyard, and then alleging that it was no sin because the cross was not a blessed one. He confessed freely and pleaded that it was not through irreverence, because he was drunk, but he was punished with sixty lashes and two years of exile. The second was in 1595, when Fernando Rodríguez was accused by three witnesses of throwing a stick at a paper image of the Virgin on an altar, tearing it and uttering a filthy jest, but he proved an alibi and the case was suspended. The next was in 1600, when Anton Ruiznieto was punished with abjuration de levi and three years' exile, for maltreating a crucifix and using offensive words to it. The fourth, in 1606, illustrates the circumspection requisite to avoid even the appearance of irreverence, and the danger of denunciation which

[1] Pellicer, Avisos históricos (Semanário erúdito, XXXIII, 116, 124, 149).

[2] Bibl. nacional, MSS., V, 377, cap. vii, § 1.

constantly impended over every one. Isabel de Espinosa was denounced by three witnesses because she had placed on a close-stool, which she kept in her living-room, a painted board on which were representations of Christ and some saints. A neighbor removed it and she replaced it, when the neighbor spoke to her and she changed its place. She was brought from Ocaña to Toledo and a house was assigned to her as a prison. In defence she explained that her mother-in-law had left her some old furniture, which her husband had just brought to the house; among it was this board, black and indistinguishable with age and, without examination, she had put it on the objectionable article, but when this was pointed out to her she had removed it. As she was a simple woman and there was no apparent malice, the case was suspended.[1]

In contrast with the severity of the secular courts, as manifested by the Madrid case of 1644 above referred to, and the French case of the Chevalier de La Barre, the Inquisition was singularly merciful. In 1661, Francisco de Abiles, chief auditor of the Priors of St. John, for insults to an image of Christ, was only exiled for two years by the Toledo tribunal, which likewise, in 1689 merely exiled for one year Juan Martin Salvador for stabbing a cross.[2] Perhaps the instance of greatest rigor that I have met was that visited, in 1720, by the Madrid tribunal on a youth named Joseph de la Sarria. While confined in the royal prison he became enraged in gambling and, in his wrath, he threw in the dirt a picture of the Virgin and tore up another, for which he was sentenced to two hundred lashes, five years in the galleys and eight years of exile from Madrid and his native province of Galicia.[3]

During the active period of the Inquisition, cases of this offence are singularly few. In all the sixty-four autos held in Spain, from 1721 to 1727, there is not a single specific instance serious enough to require appearance in an auto, indicating how universal and deep-seated was the popular reverence for sacred symbols. It is therefore significant of the spiritual and intellectual unrest characterizing the close of the century, that outrages on images became comparatively frequent. In the decade, 1780–1789 inclusive, there were sixteen cases; in that of 1790–1799, thirty-three and, from 1800 to 1810, nineteen, some of them, such as trampling

[1] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[3] Bibl. nacional, MSS., Bb, 122.

on the cross, indicative of iconoclastic zeal. Under the Restoration, there are but three cases on record.[1]

During this period the spirit of revolt manifested itself in other kindred ways. In 1797, 1798, 1799, 1800 and 1802 there were trials for throwing down and trampling on consecrated wafers. In 1797, in Valencia, Bernardo Amengayl, Ignacio Sánchez, Miguel Escribá and Valentin Duza were prosecuted for exhibitions burlesquing the saints and sacred objects. In 1799, at Seville, Manuel Mirasol was tried for a sacrilegious assault on a priest carrying the sacrament to a sick man. In 1807, Dr. Vicente Peña, priest of Cifuentes was prosecuted in Cuenca for celebrating a burlesque mass and Don Eusebio de la Mota for assisting him.[2] These were surface indications of the hidden currents which were bearing Spain to new destinies, and it is worthy of note that they almost ceased during the brief years of the Inquisition under the Restoration.

Akin to the function of preserving images from insult, was the reverent care with which the Inquisition sought to protect the cross from accidental pollution. A carta acordada of September 20, 1629, instructs the tribunals to suppress the custom of painting or placing crosses in recesses of streets or where two walls form an angle, or other unclean places, where they are exposed to filth, while all existing ones are to be removed or erased under discretional penalties. Another carta of April 19, 1689, recites that not only has this not been done, but that the custom of placing crosses in these objectionable places is extending, wherefore the previous orders are reissued, with notice that six days after publication will be allowed, subsequently to which the penalties will be enforced.[3]

UNCANONIZED SAINTS.

In the exuberant cult offered to saints, there must be some central and absolute authority to determine claims to sainthood and to preserve the faithful from the superstition of wasting devotion on those who have no power of suffrage. St. Ulric of Augsburg is said to be the first saint whose sanctity was deliberately passed

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100. [2] Ibidem.

[3] Ibidem, Leg. 1, n. 4, fol. 179.—MSS. of Royal Library of Copenhagen, 218b, p. 167.

upon by Rome, in 993, and Alexander III, in 1181 definitely forbade the adoration of those who had not been canonized by the Holy See.[1] The assumption of such authority was essential, for the cult of a local saint was profitable to a shrine fortunate enough to possess his remains, and popular enthusiasm was ready at any moment to ascribe sainthood to any devotee who had earned the reputation of especial holiness.

How difficult it was for even the Inquisition to crush this eagerness for new intercessors between God and man, is seen in the disturbances which troubled Valencia for seven years, between 1612 and 1619. After the death of Mosen Francisco Simon, a priest of holy life, there developed a fixed belief that he was a saint in heaven. Chapels and altars were dedicated to him, books were printed filled with the miracles wrought by his intercession, his images were adorned with the nimbus of sanctity, processions and illuminations were organized in his honor, and the question of his right to a place in the calendar became a political as well as a religious one. It was in vain that the Holy See asserted its unquestioned right of decision and ordered the Inquisition to suppress the superstition. Popular excitement reached such height that an attempt was made to murder in the pulpit a secretary of the tribunal, when he endeavored to read the edict; a priest named Ozar was slain for opposing the popular frenzy, and Archbishop Aliaga, for six years after his election in 1612, was unable to perform the visitation of his see, because he would everywhere have met with the unauthorized cult which he could not sanction by partaking. The Suprema did its best by continual consultas to Philip III, asking the aid of the secular arm in suppressing this schismatic devotion, and enable it to publish its condemnatory edicts. Its efforts were neutralized by the Council of Aragon, backed by the all-powerful favorite Lerma, whose marquisate of Denia led him to favor the Valencians. It was doubtless his disgrace, in 1618, which enabled the Suprema to attain its purpose, when an energetic consulta of January 10, 1619, was returned with a decree in the royal autograph to the effect that, if certain five points that had been agreed upon were not executed within a month, the tribunal could be ordered to publish the edicts without further delay.[2]

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[1] Cap. 1, Extra, Lib. III, Tit. xlv.

[2] Archivo de Simancas, Inq., Lib. 19, fol. 70–76, 108–116.—Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 158 sqq.

In this case the Inquisition acted under special papal commands, but the growing abuse of the unauthorized cult of supposititious saints led Urban VIII, in 1634, to issue a general decree empowering bishops and inquisitors to repress, with penalties proportioned to the offence, all worship of saints and martyrs not pronounced as such by the Holy See, or relating their miracles in books, or representing them with the nimbus.[1] Under this the Index of Sotomayor, in 1640, and the subsequent ones, ordered the suppression of all images or portraits adorned with the insignia of sanctity, unless the persons represented had been duly beatified or canonized by Rome.[2]

Yet they did not condemn a work issued, in 1636, by a pious priest of Salamanca and Toledo, Francisco Miranda y Paz, urging the cult as a saint of Adam, the father of the human race, and audaciously asking whether this could not be done without the licence of the Roman pontiff.[3] In fact, what the Inquisition did in discharge of this duty is less significant than what it left undone. We have seen (Vol. I, p. 134) that the assumed martyrdom of *El Santo Niño de la Guardia* was followed by a popular cult of the unknown victim. That cult proved exceedingly lucrative to those who exploited it and has continued to the present day, although Rome could never be induced to sanction it, yet the Inquisition prudently forbore to interfere with it in any way.[4] Similar abstention was observed in the celebrated case of the forgeries known as the *Plomos del Sacromonte*—inscribed leaden plates, accompanied by bones assumed to be those of the earliest Christian martyrs, exhumed in 1595, on a mountain near Granada. The forgeries were clumsy enough, but they favored the two points dearest to the Spanish heart—the Immaculate Conception of the Virgin and the Spanish apostolate of St. James. They were welcomed with the intensest fervor, a house of secular canons was erected on the spot, which grew wealthy through the offerings of pilgrims, and innumerable miracles attested the sanctity of the

[1] Urbani PP. VIII Const. *Cœlestis* (Bullar. Roman. IV, 85, Append. p. 33).

[2] Index of 1640, Regula xvi.—Indice Ultimo, p. xxvi.

[3] Discurso sobre si se le puede hacer fiesta al Premier Padre del Genero Humano Adan y darle culto y veneracion publica como á Santo, sin licencia del Romano Pontifice. Por D. Francisco Miranda y Paz. Madrid, 1636. The book was thought worthy of a refutation, which appeared in 1639 (Nic. Anton. Bibl. nova s. v. Franciscus de Miranda).

[4] Padre Fidel Fita, in Boletin, 1887.—Martínez Moreno Historía del Martirio del Santo Niño de la Guardia (Madrid, 1866).

relics. Rome refused to admit the authenticity of the *plomos* without examining them; after a long struggle they were sent there in 1641, and after another protracted contest they were condemned as fabrications, May 6, 1682, by Innocent XI in a special brief. The bones of the so-called martyrs were not specifically condemned as spurious, but they were not accepted as genuine, yet the Index of Vidal Marin, while printing the condemnation of the plomos and of the books written in their defence, was careful to assert that the prohibition did not include the relics or the veneration paid to them; the Sacromonte is still a place of pilgrimage and, in the Plaza del Triunfo of Granada, there stands a pillar bearing the names and martyrdoms of the saints as recorded in the plomos.[1] Yet, so long as the claims of the martyrs were not allowed by Rome and the only evidence in their favor was condemned as fabricated, this was superstition, and its suppression was the duty of the Inquisition.

While it was empowered to do this by the decree of Urban VIII, it is not easy to see whence Inquisitor-general Arce y Reynoso obtained faculties to authorize the cult of supposititious saints not accepted by the Holy See. The success of the plomos led a learned Jesuit, Roman de la Higuera, and his imitators, to fabricate chronicles of early Christian times, principally designed to stimulate Mariolatry and belief in the Christianization of Spain by St. James. They were long accepted as genuine and, in 1650, Arce y Reynoso ordered the fictitious saints and martyrs who figure in them to be included in litanies as objects of veneration and worship.[2]

Still, the Inquisition asserted to the last its authority under the decree of Urban VIII. So recently as 1818, when Josef de Herrera, an apothecary of Xeres de la Frontera, desired to establish the cult of an engraving of the Trinity, copied from a picture venerated in the cathedral of Mexico, the tribunal of Seville prohibited the effort.[3]

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[1] The best account of these and kindred forgeries is by José Godoy Alcántara, in his *Historia critica de los falsos Cronicones* (Madrid, 1868). The modern President of the Canons of Sacromonte has given the other side in his *El Sacro Monte de Granada* (Madrid, 1883).

The influence of the Inquisition at first was adverse to the plomos. See Archivo de Simancas, Inq., Lib. 20, fol. 127, 188, 236, 319. A whole volume of the archives (Lib. 44[1]) is occupied with papers connected with the affair from 1604 to 1636.

[2] Barrantes, Aparato para la Historia de Extremadura, II, 392.

[3] Archivo de Simancas, Inq., Lib. 435[2].

THE IMMACULATE CONCEPTION.

The dogma of the Immaculate Conception of the Virgin had a struggle for recognition through six centuries, before it was defined as an article of faith by Pius IX in 1854.[1] In Spain, where popular devotion to the Virgin was especially ardent, it had, in the seventeenth century, become almost universally accepted, except by the Dominicans, whose reverence for their great doctor, St. Thomas Aquinas, bound them to follow him in its denial. In this they had long been fighting a losing battle with their great rivals, the Franciscans, and of late with their still more bitter foes, the Jesuits. Successive popes—Sixtus IV, Paul IV, Paul V and Gregory XV—in vain sought to suppress the disputatious scandals by forbidding public discussion of the subject under severe penalties, and the two latter extended these penalties to those who should publicly assert the Virgin to have been conceived in original sin—but still the Holy See cautiously abstained from declaring the conception to have been immaculate. The enforcement of these penalties was confided to all bishops and inquisitors.

From 1617 to 1656, Philip III and Philip IV made the Immaculate Conception a matter of state policy, by long and earnest efforts with the papacy to decide it affirmatively, and negotiations for combined action were carried on with France, but the Gallican court responded only with pious phrases.[2] That in this the crown was but voicing the wishes of the people was manifested when, in 1636, a man who ventured, in Madrid, to assert that the Virgin was conceived in original sin, was promptly cut down by some passing soldiers, was arrested by the Inquisition, and as soon as his wounds were healed, was thrown into the secret prison for due prosecution under the papal decrees.[3]

The Dominicans and their followers found it hard to observe the discreet silence prescribed by the popes and, in 1661, the Spanish bishops united in earnest request to Alexander VII, representing that persons were still found who publicly denied the

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[1] I have considered in some detail the development of this belief, in the "History of the Inquisition of the Middle Ages," III, 596 sqq.

[2] Collect. Decretor. S. Congr. S. Officii, s.v. *Conceptio* (MS. *penes me*).—Collect. Decret. S. Congr. S. Inquisit. (Bibl. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

[3] Cartas de Jesuitas (Mem. hist. español, XIII, 450).

Immaculate Conception. Philip IV sent the Bishop of Plasencia to Rome, as a special envoy, to convey this memorial, resulting in the brief *Sollicitudo*, of December 8, 1661, in which Alexander expressly abstained from defining it as a dogma, but forbade the teaching of the opposite, as well as stigmatizing the opposite as heresy, thus continuing the non-committal policy of his predecessors, to prevent discussions and quarrels without deciding the question. To this end he empowered all prelates and inquisitors to prosecute and punish transgressors severely, no matter what exemptions they might claim, and including even Jesuits. He also placed on the Index all books impugning the Immaculate Conception and likewise those which should tax unbelievers with heresy.[1]

This brief was received with great rejoicings by the upholders of the doctrine, who regarded it as a triumph. In Valencia it was made the occasion of a splendid festival, in which pasquinades on the opponents were plentiful. One, which was greatly applauded, represented a Dominican stretched on a sick-bed and watched by a Jesuit. A Franciscan opening the door enquires "How is the good brother?" to which the Jesuit replies "He is speechless, but he still lives." It was doubtless to the temper thus evinced that we may attribute the suppression by the Suprema of the city's official report of the celebration, the prohibition of one paper and the correction of another.[2]

The brief was promptly transmitted to the tribunals by the Suprema, with orders for its enforcement which show how delicately such explosive material had to be handled. They were cautioned that, when they or their commissioners were present at sermons preached by Dominicans, they must be careful that any action taken was such as not to create scandal. They were not trusted with prosecuting transgressors, but were ordered, beforehand, to transmit to the Suprema the sumarias with the opinions of the calificadores, and to await instructions. Apparently the customary jealousy arose between the episcopal and inquisitorial jurisdictions, for a carta acordada of 1667 calls for information as to whether the Ordinaries concurred in hearing

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[1] Le Tellier, Recueil des Bulles concernans les erreurs etc., p. 296 (Mons [Rouen] 1697).

[2] Bibl. nacional, MSS., Cc, 99, fol.230.—Archivo hist. nacional, Inq. de Valencia, Leg. 11, n. 1, fol. 111-16.

cases, or whether they were treated as belonging exclusively to the Inquisition.[1]

It was impossible to make the angry disputants keep the peace, and the Suprema was busy in condemning and suppressing writings on both sides. In 1663 we find it ordering the seizure at the ports of two books printed in Italy. An edict of January 4, 1664, suppressed fifteen books and tracts, issued in 1662 and 1663, as indecent and irreverent to the Holy See, the Religion of St. Dominic and the Angelic Doctor Aquinas. Another decree, of December 7, 1671, suppressed two books indecently attacking the Dominicans and another of prayers and exercises for the devotion of the Immaculate Conception by the Franciscan Provincial Bonaqua. Books of devotion thus assumed a controversial character, and we can safely assume this to be the cause of an order, in 1679, to seize at Alicante and transmit to the Suprema a box of Dominican breviaries.[2]

I have chanced to meet with but few cases of prosecutions for impugning the Immaculate Conception, but they occurred occasionally. Thus, in 1782, Don Antonio Fornes, a pilot's mate of a naval vessel, was tried in Seville for obstinately denying it and, in 1785, Don Isidro Moreno, a physician, and his son Joaquin, were brought before the Saragossa tribunal for the same offence.[3]

UNNATURAL CRIME.

Inherited from classical antiquity, unnatural crime was persistent throughout the Middle Ages, in spite of the combined efforts of Church and State. It is true that, with the leniency shown to clerical offenders, the Council of Lateran, in 1179, prescribed for them only degradation or penitential confinement in a monastery, which was carried into the canon law, but secular legislation was more severe and the usual penalty was burning alive.[4] In

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 10, n. 2, fol. 58, 90; Leg. 11, n. 2, fol. 217.

[2] Ibidem, Leg. 1, n. 4, fol. 114; Leg. 11, n. 3, fol. 62.

[3] Ibidem, Leg. 100.

[4] C. Lateran., ann. 1179, cap. xi (Cap. 4, Extra, Lib. v, Tit. xxxi).—Très ancien Contume de Bretagne, Art. 112, 142.—Statuta criminalia Mediolani, cap. 51 (Bergomi, 1594).—Horne, Myrror of Justice, cap. iv, § 14.

Spain, in the thirteenth century, the punishment prescribed was castration and lapidation, but, in 1497, Ferdinand and Isabella decreed burning alive and confiscation, irrespective of the station of the culprit. The crime was *mixti fori*—the law treated it as subject to the secular courts, but it was also ecclesiastical and, in 1451, Nicholas V empowered the Inquisition to deal with it.[1] When the institution was founded in Spain it seems to have assumed cognizance, for we are told that, in 1506, the Seville tribunal made it the subject of a special inquest; there were many arrests and many fugitives, and twelve convicts were duly burnt.[2] Possibly this may have called attention to the incongruity of diverting the Inquisition from its legitimate duties with the New Christians, for a decree of the Suprema, October 18, 1509, assumes that this had already been recognized, and it informs the tribunals that they are not to deal with the crime, as it was not within their jurisdiction.[3] This apparently settled the matter as far as the Castilian kingdoms were concerned.

In Aragon it does not appear that the early Inquisition took cognizance of the matter, as is shown by the curious connection of the crime with the rising of the Germanía. In 1519, the city of Valencia was suffering from a pestilence which had driven away most of the nobles and higher officials when, on St. Magdalen's day (June 14th), Fray Luis Castelloli preached an eloquent sermon in which he attributed the pest to the wrath of God excited by the prevalence of the offence. The populace were excited and hunted up four culprits, who confessed and were duly burnt by the justiciary, Hieronimo Farragud, on July 29th. There was a fifth, a baker who wore the tonsure and was delivered to the episcopal court, which sentenced him to vergüenza. This dissatisfied the people who tore him from the spiritual authorities, garroted and burnt him. The governor was summoned, and the leaders of the mob feared punishment. There had been a scare concerning a rumored attack by the Moors, which had led the

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[1] Fuero Real de España, Lib. IV, Tit. ix, leg. 2.—Nueva Recop., Lib. VIII, Tit. xxxi, ley 1.—Ripoll, Bullar. Ord. Prædic., III, 301.—Innocent. PP. IV, Gloss in Cap. *Quod nuper his*, Extra, Lib. III, Tit. xxxiv.

[2] Llorente, Añales, I, 327.

[3] Archivo de Simancas, Inq., Lib. 933.—"En lo que toca al crimen nefando, si otras cosas no hay con ello que abiertamente sepan heregia, contra las tales personas ya sabeis que por esto no debeis vosotros proceder, ni es de vuestra jurisdiccion."

trades to form military companies; these were further organized, elected a chief and swore confraternity, when, recognizing their strength, they utilized the opportunity of gratifying their hatred of the nobles and the rebellion broke out.[1]

In all this the Inquisition was evidently not thought of as having jurisdiction, but possibly it may have drawn attention to the crime and led to an application to Clement VII for a special brief placing it under inquisitorial jurisdiction. Bleda, however, tells us that, when the Duke of Sessa, ambassador at Rome, made request for such a brief, he gave as a reason that it had been introduced into Spain by the Moors.[2] Be this as it may, the brief of Clement, February 24, 1524, recites that Sessa had represented the increasing prevalence of the crime and had asked for an appropriate remedy, which the pope proceeded to grant. The form in which it is drawn shows that the matter was regarded as wholly foreign to the regular duties of the Holy Office, for it is addressed, not to the inquisitor-general as usual, but to the individual inquisitors of Aragon, Catalonia and Valencia, and it authorizes them to sub-delegate their powers to whom they please. They are empowered to proceed against all persons, lay or clerical, of whatever rank, either by accusation, denunciation, inquisition, or of their own motion, and to compel the testimony of unwilling witnesses. That the offence was not ecclesiastical or heretical was admitted by the limitation that the trial was to be conducted in accordance with local municipal law, but yet, with singular inconsistency, the episcopal Ordinary was to be called in when rendering sentence.[3] The Barcelona tribunal seems to have questioned, in 1537, whether the brief continued in force, for the Suprema wrote to it July 11th, that there had not been time to decide this positively, but that it might continue to act.[4] Whatever doubts existed were settled in favor of the Inquisition, and the Aragonese tribunals enjoyed the jurisdiction to the end. The Archbishop of Saragossa had complained of being thus deprived of cognizance of these cases, and it was restored to him by a brief of January 16, 1525, but, at the request of Charles V, Pope Clement, July 15, 1530,

[1] Escolano, Hist. de Valencia, II, 1449–70.—Boix, Hist. de la Ciudad y Reino de Valencia, I, 347.

[2] Bledæ Defensio Fidei, pp. 423–4. Cf. Páramo, p. 184.

[3] Bulario de la Orden de Santiago, Lib. IV, fol. 6.—Archivo de Simancas, Inq., Lib. 927, fol. 408.—Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 259.

[4] Archivo de Simancas, Inq., Lib. 78, fol. 145.

evoked all pending cases to himself and committed them to the inquisitors, with full power to decide them, in conjunction with the Ordinary.[1]

Castile was never included within the special grant. In answer to some inquiring tribunal, the Suprema replied, November 6, 1534, that the matter did not pertain to the Inquisition, nor was it deemed advisable to procure a brief conferring such power. This was adhered to. In 1575, the Logroño tribunal was informed that it could not prosecute such cases as it had no faculty and, about 1580, the tribunal of Peru was told not to meddle with it in any way, except in cases of solicitation.[2] The Consulta Magna of 1696 states that Philip II, towards the close of his reign, applied to Clement VIII for a brief conferring the power on the Castilian Inquisition, but the pope declined for the reason that the whole attention of the inquisitors should be concentrated on matters of faith.[3]

Majorca, although belonging to the crown of Aragon, was not specifically included in the brief of Clement VII, and never assumed the power. When, in 1644, the commissioner in Iviza reported to Inquisitor Francisco Gregorio about Jaime Gallestria, a cleric denounced for this offence, Gregorio replied that he had no jurisdiction; still the tribunal was accustomed to arrest offenders and hand them over for trial to the secular judges, so he sent a warrant for the arrest of Gallestria, even though he had taken asylum in a church.[4] It is symptomatic that arrest by the Inquisition, for a crime over which it had no jurisdiction, was considered a matter of course.

Sicily also belonged to Aragon, but was not included. In 1569 Philip II ordered the death-penalty to be rigidly enforced, without exceptions, and that the informer should receive twenty ounces from the estate of the convict, but this was slackly obeyed by the secular courts and, in the Concordia of 1597, he reserved the crime exclusively to the Inquisition, with the understanding that a papal brief should be applied for, relieving inquisitors from irregularity for relaxing culprits. Application was accordingly made to Clement VIII, but, after Philip's death, the Viceroy

[1] Archivo de Simancas, Inq., Lib. 927, fol. 429.—Llorente, Añales, II, 373.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 107; Lib. 82, fol. 163.—MSS. of Bibl. nacional de Lima, Protocolo 223, Expediente, 5270.

[3] Bibl. nacional, MSS., Q, 4.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 259.

Duke of Maqueda and the ambassador, the Duke of Sessa, at the instance of influential Sicilians, urged Clement to refuse, which he not only did but forbade the Inquisition to take cognizance of such cases. The tribunal complained that this deprived it of its jurisdiction over its own officials, to which the reply was that it was not the pope's intention to exonerate them from it. The tribunal therefore continued to punish its own guilty ministers, and the number of cases cited would seem to indicate that the crime was by no means uncommon. The punishments inflicted were comparatively moderate—occasionally imprisonment for life or banishment, perpetual or temporary, from the place of offending, or deprivation of office with heavy fines.[1]

Dr. Martin Real, who tells us this, writing in 1638, further informs us that, throughout Italy, the crime was everywhere treated with a leniency wholly inadequate to its atrocity. The Roman Inquisition, moreover, took no cognizance of it. When, in 1644, some Conventual Franciscans rendered themselves conspicuous by sounding the praises of the practice, the Congregation contented itself with ordering their superiors to proceed against them with severity.[2]

In Portugal, João III had no sooner got his Inquisition into working order than he was seized with the desire to obtain for it jurisdiction over the *pecado maao*. This he pursued with characteristic obstinacy, while the papacy manifested its customary repugnance. It was not until after his death that Pius IV, in a brief of February 20, 1562, committed the decision to the conscience of Cardinal Henrique, confirming in advance what he might do—but trials were to be conducted according to municipal law. Henrique had no scruples, but, in 1574, he applied to Gregory XIII for confirmation and for using the process for heresy in these cases, when again the pope committed to him the decision and ratified it in advance.[3] In 1640, the Regulations prescribe that the offence is to be tried like heresy, and the punishment is to be either relaxation or scourging and the galleys. In a case occurring

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[1] Argument of Dr. Martin Real (MSS. of Bodleian Library, Arch. Seld. 130).

[2] Collect. Decr. S. Congr. S. Officii, p. 396 (MS. *penes me*).—Decr. S. Congr. S. Inquisit., pp. 503, 539 (Bib. del R. Archivio di Stato in Roma, Fondo camerale, Congr. del S. Officio, Vol. 3).

[3] Corpo Diplomatico Portugues, VI, 379; VII, 211, 235, 439; VIII, 227, 296; IX, 477; XI, 600, 656.

in the Lisbon auto of 1723, the sentence was scourging and ten years of galley-service.[1]

In their general hostility to the Inquisition, the Aragonese kingdoms objected to this extension of its jurisdiction. There were complaints by the Córtes and, in the various Concordias and settlements, there were concessions secured which gave to the secular judges some participation in the trials. Into the details of these more or less temporary arrangements it is scarce worth while to enter, except to mention that, in the struggle which resulted in the Concordia of 1646, Aragon gained the point that the crime was recognized as *mixti fori*, to be tried by either the secular court or the Inquisition, according to priority in commencing action, and that familiars were included in this.[2]

The current practice may be gathered from the answers of Valencia and Saragossa, in response to inquiries by the Suprema, in 1573. In Valencia arrest was accompanied by sequestration, but not in Aragon, where the crime did not entail confiscation. In Aragon, when a new inquisitor was inducted, the papal briefs were presented to him and he accepted them, and all sentences commenced by qualifying the inquisitors as *juezes comisarios apostolicos para conocer en el crimen de sodomia*, showing that this was a special jurisdiction. The routine of procedure in the two tribunals did not vary much; the process was somewhat simpler than in heresy trials, the accused was allowed ample means of defence in counsel, advocates and procurators, witnesses' names were not suppressed, except in Valencia when the accused was of high rank, in which case the Suprema was consulted. After the publication of evidence, the procurator had the right to examine the witnesses. The Concordia of 1568 had provided that convicts should not appear in autos, but in Aragon this was left to the discretion of the tribunal, which generally exhibited them there.[3]

These reports make no allusion to the concurrence of secular judges, but the practice may be gathered from a letter of Philip II, March 17, 1575, to the Captain-general of Catalonia, where it

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[1] Regimiento do Santo Officio da Inquisição, Liv. III, Tit. xxv, §§ 1, 12.—Royal Library of Berlin, Qt. 9548.

[2] Fueros y Actos de Corte, p. 10 (Zaragoza, 1647).

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 270.

appears that, when a convict was relaxed, the royal court demanded to see the papers of the case before pronouncing sentence. This the king pronounced to be wholly wrong and ordered the custom of Valencia and Aragon to be followed—that, when a case was ready for decision, the inquisitors notified the captain-general, who delegated judges to take part in the consulta, after which the sentence was to be executed without further examination.[1]

Torture was freely employed, even on the testimony of a single accomplice. This raised a question in Aragon, where the use of torture was forbidden, as the trials were to be conducted in accordance with municipal law, but the Inquisition replied that the brief of Clement VII had been applied for at the request of the secular judges, who had found themselves unable to convict for lack of torture, and desired, for that reason, the Inquisition to have jurisdiction—the truth of which assertion may well be doubted. In 1636 there was raised a question as to torturing witnesses who revoked, but it was decided in the negative.[2]

Punishment varied with time and place. In Aragon, spontaneous confession was encouraged by simply reprimanding the culprit, warning him and ordering him to confess sacramentally, and this was confirmed by the Suprema, in a decree of August 6, 1600. In Valencia, however, self-denunciation was visited with scourging and galleys and, if testimony of accomplices supervened, with relaxation.[3] For those accused and regularly convicted, the statutory and ordinary punishment was burning. When, in 1577, the Captain-general of Valencia had some hesitation as to his duty, in the case of two culprits relaxed to him by the Inquisition, Philip II ordered him to execute them promptly and, as late as 1647, in an auto at Barcelona, one was garroted and burnt.[4] Yet, on the whole, there seems to have been a disinclination to relax these offenders, who could not escape, as heretics could, by confession and conversion. In 1616 we find the Suprema asking the Valencia tribunal why it had not confiscated the estate of Dr.

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[1] Archivo de Simancas, Inq., Lib. 927, fol. 414.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80; Leg. 61.—Elucidationes S. Officii, § 55 (Archivo de Alcalá, Hacienda, Leg. 544², Lib. 4).—Bibl. nacional, MSS., V, 377, cap. xxiv, § 1.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 299, fol. 80.—Bibl. nacional, MSS., V, 377, cap. xxiv, § 6.

[4] Archivo hist. nacional, Inq. de Valencia, Leg. 2, n. 16, fol. 259.—Parets, Sucesos de Cataluña (Mem. hist. español, XXIV, 297).

Pérez, convicted of this crime and, in 1634, it enquires whether there is any fuero prohibiting the *pena ordinaria*, when guilt has been fully proved and the offender is of full age.[1] About 1640, an experienced inquisitor informs us that, in Saragossa, the penalty for those over 25 was relaxation; for minors, scourging and the galleys, but he adds that this is not observed; he had seen many thus convicted and condemned to relaxation, but the Suprema always commuted the penalty.[2]

Ecclesiastics seem to have been regarded as entitled to especial leniency. In 1684, the Suprema called to account the Valencia tribunal for its benignity, in a case of this kind, when it replied in much detail. Two decrees of Pius V in 1568, it said, had prescribed relaxation, with preliminary degradation, in the case of priests and, in 1574, the tribunal had so treated the case of a subdeacon. Many authorities, however, held that clerics were not to be subjected to the rigor of the law for this offence, and it was the common opinion that incorrigibility was required to justify the ordinary penalty. This had been the practice in Valencia, especially since 1615, when a priest was convicted of a single act and, by order of the Suprema, was sentenced to an extraordinary penalty. This had since been followed in various cases, so that clerics were not relaxed unless incorrigible, and this was defined to be when repeated punishment showed that the Church could not reform them. This argument, moreover, precluded the use of torture which, as the tribunal pointed out, could be used only when the penalty was worse than torture.[3]

The case which called forth this explanation affords a very instructive example of the advantage to justice of an open trial, with opportunity of cross-examination. The accused was Fray

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 6, n. 2, fol. 52; Leg. 8, n. 2, fol. 497.

[2] Bibl. nacional, MSS., V, 377, cap. xxiv, § 2.

The Inquisition was more humane than the Castilian courts. Jan. 27, 1637, two culprits were burnt in Madrid. Oct. 14, 1639, two more were burnt and a third was brought out to share the same fate, when the episcopal vicar claimed him, as he had been decoyed from the asylum of a church. Nine more were in prison at the time. Oct. 10, 1640, a man and a boy were burnt.—Cartas de Jesuitas (Mem. hist. español, XIV, 26; XV, 343).—Pellicer, Avisos históricos (Semanário erúdito, XXXI, 87, 228).

In Mexico there was a special quemadero for such cases, distinct from that of the Inquisition.—Obregon, Mexico viejo, II, 391.

[3] Archivo hist. nacional, Inq. de Valencia, Leg. 61.

Manuel Sánchez del Castellar y Arbustan, a distinguished member of the Order of La Merced. The trial had lasted for nearly three years, when the papers were submitted to the Suprema, in August, 1684. There were two accomplice witnesses to consummated acts, others to solicitation, others to lascivious and filthy actions, and others to general foul reputation. Under the ordinary inquisitorial process, condemnation would have been inevitable, but repeated examinations and cross-examinations revealed discrepancies and contradictions and variations, and a knowledge of the witnesses enabled the accused to present evidence of enmities. The conclusion reached by the tribunal was that nearly the whole mass of evidence was the result of a conspiracy, embracing a number of frailes of the convent, incited by jealousy of the honors and position obtained by Sánchez. Still, there was some testimony as to indiscretions, which was not rebutted and, as there had been a great scandal requiring a victim, with customary inquisitorial logic, he was sentenced to four years' exile from Valencia, Orihuela and Madrid, for the first two of which he was deprived of active and passive voice, of confessing and preaching and of all honors in his Order. In this, consideration was given to three years spent in prison, so that, if innocent, he had suffered severely and was sent forth branded with an ineffaceable stigma while, if guilty, he had a penalty far less than his deserts. When the Suprema asked why the two witnesses to complicity were not prosecuted, the tribunal replied that they were regarded as spontaneously confessing, and it was not customary to prosecute in such cases; besides, although their enmity and contradictions invalidated their testimony, these were insufficient to justify prosecution for false-witness.[1] Altogether it was an unpleasant business, which the tribunal evidently desired to despatch with as little damage as possible to the Church.

The tendency towards leniency increased with time, and was shown to laymen as well as to ecclesiastics. In 1717, the Barcelona tribunal sentenced Guillaume Amiel, a Frenchman, to four years of presidio and perpetual banishment from Spain. The Suprema commuted the presidio to a hundred lashes but, when the sentence was read, Amiel protested that his father was a gentleman and that he held a patent as "teniente del Rey Christianisimo," thus claiming exemption from degrading corporal punishment.

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 61.

The proceedings were suspended, and the Suprema was consulted, which omitted the lashes and, on the same account, the boy Ramon Gils, who was the accomplice, was spared the vergüenza to which he had been condemned.[1]

The most conspicuous case of this nature in the annals of the Inquisition was that of Don Pedro Luis Galceran de Borja, Grand-master of the Order of Montesa. He was not only a grandee of Spain, but was allied to the royal house, he was half-brother to Francisco de Borja, Duke of Grandía and subsequently General of the Jesuits, and was of kin to nearly all the noblest lineages of the land. For his arrest, in 1571, the assent of Philip II was necessary; he was not confined in the secret prison, but had commodious apartments from which, during his trial, he conducted the affairs of the Order. He claimed exemption on the ground of the privileges of the Order, and more than two years were spent in debating the question, though it was pointed out that, while the Trinitarians had even greater privileges, two members professed of that Order had recently been relaxed for the same crime, and Borja was not even a cleric, but a married man with children. The claim was finally disallowed and the trial went slowly on. The evidence reduced itself to two "singular" witnesses, who testified to solicitation and attempt, and to one, Martin de Castro, who testified to consummation and then revoked. Powerful influence from all quarters was brought to bear to save the accused, and in the final consulta de fe there was discordia. Two inquisitors and the Ordinary voted for acquittal. The other inquisitor, who was Juan de Rojas, in a written opinion, called for four years of exile and a heavy fine. The Suprema, after prolonged correspondence with the tribunal, accepted this, but changed the exile to six years of reclusion in his convent of Montesa. Llorente intimates that the inquisitors expected to gain bishoprics, or at least places in the Suprema, and that a bargain was made through which, on Borja's death, the Order of Montesa was incorporated with the crown, as the military Orders of Castile had been under Ferdinand; to this latter some color was lent by Philip's appointment of Borja's natural son to the grand commandership of the Order, from which he rose to the cardinalate. There is an evident allusion to this case in the remark of an Italian traveller in 1593, who, when speaking of the severity of the Inqui-

[1] Archivo de Simancas, Inq., Sala 39, Leg. 4, fol. 71.

sition in these matters, illustrates it by the story of a grandee who, for merely throwing his arm around the neck of a page, spent ten years in prison and fifty thousand ducats.[1]

Cases were sufficiently frequent to give the Aragonese tribunals considerable occupation, especially after it was included in the Edict of Faith in 1574, as a crime to be denounced.[2] I have but a few scattering data, but they are suggestive. Thus, in Saragossa, at the auto of June 6, 1585, there were four culprits relaxed.[3] In Catalonia, in 1597, the report, by Inquisitor Heredia, of a visitation through the see of Tarragona and parts of those of Barcelona, Vich and Urgel, contains sixty-eight cases of all kinds and of these fifteen were for this class of offences, though most of them were subsequently suspended.[4] In Valencia, there appeared in the autos from January 1598 to December 1602, twenty-seven of these culprits, of whom seven were frailes.[5] As it was customary to read the sentences *con meritos*, the populace had an edifying education. From 1780 to 1820, the total number of cases coming before the three tribunals was exactly one hundred.[6]

USURY.

The ecclesiastical definition of usury is not, as we understand the term, an exorbitant charge for the use of money, beyond the legal rate, but any interest or other advantage, however small or indirect, derived from a loan of money or other article. Forbidden by the Old Law, between the Chosen People, and extended under the New to the brotherhood of man, it has been the subject of denunciation continuously from the primitive Church to the most recent times. Ingenuity has been exhausted in devising methods of repression and punishment, only to show how impossible has been the task of warring against human nature and human necessities.

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[1] Bulario de la Orden de Santiago, Lib. IV, fol. 6.—Archivo hist. nacional, Inq. de Valencia, Leg. 61; Cartas del Consejo, Leg. 5, n. 1, fol. 5.—Llorente, Hist. crít., cap. XXIV, art. 4, n. 2.—Giambattista Confalonieri (Spicilegio Vaticano, I, 461).

[2] Archivo de Simancas, Inq., Lib. 82, fol. 91.

[3] Bibl. nacional, MSS., PV, 3, n. 20.

[4] Archivo de Simancas, Inq., Visitas de Barcelona, Leg. 15, fol. 5.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 99. [6] Ibidem, Leg. 100.

From an early period, usury was regarded as an ecclesiastical sin and crime, subject to spiritual jurisdiction in both the *forum internum* and *forum externum*. In 1258 Alexander IV rendered it justiciable by the Inquisition and, at the Council of Vienne, in 1312, the assertion that the taking of interest is not a sin was defined to be a heresy, which the Inquisition was in duty required to prosecute.[1] During the later Middle Ages, when the greater heresies had been largely suppressed, the prosecution of usurers formed a considerable, and the most profitable, portion of inquisitorial activity. It is true that the heresy consisted in denying that usury is a sin, but, as the Repertorium of 1494 explains, the usurer or simonist, who does not affirm or deny but is silent and tacitly believes it not to be a sin to commit usury or simony, is a pertinacious heretic mentally.[2]

In Spain, the usurious practices of Jews and Conversos were the principal source of popular hostility, but Jews were not subject to the Inquisition and, in its earlier years, it appears not to have recognized its jurisdiction in this matter over the Conversos, for I have met with no trace, at this period, of action by it against usury, whether in Castile or in Aragon. As regards the latter, indeed, it was impeded by a fuero of the Córtes of Calatayud, in 1461, prohibiting the prosecution of usurers, by both the secular and spiritual courts, and the procuring of faculties for the purpose by the Inquisition. To ensure the observance of this, Juan II was required to swear that he would not obtain any papal rescript or commission authorizing inquisition into usury and that, if such rescript were had, it should not be used but be delivered within a month to the Diputados.[3] It may be assumed that the Inquisition sought relief from this restriction, for Julius II issued

[1] Raynald. Annal., ann. 1258, n. 23.—Potthast, Regesta, n. 17745, 18396.—Cap. 1, Clement., Lib. v, Tit. v.

[2] Repertor. Inquisit. s. v. *Hæreticus*, § *Pertinax*.

Although simony was the universally corroding vice of the Church, and although it was reckoned as a heresy, it was too profitable to the hierarchy ever to be subjected to the Inquisition. In a project of instructions for the Spanish delegates to the Lateran Council in 1512, simoniacal heresy is denounced as the universal destruction of the Church, owing to the openness with which it is practised in Rome and throughout Christendom, and they are told to labor to have it prosecuted as heresy by the Inquisition—Döllinger, Beiträge zur politischen kirchlichen und Cultur-Geschichte, III, 204).

[3] Fueros de Aragon, fol. 110. For earlier legislation of similar import see fol. 49 (Zaragoza, 1624).

a *motu proprio*, January 14, 1504, reciting the fuero of Calatayud and stating that the *usuraria pravitas* had so increased that a measure of wheat would be multiplied to twenty-five within three years, chiefly because the Inquisition, in consequence of this fuero, was precluded from the exercise of its lawful jurisdiction. He therefore ordered Inquisitor-general Deza to prosecute all Christian usurers and compel them to desist, by inflicting the penalties prescribed by the general council, while Ferdinand was summoned to aid the inquisitors, and he and his successors were released from any oaths to observe the fuero.[1]

As all commercial and financial transactions at the time were based on interest payment and, as the agriculturist habitually borrowed seed-corn before sowing, to be repaid with increase after harvest, the Inquisition thus had an ample field opened for its operations. That it did not neglect the opportunity is fairly inferable from the opposition excited. It was the subject of one of the most energetic remonstrances of the Córtes of Monzon in 1510, and the Concordia of 1512 bore an article in which Ferdinand promised to obtain from the pope the revocation of the faculties granted to the inquisitors; that he would allow no other grant to be obtained, and that meanwhile he would arrange that no prosecutions should be brought except for open assertion that usury was no sin. For this, as for the other articles, he swore to procure the papal confirmation. Inquisitors were likewise sworn to obey the Concordia and, when Ferdinand was released from his oath by Leo X, in the brief of April 30, 1513, a *motu proprio* followed, September 2d, to the effect that, as heresy and usury are the most heinous of crimes, to be prosecuted with the sharpest rigor, the inquisitors were released from their oaths and directed to employ the faculties granted by Julius II for the suppression of usury.[2] This serves to explain why, in the compromise embodied in Inquisitor-general Mercader's Instructions of 1514, there is no allusion to usury—the inquisitors were not to be disturbed in the exercise of their functions in this respect.[3] When, however, Leo, in 1516,

[1] Bulario de la Orden de Santiago, Lib. I, fol. 109. The general council here alluded to was that of Lyons, in 1273. See cap. 1, 2, in Sexto, Lib. v, Tit. v. This refers back to Concil. Lateranens. III, ann. 1179, cap. xxv.

[2] Pragmaticas y altres Drets de Cathalunya, Lib. I, Tit. viii, cap. 1, § 20.—Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 32.—Páramo, p. 185.

[3] Archivo de Simancas, Inq., Lib. 933.

confirmed the Concordia of 1512, he removed usury from inquisitorial jurisdiction and prohibited its prosecution unless the culprit should hold it not to be a sin.[1]

It has already been seen how completely the Inquisition ignored all these agreements, in spite of royal and papal confirmations. So, when Charles V was obliged, in 1518, at the Córtes of Saragossa, to take the specific and elaborate oath imposed on Juan II, it proved equally futile.[2] Inquisitors continued to exercise jurisdiction, but, in Aragon proper, they were impeded for a time by a brief of Clement VII, January 16, 1525, ordering them to confine themselves in future to heresy—a brief procured by Juan of Austria, Archbishop of Saragossa, who claimed jurisdiction over usury for his own court.[3] This afforded slender relief, for he employed the inquisitorial process and the Córtes of Saragossa, in 1528, adopted a fuero, confirmed by Charles V, reciting that the laws provide for the punishment of usurers by the secular courts, but that the ecclesiastical judges were prosecuting them, wherefore, at the desire of the four brazos, his majesty ordered the ancient laws of the kingdom to be enforced without exception.[4]

So long as the Inquisition was not involved, Charles was indifferent as to how usurers were treated, but, when the Catalans, at the Córtes of Monzon, in the same year, complained of the prosecution of usury by inquisitors and petitioned that it be prevented, he drily answered that the laws should be observed and justice should be done.[5] No greater satisfaction than this could be had when, a few years later, the Córtes of the three kingdoms reiterated the complaint of the prosecutions for usury by the Inquisition, inflicting an ineffaceable stain upon parties and their descendants, even though they were discharged without penance. The reply of the inquisitor-general to this was a simple denial, coupled with the demand that the names of injured parties should be produced.[6]

In the absence of documents, it is not easy to understand why the Inquisition suddenly abandoned a jurisdiction for which it had contended so strenuously, but so it was. In 1552, Simancas asserts that inquisitors have no cognizance of questions arising from usury, but must leave them to the Ordinaries, for usurers

[1] Pragmaticas etc. de Cathalunya, Lib. I, Tit. viii, cap. 2, §§ 20, 35.
[2] Argensola, Añales de Aragon, Lib. I, cap. liv.
[3] Llorente, Añales, II, 298.
[4] Fueros de Aragon, fol. 110.
[5] Dormer, Añales de Aragon, Lib. II, cap. xli, p. 384.
[6] Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 37, 38.

are not moved by erroneous belief, but by the desire for sordid gains.[1] In this Simancas evidently spoke by authority, for the Suprema, in a carta acordada of March 17, 1554, forbade the tribunals to take cognizance of usury, and the subject disappears from inquisitorial records.[2] The secular and spiritual courts were left to fight the losing battle with industrial and commercial progress, which eventually compelled the recognition of the fact that payment for the usance of money is customarily profitable to both parties.

MORALS

The object of the Inquisition was the preservation of the purity of faith and not the improvement of morals. The view taken of its duties as to the latter is set forth in the comments of the Suprema on the report by de Soto Salazar of his visitation, in 1566, of the Barcelona tribunal. Clement, Abbot of Ripoll, was prosecuted for saying that so great was the mercy of God that he would pardon a sinner who confessed, even though he had not a firm intention to abstain in future, and also for keeping a nun as a mistress. He was fined in four hundred ducats, and was ordered to break off relations with the nun under pain of a thousand ducats. The Suprema sharply reprimanded Inquisitor Padilla for inflicting so heavy a penalty and for exceeding his jurisdiction in prohibiting the unlawful connection. So, when the inquisitors fined Jaime Bocca, an unmarried familiar, in twelve ducats for keeping a married woman as mistress, the Suprema told them that it was none of their business. It is true that in two other cases of familiars, fined in twenty ducats each for keeping mistresses, the comment is simply that the rigor was excessive.[3]

The same principle, as we have seen, was observed in the treatment of solicitation. The question of morals was studiously excluded, as a matter entirely beyond the purview of the Inquisition, and the only point considered was the technical one whether cases came within papal definitions drawn up to safeguard the sacrament of penitence. The same remark applies to the vigorous prosecution of those who held simple fornication to be no sin.

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[1] Simancæ de Cath. Instt., Tit. LXVI, n. 3.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 106.

[3] Ibidem, Visitas de Barcelona, Leg. 15, fol. 20.

There was no attempt to repress the sin itself, for this was beyond the faculties conferred on the Inquisition, but merely to ascertain and punish the mental attitude of the accused.

As time passed on, however, and as the heretics who were the legitimate objects of the Holy Office grew scarce, there arose a tendency to enlarge its sphere of action and to assume the position of a *custos morum*. This has been seen in the censorship, which, during the later period, came to be applied not only to obscene books but to all manner of works of art that did not accord with the censor's standard of decency.

From this it was an easy step to intervene in the private lives of individuals, in matters wholly apart from its legitimate jurisdiction, of which we find occasional examples in the later period of decadence. Thus, in 1784, Josef Mas was prosecuted in Valencia for singing an improper song at a dance, and in 1791, there is a prosecution of Manuel de Pino for "indecent and irreligious acts." In 1792 the Barcelona tribunal takes the testimony of Ramon Seroles of Lloc, with respect to the scandalous life of the parish priest of that place and his abuse of the holy oils. In 1810 the Valencia tribunal is investigating Rosa Avinent, keeper of a tobacco-shop, for suspicion of maltreating some children in her house. In 1816 the Santiago tribunal sentences Don Miguel Quereyzaeta, a post-office official, to leave the city where he has led a disorderly and scandalous life, and charges him to reconcile himself to his wife and to live with her. In 1819, Don Antonio Clemente de Polar is prosecuted by the Madrid tribunal for propositions and for dressing in such wise as to satisfy the passions and for other excesses.[1]

In these and similar cases, it may be assumed that the parties inculpated richly deserved correction, but this sporadic defence of virtue and punishment of vice was much more likely to encourage the gratification of malice than to elevate the standard of public morals, and the employment of the tremendous machinery of the Inquisition in such matters marks the depth of its fall from its former height. Had its object from the beginning been the purification of morals as well as of religion, possibly the awe which it inspired in all classes might have resulted in some ethical improvement but, during the time of its power, the impression that it produced was that morals were of slender account in com-

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.—MSS. of Am. Phil. Society.

parison with faith and, in the day of its decline, these occasional attempts to extend its jurisdiction could only produce exasperation without amendment.

THE SEAL OF CONFESSION.

When, in 1216, the fourth Council of Lateran rendered auricular confession imperative, it was essential that the father confessor should be bound to preserve absolute silence as to the sins revealed to him. For a time there were some exceptions admitted, as heresy for instance, but eventually the obligation became universal and the schoolmen exhausted their ingenuity in devising the most extreme cases by which to illustrate the inviolability of what has become known as the seal of confession. Human nature being what it is, and priestly nature being subject to human infirmities, the violation of the seal has, at all times, been a source of anxiety and the object of rigorous punishment, administered to the secular clergy by the spiritual courts, and to the regulars by their superiors. The Roman Inquisition, in the first half-century of its existence, assumed exclusive cognizance of the offence, and demanded that all offenders, whether secular or regular, should be tried by its tribunals, but, in 1609, it abandoned its jurisdiction and left them to their bishops and prelates.[1]

As the heresy involved in betraying the confidence of the penitent was only an inferential error as to the sacrament—an artificial pretext like that devised with regard to solicitation—the Spanish Inquisition did not hold it to be comprised in the general delegation of faculties, but that a special papal commission was requisite. No attempt seems to have been made to obtain this until 1639, when, on October 11th, the Suprema addressed Philip IV a consulta setting forth that numerous denunciations were received by the tribunals against confessors who revealed confessions, and that inquisitors were asking urgently for permission to prosecute such cases as violations of divine, natural and political law, rendering culprits suspect in the faith, this being even more derisory of the sacrament than solicitation. It was notorious that the Ordinaries did not check it among the secular clergy, nor

[1] Collect. Decret. S. Congr. S. Offi•ii, p. 125 (MS. *penes me*).—Decreta S. Congr. S. Inquisit., pp. 66, 515 (Bibl. del R Archivio di Stato in Romæ, Fondo camerale, Congr. del S. Officio, Vol. 3).

their prelates among the regulars, nor could, in such hands, any remedy be efficacious, because in public trials the witnesses would be bought off or frightened off, and there were no secret prisons to assure the necessary segregation of the accused. The king was therefore asked to procure from the pope, for the Inquisition, exclusive jurisdiction over the offence.[1] The Suprema probably did not exaggerate as to the denunciations received by the tribunals, for, in the minor one of the Canaries, we find it, in 1637, receiving testimony against Diego Artiaga, priest of Hierro, for this offence, in 1643, against Diego Salgado, priest of la Palma and, in 1644 against Fray Matías Pinto of Teneriffe.[2]

There can be no doubt that Philip, as usual, acceded to the request of the Suprema, but Urban VIII seems not to have been responsive. He had a plausible reason for declining, in the fact that the Roman Inquisition had abandoned its jurisdiction over the matter and, at the moment, he was at odds with the Spanish over the question of censorship and of the Plomos del Sacromonte. The offence was never included in the Edict of Faith, but occasionally it is enumerated among the charges against confessors on trial for solicitation, as in the cases of the Franciscan Fray Juan Pachon de Salas, in Mexico in 1712, of the Carmelite Ventura de San Joaquin in 1794, and of Fray Antonio Ortuño in 1807.[3] It was difficult to eradicate belief in the competence of the Inquisition and, as lately as 1808, José Antonio Alvárez, priest of Horcajo de los Montes, was denounced for this offence to the Toledo tribunal, but the trial was suspended, probably through doubt as to jurisdiction.[4] When the question was brought up squarely, in the case of Doctor Don Francisco Torneo, before the Valencia tribunal, after due discussion it decided, March 28, 1816, that it had no jurisdiction, and the case was accordingly dismissed.[5]

General Utility.

The efficient organization of the Inquisition and the dread which it inspired caused it to be invoked in numberless contingencies, most diverse in character and wholly foreign to the objects of its

[1] Archivo de Simancas Inq., Lib. 21, fol. 198.

[2] Birch, Catalogue of MSS. of Inq. of Canaries, II, 541, 542, 559, 560.

[3] MSS. of David Fergusson Esq.—Archivo de Simancas, Inq., Lib. 1002.

[4] Catálogo de las causas seguidas ante el Tribunal de Toledo, p. 325.

[5] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

institution. A brief enumeration of a few of these will serve to complete our survey of its activity and, trivial as they may seem, to illustrate how powerful was the influence which it exercised over the social life of Spain.

The value of its services, arising from the indefinite extent of its powers, was recognized early. In 1499, a Benedictine monastery complained to Ferdinand that it had pledged a cross to a certain Pedro de Santa Cruz and could not recover it, as he had placed himself under protection of Dominicans, who claimed exemption from legal processes. Ferdinand thereupon ordered the inquisitors of the city to settle the matter; they neglected it and he wrote again peremptorily, instructing them to seize the cross and do justice between the parties. In April, 1500, the king instructs the Valencia tribunal to recover for Don Ramon López, of the royal guard, two runaway slaves and some plate which they had stolen.[1] Evidently there was no little variety of duties expected of the Holy Office.

In 1518 a nunnery of Clares, in Calatayud, complained that, within ten paces of their house, there had been built a Mercenarian convent of which the inmates were disorderly; the nuns could not walk in their garden without being seen and great scandals were apprehended. Charles V applied to Leo X to have the Mercenarians replaced by Benedictines or Gerónimites and the Inquisition was invoked to assist.[2] Parties sometimes obtained papal briefs to have their suits transferred to the tribunals. In 1548 Doña Aldonza Cerdan did this in a litigation with Don Hernando de la Caballería and, in 1561, Doña Isabel de Francia in a suit with Don Juan de Heredia. In both cases the inquisitors of Saragossa refused to act until Inquisitor-general Valdés ordered them to do so.[3] All inquisitors were not thus self-restrained, for when, about this time, a general command was issued forbidding them to prosecute for perjury committed in other courts, it shows that they had been asked to do so and that some of them, at least, were ready to undertake such business.[4] In 1647, when the prevalence of duelling called for some effective means of repression, among the remedies proposed was that sending a challenge should be made a matter for the Inquisition, on the ground that the infamy

[1] Archivo de Simancas, Inq., Lib. 1.
[2] Ibidem, Lib. 9, fol. 6.
[3] Ibidem, Sala 40, Lib. 4, fol. 164, 266.
[4] Ibidem, Lib. 939, fol. 106.

accruing to the offender and his descendants would be the most effective discouragement to punctilious gentlemen.[1] The suggestion apparently was not adopted, but it illustrates the readiness to have recourse to the elastic jurisdiction of the Holy Office.

The Jesuits found the Inquisition of much service when, through the favor of Olivares, they were enabled to invoke its intervention in one of their quarrels with the Dominicans. In 1634, Fray Francisco Roales issued a pamphlet against the Society and Dr. Espino, an ex-Carmelite, published two others. They were answered by Padre Salazar and there the matter might have ended, but the Jesuits appealed to Philip IV and to Olivares, who promised satisfaction and ordered the Inquisitor-general Sotomayor (himself a Dominican) to take action, with the significant hint that he would be watched. A royal decree of January 29, 1635, rebuked the Suprema for lack of zeal, and ordered it to act with all diligence and to inflict severe punishment. It responded promptly on February 1st with an edict suppressing the pamphlet of Roales under heavy penalties, but this did not suffice and, on June 30th, it prohibited every one, layman or ecclesiastic, from saying anything in private or in public, derogatory to any religious Order or the members thereof, under exemplary penalties, to be rigorously executed—a decree which had to be repeated in 1643.

On June 27, 1635 the three obnoxious pamphlets were burned with unprecedented ceremony. There was a solemn procession of the officials and familiars, with the standards of the Inquisition, while a mule with carmine velvet trappings bore a chest painted with flames in which were the condemned writings. It traversed the principal streets to the plaza, where a fire was lighted; a herald, with sound of trumpet, proclaimed that the Company of Jesus was relieved of all that had been said against it and that these papers were false, calumnious, impious and scandalous; they were cast by the executioner into the flames and then the box and the procession wended their way solemnly back to the Dominican College of San Tomas. The effect of the demonstration, however, was somewhat marred by the populace believing that the box contained the bones of a misbelieving Jew, and accompanying the procession with shouts of "Death to the dogs!" and other pious ejaculations.

Espino was arrested and incarcerated—not for the last time for,

[1] Ant. Rodríguez Villa, La Corte y Monarquía de España, p. 95.

in 1643, he boasted that he had been imprisoned fifteen times for his attacks on the Jesuits. Roales was more fortunate; he was a chaplain of Philibert of Savoy; his pamphlet had been printed in Milan and he was safe in Rome, but a printer who had issued an edition in Saragossa was arrested and presumably sent to the galleys, and a Dominican Fray Cañamero, who had circulated the three pamphlets, was ordered to be arrested but seems to have saved himself by flight. Still the irrepressible conflict continued and the Inquisition was kept busy in prosecuting offenders and suppressing obnoxious utterances. It even construed its duty so rigidly that it condemned a memorial of the unfortunate creditors who suffered by the bankruptcy, in 1645, of the Jesuit College of San Hermengildo in Seville, when some three hundred depositors lost four hundred and fifty thousand ducats, and were struggling to rescue the remaining assets from the hands of the Jesuits.[1]

The Granada tribunal did not pause to enquire as to its jurisdiction when, in May 1646, owing to the scarcity of wheat, there were bread-riots and the mob had control of the city. It summoned all the grain-measurers and porters, under pain of excommunication, to appear before it on a matter of importance. By examining them, considerable stores of hidden corn were revealed; the corregidores registered it and the price was fixed at forty-two reales.[2] This was volunteer action but, in 1648, when a pestilence was raging in Valencia, the tribunal was called upon to maintain the quarantine at one of the city gates. The king, on February 1, 1649, notified the Suprema that the pest had ceased in Valencia, but that it was violent at Cádiz, San Lucar and other places, and urged continued vigilance, to which the Suprema replied that it had, since April, done its full duty, but that the municipal officials were very negligent, and it asked him to order them to do their share.[3] Apparently the Inquisition was relied upon for quarantine work. As lately as July 2, 1818, the Suprema wrote to all the tribunals that the plague had appeared at Tangier and threatened Spain with the most terrible of calamities. The king had ordered energetic precautions, in which all branches of

[1] Cartas de Jesuitas (Mem. hist. español, XIII, 9, 11, 13–17, 19, 24, 27, 67–71, 73, 78–9, 119, 181, 185, 230; XIV, 395; XVII, 218; XVIII, 52, 59, 81, 105–17). —Juan de Palafox, Epist. III ad Innoc. X, n. 126 (Obras, XI, 107).—Theatro Jesuitico, p. 375.—Morale pratique des Jesuites (Cologne, 1684).

[2] Cartas de Jesuitas (*loc. cit.*, XIX, 187).

[3] Archivo de Simancas, Inq., Lib. 38, fol. 12, 216, 260, 319, 320, 321, 326.

the Government must coöperate, and it was no time for hesitation or scruples. The tribunals were therefore instructed to keep watch on the officials of all departments and see that they did their duty and, if they could devise more effective measures, they were invited to make suggestions.[1]

The unlimited interference of the Inquisition with matters pertaining to episcopal supervision is seen in two or three cases tried by the Madrid tribunal. May 5, 1656, it sentenced the priest, Francisco Pérez Lozano, to exile for a year from various places for his share in founding a confraternity with what were called "statutos execrables." February 6, 1688, Juan Moreno de Piedrola, a priest of the Congregation of San Salvador, who proposed to establish a congregation, in the rules of which the tribunal discovered censurable propositions, was ordered to surrender all the papers and not to discuss it in word or writing and was exiled until he should have permission to return, with warning that otherwise he would be prosecuted with the full rigor of the law. As he was not required to abjure even *de levi*, it shows that there was no suspicion of heresy involved. Then, in 1697, Fray Juan Maldonado, of the Order of San Juan de Dios, had three years of exile for preaching, in the church of his convent at Ciudad Real, a sermon characterized as burlesque and scandalous, though there is no hint of its being in any way heretical.[2]

This perpetual intrusion into all manner of affairs, irrespective of heresy rather increased towards the last. In 1788, Antonio López was prosecuted in Valencia for selling rosaries with bones made of clay as relics. In 1789, Andrés Joáñez, a coachman, for a conversation on a superstitious subject. In 1791, the Carmelite Fray Bonifacio de San Pablo, for attempting to print a satirical paper; Josef de la Rosa, in Cordova, for carrying a consecrated wafer in a relic-bag; Vicente Felerit, in Valencia, for a "vain observance." In 1795, Don Miguel Catalá, fiscal in Buñol and Josef Sánchez Masquifa, a scrivener, were prosecuted for using, in drafting testaments, the words "diversos atributos," when alluding to the Trinity. In 1799, Juan Rodríguez, a priest in Santiago, for assisting and performing ceremonies in a mock-marriage. In 1808, Josef Várquez de la Torre, a scrivener of Valencia, for drawing a deed of separation between spouses. In

[1] Archivo de Simancas, Inq., Lib. 559.

[2] Archivo hist. nacional, Inq. de Toledo, Leg. 1.

1818, in Valencia, Vicente Maicas, priest of Cedrillos, for not wanting his parishioners to die in the Franciscan habit.[1] As all these cases presuppose denunciation, they illustrate the popular estimate of the all-embracing powers of the Inquisition and the espionage under which every Spaniard lived.

In fact, there was scarce anything in which the Inquisition did not feel itself authorized to intervene. The latitude with which inquisitors construed their own powers is manifest in their assuming to issue licences to hunt in prohibited places, sometimes for their own benefit and sometimes for that of others. This was an abuse which the Suprema strove to correct by forbidding it in 1527, but it was so persistent that the prohibition had to be repeated in 1530 and again in 1566.[2]

As the Inquisition was supreme within its jurisdiction and claimed the right to define the extent of its powers, there was no one to call it to account for their arbitrary exercise. If any other body in the State felt that its rights were invaded, the only recourse was to the sovereign and we have seen how, under the Hapsburgs, the crown, with scarce an exception, decided in its favor.

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[2] Archivo de Simancas, Inq., Lib. 939, fol. 64.

BOOK IX.

CONCLUSION.

CHAPTER I.

DECADENCE AND EXTINCTION.

THE Inquisition may be said to have reached its apogee under Philip IV. We have had ample opportunity to see how that pious monarch yielded to its aggressiveness, until it became a virtually independent organization within the State, obeying the royal mandates or not, as best suited its convenience, and engaged in almost perpetual controversies with the other branches of the government, while the king, with rare exceptions, submitted to its exigencies. It is true that, in his financial distress, he compelled the restitution of a small part of the confiscations and that he asserted the royal prerogative of making and unmaking inquisitors-general and of appointing members of the Suprema but, when once he had exercised the power, his appointees acted in independence. It would not be easy to imagine a more complete assertion of irresponsible authority than the sudden arrest of Villanueva—of a leading minister in the absence of the sovereign, at a time of the utmost confusion, when nothing would have been risked by delay, save perhaps that the sovereign might have refused assent. Yet not only did Philip condone this but he threw himself into the persecution of his favorite with such ardor that he could scarce restrain himself from risking a rupture with the Holy See in defence of the Holy Office. Under the disastrous regency of Maria Ana of Austria and the reign of Carlos II, the royal authority almost disappeared and, although this gave such men as Nithard and Valladares opportunity to assert still further the independence of the Inquisition, it also enabled Don John of Austria to banish

Nithard and the other governmental departments to emulate its disregard of the royal authority. There was an omen of the future when they united, in 1696, in the Junta Magna, to protest against the encroachments of the Inquisition and to demand its withdrawal into its proper limits, although by dextrous management the attempt was baffled.

The Bourbons.

With the advent of the Bourbon dynasty a new element entered into the political organization of Spain. The absolutism of Louis XIV had embraced the Church as well as the State, and the Gallican theories as to the power of the Holy See were encouraged in order to assure the headship of the crown. It was inevitable that Philip V and his French advisers should entertain very different views as to the relations between the king and the Inquisition from those which had been current for a century. Even at the height of the War of Succession, we have seen how Philip, in the affair of Froilan Díaz, intervened as master and regulated the relations between the inquisitor-general and the Suprema, how he undertook to reform the Inquisition and how, in many ways he curbed its audacity. But for a court intrigue, working through Philip's uxoriousness, Macanaz might have succeeded in his project of rendering the Inquisition wholly subordinate to the crown, and though the vindictiveness of the Holy Office inflicted on him life-long punishment for the attempt, this did not prevent the continued assertion of the royal supremacy, as we have had occasion to see in repeated instances and in many different directions.

Philip's assertion of the royal prerogative, however, by no means implied any lack of zeal for the faith and, as long as the Inquisition confined itself to its duties of exterminating heresy, it had his cordial support. Frequent allusions have been made above to its renewed activity during the period following the close of the War of Succession. Full statistics are lacking, but in sixty-four autos, between 1721 and 1728, there appeared nine hundred and sixty-two culprits and effigies, of whom one hundred and fifty-one were relaxed.[1] That this met his hearty approbation is

[1] Royal Library of Berlin, Qt. 9548.

manifested by the letter which he addressed, January 14, 1724, to his son Luis, when abdicating in his favor. In this the exhortations breathing a lofty morality are accompanied with earnest injunctions to maintain and protect the Inquisition, as the bulwark of the faith, for to it is attributable the preservation of religion in all its purity in the states of Spain, so that the heresies which have afflicted the other lands of Christendom, causing in them ravages so deplorable and horrible, have never gained a foothold there.[1] Small-pox cut short the reign of Luis to seven months, after which Philip was obliged to resume the weary burden, till death released him, July 9, 1746, and if, during this later portion of his government, the Inquisition was less busy, this may safely be attributed to flagging energies and lack of material and not to any restraint on the part of the sovereign. The punishment which he allowed it to inflict on Belando, for the history of his reign of which he and his queen, after careful scrutiny, had accepted the dedication, shows how untrammelled was its exercise of its recognized functions.

Yet Philip unwittingly started the movement that was ultimately to undermine the foundations on which the Inquisition rested. He brought with him from France the conviction that the king should be the patron of letters and learning, and he had the ambition to rule over a people of culture. He aroused the slumbering intellect of Spain by founding the Academies of Language and of History and of Medicine, the Seminary of the Nobles, and the National Library, and he replaced for Catalonia the University of Lérida by that of Cervera. Notwithstanding the vigilance of the censorship, it was impossible that the awakening intelligence of the nation, thus stimulated, should not eagerly grasp at the forbidden fruit of modern philosophism, all the more attractive in that it had to be enjoyed in secret. Fernando VI, from 1746 to 1759, followed his father's example, in encouraging the spread of culture. Carlos III was even more energetic in urging the enlightenment of his subjects, and thus there was gradually formed a public, few in numbers, it is true, but including the statesmen in power, which had lost the old Spanish conception that purity of faith was the first essential, and regarded the Inquisition as an incumbrance, save in so far as it might be used for political ends. The Inquisition still inspired fear, and the case of Olavide shows that

[1] Semanário erúdito, XI, 274.

these opinions had to be cherished in secret, but the number who entertained them was indicated when the bonds of society were loosened and the national institutions crumbled in the earthquake of the Napoleonic invasion.

Possibly the diffusion of this modern rationalistic spirit, insensibly affecting even those opposed to it, may partly explain the rapidly diminishing activity of the Inquisition. The great tribunal of Toledo, in the fifty-five years, from 1740 to 1794 inclusive, despatched but fifty-seven cases, or an average of but one a year.[1] This cannot be attributed to a lack of culprits, for bigamy, blasphemy, solicitation, sorcery and similar offences, which furnished so large a portion of the penitents of old, were as rife as ever. The fact is, that the officials were becoming indifferent and careless, except in the matter of drawing their salaries. When, on May 22, 1753, the priest Miguel de Alonso García was to be sentenced in the audience-chamber with closed doors and in the presence of the officials, it happened that there were no witnesses of the solemnity because none of the officials were to be found in the secreto.[2]

The *personnel* of the Inquisition was visibly deteriorating and consequently forfeiting the respect of the community. There had long been complaint of the insufficiency of the salaries, which had remained stationary while the purchasing power of money had greatly diminished, and there had been no reduction in the official staffs to correspond with the dwindling business. Thus, in spite of the *empleomanía* characteristic of the nation, and of the privileges and exemptions attached to official position, it became increasingly difficult to fill the offices properly. As early as 1719, the inquisitors of Barcelona complained to the Suprema of the trouble they experienced getting people to serve, on account of lack of desire for the offices and the absence of advantage accruing from them.[3] In 1737 we find that the Toledo tribunal had neither a commissioner nor a notary in Guadalajara, the capital of a province which, in 1787, numbered 112,750 souls.[4] In 1750, a writer deplores that the stipend of eight hundred ducats is insufficient to support the dignity of an inquisitor, so that the inquisitor-general is not always able to make fitting nominations. This

[1] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[2] Ibidem.
[3] Archivo de Simancas, Inq., Sala 39, Leg. 4, fol. 80.
[4] Archivo hist. nacional, Inq. de Toledo, Leg. 111, n. 49.

necessitates the appointment of calificadores to examine the doctrines brought under review, resulting in the indefinite prolongation of cases, and also in lack of vigilance to suppress the errors perpetually propagated in books; when the calificadores are not paid, they are slow in their work and, to escape paying them, many things which ought to be referred to them are passed over.[1] That the respect felt for the Inquisition should diminish under these circumstances was inevitable and altogether, at this period, it presents the aspect of an institution which had survived the causes of its creation and was hastening to its end. Yet it had exercised too powerful an influence in moulding the Spanish character for it to disappear when its mission was accomplished, and we shall see how violent were the struggles attendant upon its dissolution.

Meanwhile it dragged on its existence under constantly increasing limitations. Fernando VI, it is true, gave it obstinate support in its quarrel with Benedict XIV over the works of Cardinal Noris, but he dealt a severe blow when, in 1751, he deprived of the *fuero* the officials of the tribunal of Lima. Carlos III, who succeeded in 1759, came from Naples with the highest ideals of royal supremacy, coupled with less respect for ecclesiastical claims than was current in Spain; he surrounded himself with advisers such as Roda, Campomanes, Aranda and Floridablanca, who were more than suspected of leanings to modern philosophism, and his reign of benevolent despotism was marked with a series of measures designed to diminish or abolish the privileges of inquisitorial officials, to repress abuses and to tame arrogance. The complete control which he assumed over its functions is exhibited in the rules imposed, in 1768, on its censorship and, in 1770 and 1777, on its jurisdiction over bigamy, when he ordered it in future to limit its operations to the suppression of heresy and not to embarrass the royal courts. The theory thus developed of the relations between the crown and the Holy Office is formulated in a consulta of the Council of Castile, November 30, 1768: "The king as patron, founder and endower of the Inquisition, possesses over it the rights inherent in all royal patronage.....As father and protector of his vassals, he can and ought to prevent the commission of violence and extortion on their persons, property and reputation, indicating to ecclesiastical judges, even in their exercise of

[1] Bibl. nacional, MSS., Mm, 130.

spiritual jurisdiction, the path pointed out by the canons, so that these may be observed. The regalías of protection and of this indubitable patronage have established solidly the authority of the prince, in issuing the instructions which he has deigned to give to the Holy Office acting as an ecclesiastical tribunal."[1] Under such conditions, he was quite content with its existence and, when Roda suggested its suppression and presented various documents to show that this had been discussed under Charles V, Philip II and Philip V, he merely replied "The Spaniards want it and it gives me no trouble."[2] In fact, the time had not arrived for such drastic measures. The Abbé Clément reports a conversation with Aranda, October 29, 1768, in which the count warned him that it was necessary to speak of the Inquisition with great reserve, for people imagined that all religion depended on it; it was, in truth, an obstacle to all improvement, but time would be required to deal with it, and he advised Clément to allude to it only to Roda and Campomanes.[3]

With the accession, in 1788, of Carlos IV, there opened for Spain a new and disastrous epoch. Timid, irresolute, indolent, he had fallen completely under the influence of his wife María Luisa, an energetic and self-willed woman. Until 1792 he kept in office Floridablanca, who was succeeded for a short time by Aranda, and then power was grasped by Manuel Godoy, subsequently known as Prince of Peace. Cadet of an obscure family of Badajoz, he had entered the royal body-guard, where he attracted the attention of the queen, whose favored lover he was universally believed to be, as well as the favorite of her husband. He speedily rose to the highest dignities and became omnipotent; although a court intrigue occasioned his dismissal in 1798, he was restored in 1800, remaining arbiter of the destinies of Spain, until the "Tumult of Lackeys," at Aranjuez, in 1808, directed against him, caused the abdication of Carlos in favor of his son Fernando VII. Light-headed, selfish, vain and unscrupulous, he was mainly responsible for the misfortunes which overwhelmed his country and from which it may be said not to have as yet recovered.

The outbreak of the French Revolution gave a new importance to the Inquisition. When the seductive theories of the French

[1] Joaquin Lorenzo Villanueva, in "Discusion del Proyecto sobre el Tribunal de la Inquisicion," p. 432 (Cádiz, 1813).

[2] V. de la Fuente, Hist. ecles., III, 381. [3] Clément, Journal, II, 124.

philosophers were preached as the foundation of practical politics, overturning thrones and threatening monarchical institutions with the doctrines of the social compact, the sovereignty of the people and the universal brotherhood of man, the Holy Office might claim that, as the foundations of social order were based on religion, its labors were essential for the safety of the State, while the State recognized that it was the most available instrumentality for the suppression and exclusion of the heresies of liberty and equality.

In this tumultuous breaking down of the standards of thought and belief, in this emergence of a new order on the ruins of the old, the functions of the Inquisition adapted themselves to the exigencies of the times, in other ways besides the increased sharpness and vigilance of its censorship. I have frequently had occasion above to refer to an alphabetical list of all the persons denounced to the various tribunals, from 1780 to 1820, some five thousand in all, and this, taken as a whole, affords us an insight into the change in the objects of inquisitorial activity. Judaism and Islam and Protestantism no more claim its attention. The Church is no longer threatened by enemies from without; what it has to dread is revolt among its own children. Three-fifths of the denunciations are for "propositions," largely among the cultured classes, including a fair proportion of ecclesiastics. Their precise errors are not stated, but doubtless many were Jansenistic and more were hostile to the claims of the Church Militant and to the absolutism of the monarchy. There is also a large class of cases, virtually unknown a century earlier, significant of a vital change in the intellectual tendencies of the nation, calling for the special vigilance of the Inquisition. Popular indifferentism is revealed in the numerous prosecutions for inobservance or contempt of church observances. Even more noteworthy are those for outrages on images of Christ, the Virgin and the saints, and even for sacrilegious treatment of the Venerable Sacrament. In many other ways was manifested the weakening of the profound and unquestioning veneration which, for three centuries, had been the peculiar boast of the Spanish race. On the other hand it is not a little remarkable that there are very few cases of offences against the Inquisition, for, in all these forty years, there are but nine that can in any way be included in this class.[1]

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

At the same time, when we recall the old-time punctilious enforcement of profound respect, it argues no little decline in popular awe when, in 1791, a simple parish priest, Dr. Joseph Gines of Polop (Alicante) dared to address the Valencia tribunal in terms of violent indignation at the conduct of its secretary, Dr. Pasqual Pérez, when on a mission to collect testimony. He tells the tribunal that, if it does not dismiss Pérez it will sink greatly in his estimation, and his whole epistle breathes a spirit of independence and equality wholly impossible at an earlier time.[1] It was not without reason that, in 1793, the tribunal, in appealing for increase of salaries, complained of the decline in popular respect for its officials, which it attributed to their meagre pay and the curtailment of their privileges.[2] How completely the tribunals had lost their former energy is indicated by the abandonment, about this time, as we have seen (Vol. II, p. 98) of the publication of the Edict of Faith, which of old had been so impressively solemnized and had proved at once so fruitful a source of denunciations and so powerful a means of maintaining popular awe.

Coincident with this, and as though the Inquisition felt that it was on trial before the people, there was a marked tendency towards amelioration of procedure, coupled with benignity in treatment of culprits. Allusion has been made above to the introduction of the *audiencia de cargos*, through which the accused was afforded an opportunity of knowing what was alleged against him, and frequently of clearing himself without the disgrace of arrest and trial. There is a very suggestive instance of merciful consideration, in 1791, in the case of Josef Casals, a weaver, charged before the Barcelona tribunal with the utterance of shocking blasphemies in the church of Santa Catalina. A century earlier he would have been arrested and, on proof of the offence, he would have been sentenced to scourging or the galleys. In place of this Padre Miguel Alberch was instructed to report secretly as to the character of the accused, which he did to the effect that Casals had regular certificates of confession, but was of quick temper and occasionally broke out in curses. Then a commission was issued to Alberch to summon Casals and to represent to him the gravity of his offence and of the punishment incurred, and the mercy shown by the tribunal, which would keep a watch on him.

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 365, n. 46, fol. 56.

[2] Ibidem, Leg. 4, n. 3, fol. 58.

In pursuance of this the good priest reported that Casals was deeply repentant and desired to be heard in confession, which he had permitted.[1] The case is trivial, but of such was the bulk of inquisitorial business, and the temper in which it was conducted was of no little import to the people at large.

Partly this may be attributable to the modern softening of manners, partly to a growing sense of insecurity, and partly to the inertia which led the officials to shun all avoidable labor. It was becoming more and more a political machine and neglectful of the objects of its creation. During the inquisitor-generalship of Manuel Abad y la Sierra, from 1792 to 1794, we are told that, in all Spain, there were but sixteen condemnations to public penance. Abad was an enlightened man; he thought of assimilating the inquisitorial procedure to that of other courts of justice, and consulted with Llorente as to the formula for such a reform, but conservatism, however relaxed in practice, was not ready for total abandonment of the old methods. His design became known: he was forced to resign and was relegated to the Benedictine monastery of Sopetran, under a charge, as we have seen of Jansenism.[2]

In fact, an absolute renunciation of the old procedure would have largely deprived the Inquisition of its usefulness in its new political functions, to which its established methods were peculiarly adapted. When, in 1796, a powerful intrigue was formed for the overthrow of Godoy, the Inquisition was naturally selected as the only weapon with which to strike at the favorite. Three friars were found to denounce him, because for eight years he had avoided confession and communion, and because of his scandalous relations with women. Had Inquisitor-general Lorenzana been resolute, Godoy's fate might have been that of Olavide, but he was timid. Archbishop Despuig of Seville and Bishop Muzquiz, then of Avila, who were the leaders of the plot, vainly assured him that Godoy's arrest would insure success; he refused to act except under orders from Pius VI. Despuig then prevailed upon his

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[1] MSS. of Am. Philos. Society.

[2] Llorente, Hist. crít., cap. XXIX, art. iii, n. 2; cap. XLVI.—Muriel, Hist. de Carlos IV (Mem. hist. español, XXXIII, 154).

Llorente tells us that he pursued the task confided to him by Abad and in 1797 produced his "Discursos sobre el órden de procesar del Santo Oficio" which, in 1801, exposed him to a smart persecution.—Memoria histórica, p. 11 (Madrid, 1812).

friend Cardinal Vincenti to induce the pope to write to Lorenzana reproaching him with his indifference to a scandal so hurtful to religion. It chanced that Vincenti's letter, inclosing that of Pius, was intercepted at Genoa by Napoleon who, to ingratiate himself with Godoy, forwarded to him the correspondence. Godoy assured his position and took a mild revenge, which does credit to his sense of humor, by sending Lorenzana, Despuig and Muzquiz into honorable exile as special envoys to condole with the pope on the occupation of his territories by the French.[1] In fact, Capmany describes the Inquisition of the period as devoted to the unholy work of an Inquisition of State, in order to preserve its imperilled existence, and its ministers as trembling at the sight of the infamous favorite, when they had the honor of joining the crowd of his flatterers.[2]

Inquisitors might reasonably feel anxious as to their position, for projects of reform were in the air. Gaspar Melchor de Jovellanos, the most conspicuous Spaniard of his time for intellectual ability and rectitude, had been exiled from the court, in 1790, and had betaken himself to his native Gijon, where for years he labored in founding the Instituto Asturiense. Desiring to endow it with a library of scientific works, he applied, in 1795, to Lorenzana for licence to import them, but Lorenzana refused on the ground that there were good Spanish writers, rendering recourse to foreigners unnecessary, especially as foreign books had corrupted the professors and students in various universities—a process of reasoning applied to works on physics and mineralogy, which Jovellanos characterized as a *monumento de barbarie*. The attention thus drawn to his library aroused the suspicions of the commissioner of the Inquisition, Francisco López Gil, priest of Somió, who secretly entered it one day while the owner was taking his siesta. Word was brought to him and he hastened thither, finding Gil examining a volume of Locke. Jovellanos turned him out, telling him that his office rendered him an object of suspicion and forbidding him to enter the building without permission. Gil became a spy and was probably the author of a denunciation which cost Jovellanos years of captivity.[3]

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[1] Muriel (*loc. cit.*, XXXI, 190).—Lafuente, Hist. gen. de España., XXII, 124.—V. de la Fuente, Hist. ecles., III, 400.

[2] Discusion del Proyecto, p. 473 (Cádiz, 1813).

[3] Somoza de Montsoriu, Las Amarguras de Jovellanos, pp. 47–8 (Gijon, 1889).

He was suddenly recalled from his exile, November 23, 1797, to assume the position of minister of Gracia y Justicia, where he speedily gave the Inquisition abundant cause to dread him. A competencia had arisen between the Seville tribunal and the episcopal authorities over a confessional which it had ordered to be closed. The matter came before Carlos, who instructed Jovellanos to obtain the opinion of Tavira, Bishop of Osma, which he duly transmitted to the king, February 15, 1798, with a Representation arguing that the time had come to restore to the bishops their old jurisdiction in matters of faith; the object for which the Inquisition was established had been attained; its processes were cumbrous and inefficient, and its members were ignorant. The jurisdiction of the bishops could alone furnish an effective remedy for existing evils—a jurisdiction more natural, more authoritative, more grateful to the people, and fuller of humanity and gentleness, as emanating from the power granted to them by the Holy Ghost, wherefore the authority that had been usurped from them should be restored. Moreover he took into consideration the condition of the Holy See, deprived of its temporalities by the French Republic. Everything, he said, pointed to a fearful schism at the death of Pius VI, in which case each nation must gather itself under its own pastors. The papacy would endeavor to retain the cumbrous and costly organization of the curia, by increasing its exactions, and it would have to be reduced to the functions exercised during the first eight centuries.[1]

Jovellanos was a sincere Catholic, but after utterances so hardy it was not difficult for his enemies to convince the king that he was inclined to heresy and atheism. Godoy had grown alarmed at the ascendancy which he was acquiring over Carlos; his fellow-minister Caballero conspired with the Inquisition, and on August 15th the king signed the dismissal of his minister, whose official life had endured but eight months. A fortnight later a royal *carta orden* declared it to be his unalterable will that the Holy Office should permanently enjoy its jurisdiction and prerogatives without modification.[2] Jovellanos returned to Gijon where he lived in dignified retirement for two years and a half. His

[1] Somoza, *op. cit.*, pp. 301–5.—Muriel, *op. cit.*, XXXII, 117. For the orthodoxy of Jovellanos, see Menéndez y Pelayo, III, 287–90.

[2] Somoza, *op. cit.*, pp. 57–60.—Discurso histórico-legal sobre el Origen, Progresos y Utilidad del Santo oficio, p. 101 (Valladolid, 1803).

offence however had been too great for pardon and his influence was still dreaded. An anonymous denunciation of the flimsiest character was laid before Carlos, describing him as having abandoned all religion and as being at the head of a highly dangerous party, engaged in schemes for the overthrow of Catholicism and the monarchy. The pusillanimous king adopted the course suggested to him by the secret accuser. Before day-break of March 13, 1801, the house of Jovellanos was surrounded by a troop of horse; he was aroused from sleep, his papers were seized and transmitted to the ministry of State; he was kept in his house *incomunicado* for twenty-four hours, then thrust into a coach and carried, still incomunicado, across Spain to Barcelona and thence to Majorca, where he lay in prison until the abdication of Carlos, in 1808, and the consequent troubles effected his release.[1]

A case nearly parallel was that of Mariano Luis de Urquijo, who followed Jovellanos in the ministry of Gracia y Justicia. He had no cause to love the Inquisition. Among his youthful indiscretions was a translation of Voltaire's *Mort de César*, which led the Inquisition to make secret investigations, resulting in the conviction that he was dangerously infected with philosophism. He was about to be arrested when Aranda, who recognized his merit, recommended him to the king and, in 1792, he was appointed to a position in Aranda's office. The Inquisition had learned respect for royal officials and substituted for a decree of arrest a summons to an *audiencia de cargos*, ending in a sentence of light suspicion of sharing philosophic errors, absolution *ad cautelam*, some secret penances and the suppression of his book, though his name was considerately omitted in the edict of prohibition. His official promotion was rapid and, at the age of thirty, he found himself a minister, employing his power, possibly with more zeal than discretion, in encouraging enlightenment and all humanizing influences. On the death of Pius VI he incurred Ultramontane hostility by inducing the king to sign the decree of September 5, 1799, restoring to the bishops the right of issuing dispensations—a measure which provoked long and bitter discussion. This was followed, as we have seen above (Vol. III, p. 504) October 11th by a sharp rebuke to the Inquisition, ordering it to confine itself to its proper duties and, soon afterwards, he presented to Carlos

[1] Somoza, *op. cit.*, pp. 77–84, 86–90, 141–2, 312–20.—Cean Bermúdez, Memorias para la Vida de D. Gaspar Melchor de Jove Llanos, p. 81 (Madrid, 1814).

for signature, a decree suppressing the institution and applying its property to purposes of charity and public utility. This was too bold a measure; the king shrank from the responsibility and Urquijo only succeeded in concentrating upon himself clerical hostility, which was reinforced by the enmity of First Consul Bonaparte, whose policy he had opposed. Godoy, who commenced to fear him as a rival, and who was irritated by some imprudent jests, withdrew his support. A triple prosecution was commenced against him by three inquisitors and he fell in December, 1801. He was sent to Pampeluna, to the cell which had been occupied by Floridablanca, and there he lay for a year or two, deprived of fire, lights, books and writing materials. He was liberated under surveillance; in 1808 he refused to accompany Carlos and Fernando to Bayonne, but he attended the so-called Junta of Notables there, accepted the French domination, served as secretary of State and, with the other *Afrancesados*, sought refuge in France in 1813, dying in Paris in 1817.[1]

It is evident from all this that the opposition to the Inquisition was gathering strength and boldness, but that its foundations were too deep and solid to be overthrown without an upheaval that should shatter the social fabric. A well-intentioned, but somewhat absurd, attempt was made by Grégoire, Constitutional Bishop of Blois, whose fervent Catholicism, combined with equally fervent liberalism, was of service so essential in piloting the Church of France through the storms of the Revolution. In 1798, he addressed a letter to the Spanish inquisitor-general, urging the suppression of the Inquisition and universal toleration, as a preliminary to the redemption of Spain from despotism, and to enabling it to take its place among the nations which had recovered their rights. This was translated into Spanish and some thousands of copies were circulated; it may have made some secret converts but the only visible result was to elicit several replies. One of these, by Pedro Luis Blanco, told Grégoire, with more or less courtesy, to mind his own business; assured him that, if the Inquisition was suppressed, Spain would remain as intolerant as ever, and asserted that no Spaniard had ever imagined that coercion could be employed to obtain conversion. It was probably this, mingled with some skilful adulation of the king

[1] Llorente, Hist. crít., cap, XLII, art. ii, n. 1–13.—Muriel, *op. cit.*, xxxiv, 110–19.—Menéndez y Pelayo, III, 172–3.

and his ministers, that procured for the author, in 1800, the episcopate of Leon.[1] There was also an anonymous "*Discurso historico-legal*," evidently by a well-informed inquisitor, probably Riesco of Llerena. It was the most rational history of the Inquisition that had as yet appeared, although it assures us that experience showed that penitents were most grateful for the benevolence shown to them, and that it was a tribunal full of gentleness, the centre of benignity, compassion and mercy, but also of justice.[2]

A third was by Lorenzo Villanueva, a calificador of the Valencia tribunal, whose defence of the reading of Scripture has been alluded to above. It was published under the transparent pseudonym of Lorenzo Astengo, his maternal name. In view of his subsequent career it is not without interest to see his indignation at the advocacy of toleration and his dithyrambic denunciation of the horrors to which philosophism has led in the assertion of human liberty. The first portion of his work is an impassioned and rhetorical defence of persecution, supported by ample learning. Vigorous is his denunciation of the modern theories of philosophism and the rights of man—since original sin, he asks, what rights has man save to slavery, to punishment, to ruin? So he combats at length the doctrine of the sovereignty of the people, which he stigmatizes as a delirium, a dream and a deception. Yet he admits that the Inquisition is not perfect—that it has committed errors through imprudence, through ignorance, through excessive zeal, and through human frailty, and that it has prevented the development of some things which would aid the prosperity of the nation.[3] If, as has been asserted, he expected a bishopric in reward for this, he was disappointed.

Thus, at this period the Inquisition was inert and its very existence seemed to be threatened, but its potentiality of evil was undiminished. It was still an object of terror to all inclined to liberal opinions, and it was regarded by the Conservatives as the bulwark protecting the land from the deluge of modern thought.

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[1] Respuesta pacífica de un Español á la Carta sediciosa del Frances Grégoire, que se dice Obispo de Blois, pp. 3, 31, 63, 74, 75, 76, 87 (Madrid, 1798).

[2] Discurso historico-legal sobre el Origen etc. del S. Oficio, pp. 126, 185, 187 (Valladolid, 1803).

[3] Cartas de un Presbitero español, pp. 3, 7, 98, 121, 123, 129, 152–4 (Madrid, 1798).

Feeble though it might be in appearance we shall see how prolonged and stubborn was the contest required for its final suppression.

THE CORTES.

The treaty of Fontainebleau, October 27, 1807, dismembered Portugal, of which Godoy was to have the southern portion, as an independent kingdom, and the King of Etruria (Ferdinand of Parma) the northern portion. Napoleon sent Junot with an army which, accompanied by Spanish troops, speedily overran the land, when Junot issued a decree declaring Portugal annexed to the empire. Simultaneously French armies, under Dupont and Moncey, entered Spain and occupied the strongholds of Pampeluna, Barcelona, Figueras and other places. Murat was sent as commander in chief and took possession of Madrid. The Tumult of Aranjuez drove Godoy from power and, on March 19, 1808, Carlos abdicated in favor of his son, Fernando VII, whose accession was received with enthusiasm by the nation. Beauharnais, the French ambassador at Madrid, and Murat, however, refused to recognize him; Carlos protested to Napoleon that his abdication had been coerced; by various devices, Carlos and his queen, Fernando and his younger brother Don Carlos, were induced to go to Bayonne to lay their respective pretensions before the emperor. There, on May 5, Fernando was obliged to renounce the crown to his father and the latter to transfer it to Napoleon. Carlos and María Luisa were sent to Compiègne and Fernando to Valençay, where he remained until 1814. Meanwhile in Madrid, Murat, under instructions, ordered the Infantes Antonio and Francisco, the remaining members of the royal family, to depart for Bayonne on May 2d. The indignant populace rose, with the aid of a few officers and soldiers and, after a gallant struggle against the veterans of Napoleon, the insurrection was repressed with heavy slaughter, followed by numerous executions. The heroic "Dos de Mayo" was the signal of resistance to the invader and, in a few weeks, Spain was aflame; the desperate six years' War of Liberation was commenced, and the nation showed what a people could do when abandoned by its incapable and cowardly rulers. With a soldier's contempt for an unorganized militia, Napoleon pursued his plans. Joseph was called from Naples to occupy the vacant throne and was acknowledged as king by an Assembly of Notables,

convoked at Bayonne in June, which transformed itself into Córtes and adopted a Constitution.

This summary of the situation is necessary to an understanding of the position of the Inquisition. Whatever may have been the views of some of the local tribunals, the central body accepted the intrusive domination and was *afrancesado*—a term which, to the patriots, became one of the bitterest contempt. The Constitution of Bayonne provided that, in Spanish territories, no religion save Roman Catholicism should be tolerated. Raimundo Ethenard, Dean of the Suprema, was a member of the Córtes and, when he took the oath of allegiance to Joseph, the latter assured him that Spain was fortunate in that the true faith alone was there honored. When the Constitution was under consideration, two members, Pablo Arribas and José Gómez Hermosilla, advocated the suppression of the Inquisition, but Ethenard and his colleagues of the Inquisition, Galarza, Hevia Noriega and Amarillas, successfully opposed it, although they admitted that, in conformity with public opinion, its procedure should be made to conform to that of the spiritual courts in criminal cases.[1]

The Inquisition thus deemed itself safe and earnestly supported the Napoleonic government. After the sanguinary suppression of the Madrid rising on May 2d, it made haste to counteract the impression produced and, on the 6th, the Suprema addressed a circular letter to the tribunals, describing the affair as a scandalous attack by the lowest mob on the troops of a friendly nation, who had given no offence and had observed the strictest order and discipline. Such demonstrations, it said, could only result in turbulence and in destroying the confidence due to the government, which was the only one that could advantageously direct patriotic energies. The tribunals were therefore instructed to impress on their subordinates, and the commissioners and familiars in their districts, the urgent necessity of unanimously contributing to the preservation of public tranquillity. This communication was received by the Valencia tribunal on May 9th and, on the 11th, it was read to the assembled officials, calificadores, notaries and familiars of the city, with exhortations to comply strictly with

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[1] José Clemente Carnicero, La Inquisicion justamente restablecida, I, 8 (Madrid, 1816).—Toreno, Revolucion etc. de España, I, 160.—Llorente, Hist. crít., cap. xliv, art. i, n. 19.—Rodrigo, Hist. verdadera, III, 486.—Menéndez y Pelayo, III, 417.

its commands—action which was doubtless taken by the other tribunals.[1]

The Inquisition thus remained in Madrid under the protection of the French arms, but its freedom of action was curtailed. The Abate Marchena, a fine classical scholar, but revolutionary and tinctured with atheism, had abandoned Spain early in the French Revolution and had barely escaped the guillotine during the Terror. He returned, in 1808, as Murat's secretary, when the Inquisition thought fit to arrest him, but Murat sent a file of grenadiers and forcibly released him.[2] When Napoleon reached Madrid, December 4, 1808, the capitulation granted to the city provided that no religion but Catholicism should be tolerated but, on the same day, he issued a decree which suppressed the Inquisition, as contrary to sovereignty and to civil authority, and confiscated its property to the crown.[3] The Inquisitor Francisco Riesco stated, during the debate in the Córtes of Cádiz, that this sudden decree was motived by the refusal of the members of the Suprema to take the oath of allegiance to the new dynasty, but this is evidently incorrect, as most of them had already done so at Bayonne, and Arce y Reynoso, who resigned his inquisitor-generalship, adhered to the French and accompanied them on the final evacuation. Riesco further asserts that Napoleon ordered them to be imprisoned, but they escaped and scattered to places of safety.[4] The Inquisition was thus left in an anomalous position and without a head, for correspondence with Pius VII was cut off, and neither his acceptance of Arce's resignation nor his delegation of powers to a successor could be had. The Junta Central, which was striving to govern the country, attempted to fill the vacancy with Pedro de Quevedo y Quintano, Bishop of Orense, but he could obtain no papal authorization and made no attempt to act. It was argued that during a vacancy the jurisdiction continued with the Suprema, but this was denied and it remained an open question.[5]

[1] See Appendix.—On January 9, 1813, this letter was produced in the Córtes, by Sr. Arguelles, during the discussion on the suppression of the Inquisition.—Discusion del Proyecto, p. 143.

[2] Menéndez y Pelayo, III, 386–7. For a vivid sketch of the adventurous life of Marchena see Antoine de Latour, "Espagne, Traditions, Mœurs el Littérature, p. 51 (Paris, 1869).

[3] Carnicero, *op. cit.*, I, 9.—Código de José Nap. Bonaparte, Tit. XIII, § 5 (Madrid, 1845).

[4] Discusion del Proyecto, p. 148.

[5] Toreno, Historia de la Revolucion, III, 106 (Paris, 1838).

During the period which followed, the tribunals maintained their organization and exercised their functions after a fashion, when not prevented by the French occupation. Thus when the invaders reached Seville, February 1, 1810, the Inquisition was suppressed, but its members took refuge in Ceuta. Valencia remained in operation until the city was captured by Suchet, in 1811, while Barcelona at one time transferred itself to Tarragona. Activity was intermittent and, in the excitement of that stirring time, there was little energy for the prosecution of heresy while, even when the enemy had withdrawn, in many cases the buildings had been ruined. The Valencia record shows that the total number of cases brought before all the tribunals in 1808 was 67; in 1809, 22; in 1810, 17; in 1811, 25; in 1812, 1; in 1813, 6. Probably few of these cases were regularly heard, if we may judge from that of Don Vicente Valdés, captain of volunteers who, in 1810, was denounced to the Valencia tribunal for blasphemous propositions. October 27th it was ordered that, in view of the circumstances, a fitting occasion should be awaited for the *audiencia de cargos* demanded by the fiscal—a postponement which proved to be protracted for it was not until 1816 that he was tried.[1] Still, where the Inquisition itself was concerned it could act swiftly and effectively. In 1809 the French took possession of Santiago. Felipe Sobrino Taboada, professor of civil law in the university, was acting as police-magistrate and, by order of the director-general of police, he issued a proclamation exhorting the people to lay down their arms and praising the suppression of the Inquisition. When the French retired, the university refused to readmit him to his chair. He obtained a decision of the tribunal of Public Safety of Coruña re-establishing him and then the Inquisition arrested him, without the prescribed preliminary formalities, and kept him for five months in the secret prison. Afterwards he was allowed to keep his house as a prison and, when finally the bounds were enlarged to the province of Galicia, it was with the condition that he would accept no public office.[2]

The Junta Central, which had endeavored to govern, amid much opposition from the particularist tendencies of the provincial juntas, retired to Cádiz when the French occupied Andalusia.

[1] Archivo hist. nacional, Inq. de Valencia, Leg. 100.

[2] Puigblanch, La Inquisicion sin Mascara, p. 429.

On January 1, 1810, it issued a convocation for the assembling of Córtes, and on the 31st it dissolved, after appointing a Regency and imposing on it the duty of convoking the Córtes by March 1st. The Regency delayed until, forced by the pressure of public opinion, on June 18th it published a decree ordering elections where they had not been held, and summoning the deputies to meet in August in Isla de Leon, now San Fernando, near Cádiz. Suffrage was virtually universal and, in the letters of convocation, the nation was called upon to assemble in general Córtes "to establish and improve the fundamental constitution of the monarchy," while the commissions of the delegates empowered them to decide all points contained in the letters and all others, without exception or limitation.[1] The Córtes accordingly assumed the title of Majesty, as embodying the will of the people and occupying the throne of the absent sovereign. When they were opened, September 24th, about a hundred deputies were present, two-thirds of whom were elected by the provinces not occupied by the French armies, and the rest selected in Cádiz from among natives of the unrepresented districts, including the colonies, then more or less in open revolt, while, as the vicissitudes of the war permitted, deputies came straggling in from districts unrepresented at first. As a whole, the body fairly reflected existing public opinion. The Liberals numbered forty-five, and the majority consisted of ecclesiastics, men of the privileged classes and government employees.[2] It was an unavoidably hazardous experiment, this sudden wrenching of Spain from the old moorings and launching it on the tempestuous waters of modern ideas, under the conduct of men without training or experience in self-government. Grave mistakes were inevitable and their constructive work was idealistic and doomed to failure—a failure bound to result in blood and misery. At the moment, however, there were no misgivings and the Córtes were regarded as the salvation of the nation.[3]

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[1] Toreno, *op. cit.*, II, 197–202.

[2] Marliani, Histoire de l'Espagne moderne, I, 171.

[3] Even Evaristo San Miguel, one of the *exaltados* of 1822 who, as secretary of State, was largely responsible for the follies which invited the French intervention of 1823, admits the errors of the Córtes of Cádiz. The Constitution of 1812, he says, was an exotic that took no root in the soil; the mass of the people, plunged in ignorance and misery, knew of it only by hearing from their spiritual guides that it was a tissue of impieties.—De la Guerra Civil de España, p. 88 (Madrid, 1836).

The oath administered to the members bound them to maintain Catholicism as the exclusive religion of Spain and to preserve for their beloved monarch Fernando VII all his dominions. Their first act was to adopt a series of five resolutions, offered by an ecclesiastic, Diego Muñoz Torrero, rector of the University of Salamanca, of which one provided that the Regency should be continued as the executive power, on taking an oath recognizing the sovereignty of the nation as embodied in the Córtes and promising obedience to their enactments. Rather than do this, the Regency proposed to break up the Córtes, but the threatening aspect of the people and the army caused a change of heart, and that same night they took the oath, except the implacable conservative Quevedo Bishop of Orense, who resigned both from the Regency and the Córtes. His resignations were accepted but he was forced to take the oath required of all prelates and officials before he was allowed to retire to his diocese. It was evident that the Córtes and the Regency could not pull together; on October 28th, the latter was dismissed, its membership was reduced from five to three and a new Regency was installed with which the Córtes could work in harmony.[1]

After settling relations with the other departments of the State, the first attention of the Córtes was given to the freedom of the press. Two days after the opening session the subject was introduced and referred to a committee; no time was lost, a decree was reported October 8th, and on the 18th, in spite of the reclamations of the opposition, it was passed by a vote of 68 to 32. This was regarded as a preliminary attack on the Inquisition, which was thus deprived by implication of the function of censorship. Some members desired this to be explicitly stated, giving rise to a hot debate in which Inquisitor Riesco, a member of the Córtes, pleaded in vain for some honorable mention of the Holy Office. There was also indignation excited by the provision subjecting prohibition by the bishops to revision by the secular power, which was subversive of the imprescriptible rights of the Church, whose judgements are final.[2] If this was really the first move in a campaign against the Inquisition, it was not unskilful, for it set at liberty the pens which had hitherto been restrained. At once

[1] Toreno, II, 208, 211, 223, 249.—Coleccion de los Decretos y Ordenes que han expedido las Córtes Generales, I, 1–3 (Madrid, 1820).

[2] Vélez, Apología del Altar y del Trono, I, 107–10, 113–19, 211–12 (Madrid, 1825).—Coleccion de Decretos, I, 16.

there arose a crowd of pamphleteers and journalists, not only in Cádiz but throughout Spain, who attacked the institution unsparingly, raising a clamor which showed how severe had been the repression. Sturdy defenders were not lacking and the wordy war was vigorously waged. The two most prominent champions on either side were Antonio Puigblanch, who, under the pseudonym of Natanael Jomtob, issued a series of pamphlets, collected under the title of "La Inquisicion sin Máscara" or "The Inquisition unmasked," and Padre Maestro Fray Francisco Alvarado, a Dominican of high repute for learning and eloquence, whose letters under the name of *El Filósofo Rancio* or Antiquated Philosopher, continued for two years to keep up the struggle against all the innovations of the Liberals.[1]

Puigblanch was no exception to the general rule that those who attacked the Inquisition were careful to profess the highest veneration for the faith and in no way to advocate toleration. His work commences with an eloquent description of religion as the foundation of all civil constitutions and Catholicism as the noblest adornment of enlightenment and liberty, the only question being whether the Inquisition is the fitting institution for its protection. He is careful to maintain to the last his abhorrence of heresy and his desire for its suppression, which he proposes to effect by reviving episcopal jurisdiction under certain limitations.[2] With all this his denunciation of the Inquisition was unsparing, and he had ample store of atrocities with which to justify his attacks, although there was unfairness in attributing to it, in the nineteenth century, the cruelties which had stained its previous career.

Alvarado was a man of extensive learning, but of little claim to the title of philosopher, whether antiquated or modern. Though his methods were not such as to make converts, they were well adapted to stimulate those of his own side, for he was an effective partizan writer, fluent, sarcastic, often coarse, vulgar and vituperative, using assertion for argument and indifferent as to truth. The chief value of his letters is the flood of light which they shed on the conservative attitude of the time, which explains much in the

[1] These letters have been repeatedly reprinted. My edition is of Madrid, 1824–5 in five volumes. Under the Restoration, Alvarado was appointed a member of the Suprema, but he can scarce have acted as he died, August 31, 1814.

[2] La Inquisicion sin Máscara, pp. 5–12, 28, 299, 480–3 (Cádiz, 1811).—An English translation by William Walton appeared in London, in 1816, with a valuable Introduction.

subsequent vicissitudes of Spain. Philosophers, he says, are wolves, robbers and devils, monsters who cannot be regarded without horror, enlighteners who are nothing but ignoramuses and cheats and emissaries sent by hell. To seek to undermine popular confidence in the priesthood he holds to be a crime greater than the crucifixion of Christ. The ferocity of his intolerance shows how little Spanish churchmen had changed since the days of Torquemada. As to the relations of religion and the State, he assumes that the only function of the civil power is to punish him who offends the faith; the Catholic religion is as intolerant as light is of darkness, or as truth is of falsehood, and this intolerance distinguishes it from all religions invented by man. Repeatedly and savagely he proclaims that burning is the proper remedy for unbelief, and he tells his adversaries that, if they wish free thought, they may go to England or to the United States, but in Spain what they had to expect was the *quemadero*.[1] Such advocacy could only render the Liberals more eager to accomplish their work.

While this controversy was contributing to the greater enlightenment or obscuration of public opinion, the Córtes were engaged in framing a Constitution. The committee entrusted with this task had a majority of conservatives, including several ecclesiastics, but these were quite willing to circumscribe the royal power, while seeking to extend the privileges of the Church, and all the members signed the project as presented.[2] It commenced by asserting the sovereignty of the nation, which had the exclusive right to establish its fundamental laws, and could never be the patrimony of any person or family, and it affirmed that the religion of the nation was, and always forever would be the Catholic, Apostolic, Roman, the only true one, which the nation protects by wise and just laws, and prohibits the exercise of any other.[3] This apparent concession to intolerance was denounced, when too late, as a trap, for it placed in the hands of the representatives of the nation the power of deciding what the wise and just laws should be for the protection of religion. Be this as it may, the Córtes were resolved that there should be no refusal to accept the new frame-

[1] Cartas del Filósofo Rancio, I, 86, 87, 96, 98, 262, 265, 268, 297; II, 21, 457, 461.

[2] Marliani, op. cit., I, 175.

[3] Tit. I, cap. i, art. 2, 3; Tit. II, cap. ii, art. 12 (Coleccion de Decretos, II, 98, 100).

work of government. In secret session of March 16, 1812, it was decreed that whosoever should refuse to swear to it should be declared an unworthy Spaniard and be driven from Spain, and measures were taken to have it read in every parish church, where the assembled people should swear to obey it and to be faithful to the king. As the French armies were driven back, the Spanish commanders made it their first duty to see this ceremony performed, and where there was opposition, chiefly arising from the priests, force was employed. A priest of the Cádiz cathedral who alluded to it slightingly as a *libelo*, or little book, was prosecuted, and the irreconcileable Bishop of Orense, who refused to take the oath, was exiled and declared to be an unworthy Spaniard. As a whole, however, it was enthusiastically accepted as the dawn of a new era, though we may well question how many of those who took the oath comprehended the purport of its three hundred and eighty-four articles, covering all the complicated minutiæ of institutions based on an entirely new conception of the relations between the Government and the governed.[1]

It was inevitable that, in the effort to create a new Spain, the fate of the Inquisition should be involved, especially as its disabled condition invited attack. That a struggle was impending had long been evident to all parties, and that this was felt to be decisive as to the character of the future institutions of Spain is seen in the tenacity with which it was fought. The Inquisition was the conservative stronghold, to be defended to the last, after all the outer defences had been abandoned, and the deep roots which it had established are manifested by the tactics required for its overthrow, and by the fact that the contest was the bitterest and the most prolonged in the career of the Córtes, which had so unceremoniously converted Spain from absolutism to liberal constitutionalism.

Some preparation had been made for the struggle by the conservatives. The first Regency had endeavored to reconstitute all the old Councils of the monarchy and, on June 10, 1810, Ethenard, the Dean of the Suprema, addressed to it a memorial requesting it to order the reassembling of the Suprema, to which it responded, August 1st, by issuing such an order. The scattering of the members precluded this, but, when the early acts of the Córtes foreshadowed what was to come, on December 18th, Ethenard and

[1] Vélez, Apología, II, 116-27.—Marliani, I, 179.—Carnicero, Hist. de la Revolucion, III, 160, 184.—Coleccion de Decretos, II, 166; III, 60.

Amarillas asked the new Regency to appoint as a member the fiscal Ibar Navarro and as fiscal the Madrid inquisitor, Galarza, thus enabling the body to resume its functions. As no attention was paid to this, an old member, Alejo Jimenez de Castro, who had been exiled to Murcia by Godoy, was brought from his retreat to Cádiz, so as to have material for a quorum present. The occasion to utilize this offered itself in January, 1811. The freedom of the press enabled Don Manuel Alzaibar to start "La Triple Alianza," a frankly irreligious journal, in the second number of which there appeared an article ridiculing the immortality of the soul and suffrages for the dead. On January 28th advantage was taken of this to ask the Córtes to refer it to the Inquisition for censure, which was carried in spite of opposition. The next day the editors asked that the action be rescinded, leading to a three days' debate in which the Inquisition was denounced as a mysterious, cruel and antichristian tribunal and, for the first time, its suppression was openly advocated. President Dou ruled that the inculpated journal must be passed to the Junta de Censura, for he understood that the Inquisition was not organized, when he was told that there were three members of the Suprema in Cádiz, and that the Seville tribunal was in Ceuta. This raised larger questions and the whole matter was referred to a committee so composed that it was expected to report against re-establishment, but it withheld its report for a long time and meanwhile there were other moves in the game.[1]

On May 16th, the members of the Suprema notified the Regency that they were prepared to act, in response to which the minister of Gracia y Justicia expressed his surprise that they should meet as a tribunal, without awaiting the decision of the questions submitted to the Córtes, and forbade them from forming a Council until they should have express authorization.[2] The matter was brought before the Córtes and Inquisitor Riesco vainly argued in favor of the Inquisition; his motion was referred to the committee,

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[1] Vélez, Apología, I, 126–34, 212–13.—Rodrigo, III, 370.—Toreno, III, 106–7.

[2] Apología de la Inquisicion, pp. 16–18 (Cadiz, 1811).—Riesco, in a speech before the Córtes, said that the functions of the Suprema were suspended on the pretext that its members had not been "purified" (Discusion del Proyecto, p. 148). All officials who had in any way been concerned with the French were required to be purified—that is, to give proofs of patriotism. This so-called purification came repeatedly in play in the kaleidoscopic changes of Spanish politics.

where it lay buried in spite of repeated calls for a report. The Liberals insisted that a National Council would be a more suitable body for the mature consideration of such questions; their object was solely to gain time, which was fighting on their side, but the idea was seriously entertained, even by the clericals. The committee on the external discipline of the clergy reported, August 22d, in favor of the project, with a list of matters to be submitted to the Council; on August 28th the Córtes ordered it to be convoked, but postponed consideration of the details. Other matters supervened and no further action was taken, which Archbishop Vélez assures us saved Spain from a schism, or at least from a scandal for, under the proposed program, it would have proved a second Synod of Pistoja. In fact, the journals naturally took a lively interest in the matter; thousands of pamphlets, we are told, appeared everywhere, pointing out the abuses and relaxed morals of the clergy and demanding a reform that was assumed to be necessary. It is easy to imagine that the ecclesiastical authorities were willing to let the project drop.[1]

The position of the Liberals was greatly strengthened by the adoption of the Constitution, in March 1812, as was abundantly shown in the next debate on the Inquisition. This was provoked by the publication, in April 1812, of the "Diccionario crítico-burlesco" of Gallardo, librarian of the Córtes, in which all that the mass of the population held sacred was treated with ridicule, neither refined nor witty. It created an immense sensation and was brought before the Córtes, which enabled Riesco, on April 22d, to call for the immediate presentation of the report of the committee on the Inquisition, for which the Córtes had been waiting for more than a year. The committee, in fact, had reached a decision, in July 1811, in favor of the Inquisition, and we are not told why it had been held back, for four members had concurred in it and only Muñoz Torrero had dissented. The report was accordingly presented, re-establishing the Suprema in its functions, with certain limitations as to political action; the debate was hot, but the Liberals had taken precautions to avoid a direct vote on the question. In a decree of March 25th, creating a supreme court of justice, they had introduced an article suppressing the tribunals known by the name of councils, and they pointed out that this embraced the Suprema, which gave abundant opportunity

[1] Vélez, Apología, I, 214, 384–5, 399–418.

for discussion. Even more important was a decision of the Córtes, adroitly planned for this especial purpose, December 13, 1811, during the discussion on the Constitution, that no propositions bearing on the fundamental law should be admitted to debate without previous examination by the committee on the Constitution, to see that it was not in opposition to the articles thereof. It was notorious that inquisitorial procedure was in direct contravention of the constitutional provisions to secure justice in criminal prosecutions and, after an exciting struggle and a postponement, the report was referred to the committee on the Constitution. The Conservatives were so exasperated that they proposed to dissolve the Córtes, and have a new election under the Constitution, to which the Liberals agreed, except that the new body should meet October 1, 1813, and the existing one should remain in session until then. Archbishop Vélez tells us that the policy of the Liberals was to gain time, for their personal safety was at stake if the Inquisition was re-established, nor does he recognize how monstrous was the admission involved in this, for an institution that could prosecute and punish legislators for their official acts was virtually the despot of the land. Doubtless the deputies felt this, and that the struggle was one for life or death.[1]

The flank of the enemy was thus skilfully turned. The committee on the Constitution was in no haste to report and occupied itself with collecting documentary material from the archives wherever accessible. Its conclusion was that the Inquisition was incompatible with the fundamental law and, on November 13th, it voted on a project for establishing "Tribunales protectores de la fe" in compliance with the constitutional requirements. Finally, on December 8th two reports were presented. That of the minority by Antonio Joaquin Pérez, who had been an inquisitor in Mexico, argued that the abuses of the Inquisition were not inherent; that its procedure conflicted with the Constitution and should therefore be modified accordingly.[2]

The majority report was a very elaborate document, tracing the treatment of heresy from the earliest times, and pointing out the irreconcileable incompatibility of the Inquisition with the constitutional provisions securing to the citizen the right of open trial and opportunities for defence. It concluded with the draft of a decree "Sobre Tribunales protectores de la fe," in which such caution

[1] Vélez, Apología, I, 134–52, 217, 219.—Toreno, III, 105–10.

[2] Discusion del Proyecto, pp. 40–1, 398.

was deemed necessary that the Inquisition was nowhere mentioned. It appealed to the national pride, by simply reviving a law of the Partidas concerning the prosecution of heretics by bishops, it prescribed the form and procedure of the episcopal tribunals, the punishment by lay judges of those pronounced guilty, and it provided for appeals as well as for the suppression of writings contrary to religion. The reports were duly received and January 4, 1813, was appointed for the opening of debate.[1]

Probably no measure before the Córtes provoked so bitter and prolonged a debate. The Liberals had secured the advantage of position, and the Conservatives felt that the issue involved the whole future relations of Church and State. There was a preliminary skirmish on December 29th, when Sánchez de Ocaña asked for a postponement until the bishops and chapters could be consulted, on the ground that the Church was an independent body.[2] This was voted down and the debate was opened on the designated day, January 4, 1813. The friends of the Inquisition had not been idle; the Church organization was in good working order, and the Córtes were bombarded with memorials from bishops, chapters, ayuntamientos, military officers, towns and provinces, showing how active the canvass had been during the two years in which the subject had been mooted. Yet the Conservatives could only procure, out of the fifty-nine sees existing in Spain, protests from two archbishops and twenty-four bishops, the authorities of three vacant sees, and four chapters of those occupied by the French; while the number from officers of the army was not large, those from towns were but a small fraction of the municipalities, and only two provinces—Alava and Galicia—spoke through their authorities. Muñoz Torrero declared, January 10th, that every mail brought him mountains of letters in favor of the Inquisition and Toreno spoke of the reclamations that came in, showing how the signers of protests had been coerced.[3]

[1] Discusion, pp. 38–40.—The law of the Partidas thus revived was P. VII, Tit. xxvi, ley 2, which says that heretics can be accused by any one before a bishop or his vicar, who shall examine them on the articles of faith and sacraments. If error is found he must labor to convert them by reason and persuasion when, if willing to be converted, they are to be reconciled and pardoned. If persistent they are to be handed over to the secular judge for punishment by fire or otherwise. The revival of the law was only as regards the functions of the bishops.

[2] Ibidem, pp. 42–7.

[3] Cartas del Filósofo Rancio, II, 453.—Menéndez y Pelayo, III, 473.—Discusion, pp 215, 229, 397.

The debate was vigorous and eloquent on both sides but, while it took the widest range, embracing the history of the Church from apostolic times and the career of the Inquisition from the thirteenth century, the parliamentary question in reality turned upon the power of the Córtes to intrude in the sphere of ecclesiastical jurisdiction. After discussion lasting until January 22d on the preliminary propositions, the decree itself was taken up, article by article and strenuously fought over; amendments were presented and accepted or rejected, as they strengthened or weakened the measure, and hot resistance was offered to the clauses allowing appeals from the judgements of the bishops, which the Liberals supported on the ground that all the members who opposed the Inquisition had been denounced throughout Spain as heretics, and the safety of the citizen demanded that episcopal definition of heresy should not be final. The debate was prolonged until February 5th, when the last article was agreed to, and the decree in its final shape did not differ essentially from that proposed by the Committee. There was no formal suppression of the Inquisition; it was simply declared to be incompatible with the Constitution and the law of the Partidas was revived. This latter had been agreed to on January 26th by a vote of 92 to 30, and that date was assumed as determining the extinction of the Inquisition, regulating the disposition of its property. It is not worth while to recapitulate the details of the episcopal tribunals and the provisions for censorship, as the bishops took little interest in the exercise of their restored jurisdiction, though there are traces of their action in one or two cases—that of Joaquin Ramírez, priest of Moscardon and of Doña Antonia de la Torre of Seville.[1] During the seventeen months that elapsed until the re-establishment of the Inquisition, we are told that, although the land was full of Freemasons and other anticatholics, the bishops had no occasion to arrest any one, for no informers or accusers came forward—doubtless because they realized that their names would be known.[2]

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[1] Discusion del Proyecto, pp. 59, 325, 495, 564, 630-9, 683, 687.—Coleccion de Decretos, III, 215, 220.—Archivo hist. nacional, Inq. de Valencia, Leg. 100.—Archivo de Simancas, Inq., Lib. 890.

The decree concerning property continued the salaries of all officials. A subsequent decree of September 13th, regulating the national debt, applied the property of the *extinguida inquisicion* to that incurred in the war with France.—Coleccion, IV, 257.

[2] Carnicero, La Inquisicion justamente restablecida, II, 115.

In the debate several ecclesiastics distinguished themselves by their able advocacy of the measure, among whom were pre-eminent Muñoz Torrero, who had borne a leading part in drafting the decree; Lorenzo Villanueva, who had defended the Inquisition against Bishop Grégoire, and Ruyz Padron, parish priest of Valdeorras in Galicia and formerly of the Canaries. How they fared in consequence we shall see hereafter. On the other side one of the most vehement was Pedro Inguanzo, who was rewarded with the see of Zamora, and ultimately with the archbishopric of Toledo.

The Liberals had won their victory by unexpectedly large majorities, indicating how great had been the advance in public opinion. No measure had created such intensity of feeling on either side; the rejoicing of the Liberals was extravagant, and the anger of the clerical party may be gauged by the declamation of Archbishop Vélez, who is as vehement as though the whole fate of Christianity was at stake—the abomination of desolation, he declares, seemed to have established its throne in the very house of God.[1] The clergy had already been alienated by various measures adverse to their interests—the appropriation of a portion of the tithes to the support of the armies, the escheating of the property of convents destroyed by the invaders, or having less than twelve inmates, and the abrogation of the Voto de Santiago, a tax on the agriculturists of some provinces based on a fraudulent tradition of a vow made by Ramiro I, when, by the aid of St. James, he won the suppositious victory of Clavijo.[2] The debate on the Inquisition had heightened the reputation of the Córtes as an irreligious body, and it was not wise to inflame still further the hostility of a class wielding such preponderating influence, but the Liberals, intoxicated by their victory, proceeded to render the measure as offensive as possible to the defeated clericals.

On February 5th, after the final vote, the committee on the Constitution was instructed to prepare a manifesto setting forth the reasons for the suppression of the Inquisition which, together with the decree, should be read in all parish churches for three consecutive Sundays, before the offertory of the mass; that in all churches the insignia of those condemned and penanced should be removed, and that a report should be made as to the disposition

[1] Vélez, Apología, I, 252–4.

[2] Coleccion de Decretos, III, 26, 30, 66, 137, 211.

of the archives of the tribunals. The preparation of the manifesto delayed the publication of the decree until February 22d, for it was a long and wordy document, in which the decadence of Spain was attributed to the abuses of the Inquisition; the ancient laws had therefore been revived, restoring their jurisdiction to the bishops, in whose hands the Catholic faith and its sublime morals would be secure; Religion would flourish, prosperity would return, and perchance this change might some day lead to the religious brotherhood of all the nations.[1]

It was not long before the imprudence of this step manifested itself, for it gave the Church a battle-ground on which to contest, not only the reading of the manifesto but the execution of the decree itself and, if defeated, of occupying the advantageous position of martyrdom. Opposition had for some time been in preparation. As early as December 12, 1812, the six bishops of Lérida, Tortosa, Barcelona, Urgel, Teruel and Pampeluna, in the safe refuge of Majorca, had prepared a manifesto widely circulated in private, representing the Church as outraged in its ministers, oppressed in its immunities, and combated in its doctrines, while the Jansenist members of the Córtes were described as adherents of the Council of Pistoja.[2] No sooner was the decisive vote of February 5th taken than the chapter of the vacant see of Cádiz prepared for a contest over the reading of the decree and manifesto. It had already appointed a committee of three with full powers, and it now instructed the committee to communicate secretly with refugee bishops in Cádiz, and with chapters elsewhere, with a view to common action. Letters were sent to the chapters of Seville, Málaga, Jaen and Córdova, representing that the Cádiz chapter was ready to be the victim, but would be strengthened by the union of others. Seville replied with promises to do the same; the rest more cautiously, for they felt that they were treading on dangerous ground.

This dampened somewhat the ardor of the fiery Cádiz chapter and it sought for other support. On February 23d the parish priests and army chaplains of Cádiz were assembled and addressed the chapter at great length. To read the decree and manifesto would be a profanation and a degrading servility. The papal constitutions creating the Inquisition were binding on the consciences of the faithful, until revoked by the same authority, and

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[1] Discusion del Proyecto, pp. 683, 689–94.

[2] Toreno, III, 204.

from this obligation the secular power could not relieve them. To obey would be to incur the risk of a dreadful sacrilege, and the penalties for impeding the Inquisition imposed by Julius III and Sixtus V; it was better to fall into the hands of man than into those of God, and they were ready to endure whatever fate might befall them. This was rank rebellion, slightly moderated by the expression of a desire to learn the opinions of the holy prelates who were in Cádiz. The chapter duly transmitted this address to the prelates—the Bishops of Calahorra, Plasencia, San Marcos de Leon, Sigüenza and Albarracin (Calahorra and San Marcos were deputies in the Córtes and had signed the Constitution)—stating that it entertained the same sentiments and repeated the request for their opinion. The bishops replied cautiously, and in substance advised that representations be made to the Government, which might be induced to modify its decrees.[1]

Time was growing short, for March 7th had been designated as the first Sunday for reading the decree and manifesto. On March 3d a capitular meeting was assembled, in which it was unanimously resolved to obey, but to make use of the provisions which authorize citizens to obey without executing and to represent reverentially the reasons for suspending action until further determination.[2] This was the first step in the development of a somewhat formidable plot which was organizing. On March 5th the papal nuncio, Pedro Gravina, Archbishop of Nicæa, addressed to the Regency a very significant protest against the decree itself. The abolition of the Inquisition, he said, was contrary to the primacy of the Holy See; he protested against this and he asked the Regency to induce the Córtes to suspend its publication and execution until happier times might secure the consent of the pope or of the National Council. On the same day he was guilty of the indiscretion of writing to the Bishop of Jaen and to the chapters of Málaga and Granada, under strict injunctions of secrecy, advising them of the proposed resistance of the Cádiz chapter and inviting their coöperation.[3] The next day, March 6th, the chapter sent to the Regency the address of the priests and chaplains of Cádiz, with a communication setting forth the reasons which not only

[1] Memoria interesante para la Historia de las Persecuciones de la Iglesia Católica y de sus Ministros en España, Append., pp. 1–16 (Madrid, 1814).

[2] Ibidem, pp. 17–20.

[3] Manifesto istorico del Cardinale Pietro Gravina, pp. 63–68 (Roma, 1824).—E. Nuñez de Taboada, Le dernier soupir de l'Inquisition, pp. 43–9 (Paris, 1814).

prevented the execution of the mandate of the Córtes, but imperiously required the secular power to protect the Church and relieve it from an act in contravention of its honor and sanctity. The Chapter, it argued, could not be accused of disobedience for insisting on the spiritual law which was more binding than the temporal.[1]

The Regency evidently was participating in the plot to overthrow the Córtes for the purpose of saving the Inquisition. The legislative and executive branches of the Government had become estranged. There had been dissension in the matter of the suppression of the convents, and an investigation made by the Córtes into the affairs of the Regency had led to a damaging report on February 7th. The Liberals were convinced that it was planning a *coup d'état* when, on the night of Saturday, March 6th the rumor spread that it had dismissed the Governor of Cádiz, D. Cayetano Valdés, and had replaced him with D. José María Alós. Sunday passed without the reading of the decree and manifesto in the churches and, on Monday, the minister of Gracia y Justicia sent to the Córtes the communications of the chapter to the Regency. A permanent session was at once declared; the Córtes dismissed the regents and replaced them with the three senior members of the Council of State, Cardinal Luis de Bourbon, Archbishop of Toledo, D. Pedro Agar and D. Gabriel Ciscar, who forthwith took the oaths and at 9 P.M. assumed possession of their office, the dismissed regents offering no resistance.[2]

Harmony between the legislature and the executive being thus restored, on March 9th the Córtes ordered the Regency to compel obedience. Under threats of measures to be taken, the chapter yielded at 10 P.M. and promised that the next morning, and on the two following Sundays, the decree and manifesto should be duly read. It was obliged to furnish authentic copies of all papers and correspondence, on the basis of which a sharp reprimand was addressed to the Seville chapter and, on April 24th, prosecution was commenced against the Cádiz capitular vicar and the three members of the committee, for treasonable conspiracy. Their temporalities were seized and for six weeks they were imprisoned, *incomunicado*. The trial dragged on until the restoration of Fernando VII rendered acquittal a matter of course and enabled them, in their defence, to declare that to destroy the Inquisition

[1] Memoria interesante, Append., pp. 23–6.

[2] Toreno, III, 193–203.

or to impede its action in matters of faith was the same as prohibiting the jurisdiction of the Roman Pontiff, thus trampling under foot a dogma established by Jesus Christ.[1]

The documents thus obtained showed that Nuncio Gravina had been active in furthering the plot of resistance. Now that it had been crushed, policy would have dictated dropping the matter but, on April 22d, the minister of Gracia y Justicia addressed him a sharp letter, expressing the confidence of the Regency that he would in future observe the limits of his office, as otherwise it would be obliged to exercise all its authority. To this he of course replied defiantly; whenever ecclesiastical matters were concerned he might find himself obliged to follow the same course, and the Regency could do as it pleased. Some further correspondence followed in the same vein and then, after an interval, his passports were sent to him, his temporalities were seized, and he was informed that the frigate Sabina was at his disposal to transport him whither he desired.[2] He declined the proffered frigate and established himself in Portugal, near the border, whence he continued busily to stir up disaffection, assuming that he still retained his functions as nuncio. On July 24th he addressed a protest to the Government and sent a circular to the bishops inviting them to apply to him in cases requiring his aid. This led to a lively controversy, in which the Government charged him with deceit and he retorted by accusing it of falsehood and challenging it to publish the documents.[3]

This was by no means the only trouble excited by the enforced reading of the decree and manifesto. Recalcitrant priests were found in many places, whose cases caused infinite annoyance and bad blood and the Bishop of Oviedo was recluded in a convent for refusing obedience.[4] The Government triumphed, but it was a Pyrrhic victory, multiplying its enemies, heightening its reputation for irreligion, and weakening its influence.[5]

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[1] Memoria interesante, pp. ix, x, 58; Append., pp. 27–30.—Vélez, Apología, I, 262–87.

[2] Taboada, *op. cit.*, pp. 50–71.—Gravina, Manifesto istorico, pp. 68–106.

[3] Vélez, Apología, I, 303.—Gravina, Manifesto istorico, pp. 106–116, 1–41.

[4] Vélez, Apología, I, 260.

[5] It would seem as though some of the tribunals continued to act. There is a case of a Dominican sub-deacon, Fray Tomas García, who denounced himself for saying mass to that of Valencia, which forwarded the *sumaria* to Cuenca, August 15, 1813.—Archivo hist. nacional, Inq. de Valencia, Leg. 100.

The result was seen in the elections for the new *Córtes ordinarias*, when the deputies returned were largely reactionary, owing to clerical influence. There were many vacancies, however, which were filled by the old members for the corresponding places, and thus the parties were evenly balanced. The new Córtes met, September 26th and, on November 29th adjourned to meet in Madrid, January 15, 1814; the Regency transferred itself to Madrid, January 5th.[1] By that time the French were virtually expelled from Spain; Wellington was following Soult into France, and Suchet was barely holding his own against Copons in Catalonia.

The return of Fernando el Deseado was evidently at hand and was eagerly expected. The reaction following the prolonged excitement of the war was beginning to be felt. There was widespread misery in the devastated provinces, the relief of which was slow and difficult and was aggravated by a decree of the Córtes requiring those which had been subjugated to pay the arrears of the war contributions. Dissatisfaction with the Córtes was aroused by what were regarded as their sins both of commission and omission—the lowering of the value of French money caused great suffering and trouble; all who had served under the *intruso* were ejected from office; the parish priests were reinstated in their old cures, which turned into the streets the new incumbents; people began to grumble at the preponderance of the Liberals in the Córtes—in short, there was no lack of subjects of complaint.[2] Exhaustion and poverty, the inevitable consequences of so prolonged and desperate a struggle, produced discontent, and it was natural that those who had guided the nation through its tribulations should be held responsible, while their services should be forgotten. The military also were dissatisfied at finding that, at the close of a successful war, they had not the importance that they considered to be their due, while the clergy were outspoken in opposition and, through two widely circulated journals, "El Procurador de la Nacion y del Rey" and "La Atalaya de la Mancha," attacked the Government furiously.[3]

During all this period, Fernando's existence at Valençay had been as agreeable as was consistent with his safe-keeping. The only restriction on his movements was a prohibition to ride on

[1] Toreno, III, 284–305.

[2] Carnicero, Historia de la Revolucion, III, 169–76.

[3] Miraflores, Apuntes para escribir la Historia de España, pp. 11–13 (Londres, 1834).

horseback; Napoleon is said to have kept him supplied with women to satisfy his strongly developed sensuality, and he manifested his characteristic baseness in letters to his captor congratulating him on his victories and soliciting the honor of a matrimonial alliance with his family. After the battle of Liepzig, Napoleon, striving to save what he could from the wreck, represented to Fernando that the English were seeking to convert Spain into a Jacobin republic; Fernando was ready to agree to any terms and, on December 11, 1813, there was signed what was known as the Treaty of Valençay, under which peace was declared between France and Spain, the English and French troops were to be withdrawn, the Afrancesados, who had taken refuge in France, were to be restored to their property and functions, and Fernando was to make a yearly allowance of 30,000,000 reales to his father and mother.[1]

Fernando sent the Duke of San Carlos with the treaty to Madrid for ratification, instructing him that, if he found the Córtes and Regency infected with Jacobinism, he was to insist on ratification pure and simple; if he found them loyal, he was to say that the king desired ratification, with the understanding that he would subsequently declare it invalid. The treaty excited general indignation. As early as January 1, 1811, the Córtes had decreed that they would recognize no treaty made by the king in captivity, and that he should not be considered free until he was surrounded by his faithful subjects in Córtes. Now the Córtes responded to Fernando's message with a decree of February 2, 1814, reissuing the former one and adding that obedience should not be rendered to him until he should, in the Córtes, take an oath to the Constitution; on his arrival at the frontier this decree was to be handed to him, with a copy of the Constitution that he might read and understand it; he was to follow a route prescribed by the Regency and, on reaching the capital, he was to come directly to the Córtes, take the oath, and the government would then be solemnly made over to him. All this was agreed to with virtual unanimity; it was signed by all the deputies and was published with a manifesto denouncing the treaty and expressing the warmest devotion to the king. The publication aroused general indignation at the treaty and the manifesto elicited universal applause.[2]

[1] Miraflores, Documentos á los que se hace referencia en los Apuntes, I, 9–23.

[2] Marliani, I, 195–200.—Toreno, III, 317, 395.—Coleccion de Decretos, I, 43; V, 87.

To Fernando, trained in the traditions of absolutism, the Treaty of Valençay was vastly preferable to the reception prepared for him, but he uttered no word of dissent when, after Napoleon had liberated him without conditions on March 7th, he was transferred by Suchet, on the banks of the Fluviá, March 24th, to Copons, the Captain-general of Catalonia. He exercised volition however in deviating from the route laid down by the Regency, and made a detour to Saragossa on the road to Valencia, but he preserved absolute silence as to his intentions. Everywhere he was received with delirious enthusiasm; the people idealized him as the symbol of the nationality for which they had struggled through five years of pitiless war, and there were no bounds to their exuberance of loyalty.

The Restoration.

To few men has it been given, as to Fernando, to exercise so profound and so lasting an influence on the destinies of a nation. His ancestor, Henry IV, had a harder task when he undertook to impose harmony on compatriots who, for a generation had been savagely cutting each others' throats. Fernando came to a nation which had been unitedly waging war against a foreign enemy. Differences of opinion had grown up, as to the reception or rejection of modern ideas, and parties had been formed representing the principles of conservatism and innovation; mistakes had been made on both sides and bitterness of temper was rising, but a wise and prudent ruler, coming uncommitted to either side and enthusiastically greeted by both, could have exorcised the demon of faction, could have brought about compromise and conciliation, and could have gradually so trained the nation that it could have traversed in peace the inevitable revolution awaiting it. This was not to be. Unfortunately Fernando was one of the basest and most despicable beings that ever disgraced a throne. Cowardly, treacherous, deceitful, selfish, abandoned to low debauchery, controlled by a camarilla of foul and immoral favorites, his sole object was to secure for himself the untrammelled exercise of arbitrary power and to abuse it for sensual gratification. Cruel he was not, in the sense of wanton shedding of blood, but he was callously indifferent to human suffering, and he earned the name of Tigrekan, by which the Liberals came to designate him.[1]

[1] Conservatives concur with Liberals in denouncing the memory of Fernando. See Menéndez y Pelayo, III, 495 and V. de la Fuente, III, 472.

When Fernando entered Spain he was naturally undecided as to the immediate attitude to be assumed towards the changes made during his absence, but the enthusiasm of his reception and the influence of the reactionaries who surrounded him emboldened him in the determination to assert his autocracy. Several secret conferences were held during the journey to decide whether he should swear to the Constitution, and the negative opinion prevailed. In fact, to a man of Fernando's character, voluntary obedience to the Constitution was an impossibility. Not only did it declare that sovereignty resided in the nation, with the corresponding right to determine its fundamental laws, but the powers of the crown were limited in many ways; the Córtes reserved the right to exclude unworthy aspirants to the succession, and to set aside the incumbent for any cause rendering him incapable—clauses susceptible of most dangerous interpretation. At this very time, indeed, the Córtes were deliberating on the appropriation to be made to the king for the maintenance of his court, which implied the right to subject him to the most galling conditions.[1]

If anything was needed to induce him to assert the full powers enjoyed by his predecessors it was afforded by a manifesto known as the Representation of the Persians, from an absurd allusion to the ancient Persians in the opening sentence. This was signed by sixty-nine deputies to the Córtes; at much length and with turgid rhetoric it set forth the sufferings inflicted on Spain by the Liberals; it argued that all the acts of the Córtes of Cádiz were null and invalid; it pointed out the limitations on the royal power prescribed by the Constitution, and it asserted that absolute monarchy was recognized as the perfection of government. It did not omit to declare that the Inquisition was indispensable to the maintenance of religion, without which no government could exist; it dwelt on the disorders consequent upon its suppression and it reminded Fernando that, from the time of the Gothic kingdom, intolerance of heresy was the permanent law of the nation. Even if the king should think best to swear to the Constitution, the manifesto protested that it was invalid and that its destructive principles must be submitted to the action of Córtes assembled according to the ancient fashion. This paper, dated April 12th, was drawn up and secretly circulated by Bernardo Moza Reales,

[1] Toreno, III, 355–9.—Miraflores, Documentos, I, 30.—Constitucion, art. 3, 144–9, 173, 181, 187 (Coleccion de los Decretos, V, 148, 153, 182, 185).

who carried it to Valencia and presented it to Fernando, receiving as reward the title of Marquis of Mataflorida.[1]

Fernando reached Valencia April 16th and paused there until May 4th, while secret preparations were made to overthrow the government. The Córtes, unaware of the contemplated treachery, were amusing themselves in arranging the hall for the solemnity of the king's oath and his acknowledgement as sovereign, and took no measures for self-protection. Troops were secretly collected in the vicinity of Madrid, under General Eguia, a violent reactionary, who was made Captain-general of New Castile. On the night of May 10th, when Fernando was nearing the capital, Eguia notified Joaquin Pérez, President of the Córtes, that they were closed; troops took possession of the hall and the archives were sealed, while police-agents were busy making arrests from a list of thirty-eight marked for proscription, including two of the regents, two ministers and all the more prominent liberal deputies.[2] No resistance was encountered and the precedent was established which has proved so disastrous to Spain.

In the early dawn of the 11th, there was found posted everywhere a royal manifesto dated at Valencia on the 4th. In this, after a rambling summary of antecedent events, Fernando promised to assemble as soon as possible Córtes of the old fashion and, in conjunction with them, to establish solidly whatever was necessary for the good of the kingdom. He hated despotism; the enlightenment and culture of Europe would never permit it, and his predecessors had never been despots. But the Córtes of Cádiz and the existing body were illegal and all their acts were invalid; he did not intend to swear to the Constitution or to the decrees of the Córtes, but he pronounced them all void and of no effect, and any one supporting them in any manner or endeavoring to impede the execution of this manifesto was declared to be guilty of high treason and subject to the death-penalty.[3] It is perhaps

[1] Representacion y Manifiesto que algunos Diputados á las Córtes ordinarias firmaron en los mayores Apuros de su Opresion en Madrid, pp. 12, 17, 59, 60 (Madrid, 1814).

[2] Toreno, III, 359, 361–4.—Koska Vayo, Historia de la Vida y Reinado de Fernando VII, II, 26, 32–5, 377 (Madrid, 1842).—Marliani, I, 206.

[3] Coleccion de las Reales Cédulas etc. de Fernando VII, p. 1 (Valencia, 1814).—Toreno, III, 400.—It would be difficult to find a more slovenly piece of writing than this celebrated and fateful manifesto. Its authorship was attributed to Juan Pérez Villamil, the head of the Regency dismissed by the Córtes in March, 1813.—Toreno, III, 364.

needless to say that the promised convocation of Córtes and the salutary legislation never took place. All the modernized institutions framed since 1810 were swept away at a word, the old organization of Government was restored, and Fernando was an absolute despot, disposing at his pleasure of the lives and property of his subjects who had fought so desperately for his restoration.

How he used this power was manifested in the case of the fifty-two prisoners who were arrested at the time of the *coup d'état.* Nineteen months were spent in endeavoring to have them condemned by tribunals and commissions formed for the purpose, but no crime could be proved that would not equally affect all who had voted with them, many of whom stood in high favor at court. The last tribunal convened for their trial advised Fernando to sentence them in the exercise of his royal omnipotence, and he did so, December 17, 1815, sending them to distant fortresses, African presidios and convents, with strict orders to allow them to see no one and to send or receive no letters.[1] As regards the three specially obnoxious clerical deputies, Villanueva was recluded for six years in the convent of la Salceda, from which we shall see him emerge and again play a brief part on the political stage. Muñoz Torrero was sent to the convent of Erbon, in Galicia. He finally fell into the savage hands of Dom Miguel of Portugal and perished, after severe torture, in 1829.[2] Ruiz de Padron was not on the list of the proscribed; he had not been elected to the new Córtes but was detained by sickness in Cádiz. On his return in May to his parish of Valdeorras, his bishop, Manuel Vicente of Astorga, made a crime of his absence from his cure without episcopal licence and prosecuted him for this and for sustaining in the Córtes projects adverse to religion and the throne. On November 2, 1815, he was sentenced to perpetual reclusion in the desert convent of Cabeza de Alba and, to prevent appeal, the bishop sent the process to the Inquisition of Valladolid. Ruiz appealed to the metropolitan, but the bishop refused to allow the appeal. Then a *recurso de fuerza* to the Chancellery of Valladolid was tried, which thrice demanded the process before the bishop, to escape exposure in a secular court, allowed the appeal. Finally the metropolitan annulled the proceedings and Ruiz was set at liberty, after four years' imprisonment, broken in health and

[1] Marliani, I, 208–17.—Koska Vayo, II, 48–52.—Toreno, III, 405.

[2] Menéndez y Pelayo, III, 545.

ruined in fortune. This action probably superseded a prosecution against him for printing his speech in the Córtes against the Inquisition, a prosecution commenced by the Madrid tribunal and transferred to Valladolid.[1]

It was at first thought that the manifesto of May 4th, by invalidating all the acts of the Córtes, in itself re-established the Inquisition. In fact, Seville, its birth-place, had not waited for this and, on May 6th, a popular tumult restored it. The next day its banner, piously preserved by Don Juan García de Negra, a familiar, was solemnly conducted to the castle of Triana by a procession, at the head of which marched Juan Acisla de Vera, coadministrator of the diocese; the Te Deum was sung in the cathedral, the houses were illuminated and splendidly adorned with tapestries.[2] All this was premature, as likewise were the attempts made by some tribunals to reorganize, for the absence of an inquisitor-general and Suprema rendered irregular the transaction of business. Representations were made to the king by Seville and other towns, by the chapter of Valencia, and by bishops, praying him to take action, and the scruples as to the intervention of the civil power in spiritual affairs vanished.[3] Fernando accordingly, by decree of July 21, 1814, recited the appeals made to him and announced that he deemed it fitting that the Holy Office should resume the exercise of its powers, both the ecclesiastical granted by the popes and the royal, bestowed by his predecessors. In both of these the rules in force in 1808 were to be followed, together with the laws issued at sundry times to restrain abuses and curtail privileges.

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[1] Hervaz, Ruiz de Padron y su tiempo, pp. 101–5 (Madrid, 1898).—Archivo de Simancas, Inq., Libro 890.—His speech was issued in Coruña in 1813, under the title of "Dictamen del Dr. Antonio José Ruiz de Padron sobre la Inquisicion." Other clerical deputies who suffered reclusion in convents were Oliveros, in la Cabrera; Gallego, in the Cartuja de Jerez; Ramos, in that of Valencia; Arispe, in that of Seville; Lopez Cepero, in the Capuchins of Novelda; Antonio Larrazabal, wherever the Archbishop of Guatemala might designate, and Bernabeu, in one not ascertained. Besides these La Canal and Jaime Villanueva were recluded for editing a periodical.—V. de la Fuente, III, 471.

[2] Amador de los Rios, III, 555.—When the royal decree of July 21 was received, August 16th, the cathedral was illuminated and the bells were rung, followed, August 23d and 24th, by great solemnities.—Relacion histórica de la Judería de Sevilla, pp. 46–8.

[3] Rodrigo, III, 480.—Archivo de Sevilla, Seccion VI, 1ª Escribanía del Cabildo, Tomo 49, n. 14.

But, as other reforms might be necessary, he ordered that, as soon as the Suprema should assemble, two of its members, selected by him, and two of the Royal Council should form a junta to investigate the procedure and the methods of censorship and, if they should find anything requiring reform, they should report to him that he might do what was requisite.[1] Even the Córtes could not assert more authoritative domination.

The inquisitor-generalship was filled by the appointment of Francisco Xavier de Mier y Campillo, Bishop of Almería, and the vacancies in the Suprema were supplied. The junta of reform was organized and met and consulted. In 1816 we hear of their being still in session, but we are told that they found nothing requiring amendment.[2]

The Suprema lost no time in getting to work. A circular of August 8th, to the tribunals, enclosed the royal decree and announced that, in virtue of it, the council was that day restored to its authority and functions, which had been interrupted only by the invasion and the so-called Córtes. The tribunals were ordered to proceed, as in former times, with all business that might offer, and the officials were to discharge their accustomed duties, until the Bishop of Almería should receive his bulls. Lists of all officials were to be sent, with statements of their dates of service, and of popular report as to their conduct during the troubles, and whether they had publicly attacked the rights of the sovereign and of the Holy Office. A process of "purification" ensued, investigating the records of all officials, many of whom had bowed to the tempest during the short-lived triumph of Liberalism. April 7, 1815, a circular letter directed that any one who had petitioned the Córtes for the abolition of the Inquisition, or had congratulated them on their action, was no longer to be regarded as in office or entitled to wear the insignia, but considerable tenderness was shown to the erring. Thus Don Manuel Palomino y Lozano, supernumerary secretary of the Madrid tribunal, had signed an address of congratulation to the Córtes, but on his pleading coercion and fear he was allowed to retain office.[3]

Allusion has already been made (Vol. II, p. 445) to the difficulties experienced in re-constituting an institution which, during

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[1] Coleccion de Cédulas de Fernando VII, p. 85.

[2] Rodrigo, III, 485.—Carnicero, La Inquisicion justamente restablecida, II, 51.

[3] Archivo de Simancas, Inq., Lib. 559; 890.

five years of war, had been exposed to spoliation and destruction, resulting, in some places, in the wrecking of its buildings, the purloining of its movables and the scattering of its papers. Thus, for instance, in September and October 1815, the Logroño tribunal, which had lost its habitation, was negotiating with the Marquis of Monasterio for his house, which he offered rent-free, if it would keep the premises in repair and make the necessary alterations; the Suprema instructed it to secure better terms if it could, and to be very economical with the alterations.[1] As late as 1817 we chance to learn that Santiago and Valladolid had no prisons and, in 1819, that Llerena was in the same plight.[2]

The financial question was even more serious. We have seen how, under Godoy, the tribunals had been obliged to convert all their available securities into Government funds, which of course had become worthless, and how the Córtes, by decree of December 1, 1810, had applied the suppressed prebends to the conduct of the war. It must therefore have been well-nigh starved when suppressed by the Córtes, but there was no disposition to expose individuals to suffering and, when its property was declared to belong to the nation, elaborate provision was made for the payment of salaries and the customary gratifications, though we may safely assume that in the majority of cases, these kindly intentions failed of effect.[3]

When re-establishment came the task of gathering the salvage from the wreck of the past six years was most disheartening. The royal decree simply called on the Inquisition to resume its functions and said nothing about its property, the restoration of which was evidently taken for granted, under the manifesto invalidating the acts of the Córtes. There was no disposition, however, on the part of the treasury officials to do this and, in response to a consulta of August 11th, the king, on the 18th, issued an order on them to make over to the tribunals all real estate of every kind that had been absorbed by the treasury, the account of rents to be made up to July 21st and apportioned on that basis. This left personal property out of consideration and a further decree was procured, September 3d, ordering the restoration of everything that had passed into the Caja de Consolidacion, as well as the fruits of the suppressed prebends, balancing the accounts up to

[1] Archivo de Simancas, Inq., Lib. 559.
[2] Ibidem, Lib. 890.
[3] Coleccion de los Decretos, III, 220.

July 21st.[1] This was slackly obeyed; the necessities of the tribunals were pressing, and the Suprema presented consultas of October 1st and 23d asking that they should be allowed to collect the revenues, and that restitution should be made of all past collections or, in default of this, that a monthly allowance of eighty thousand reales be made to the Inquisition. To this Fernando replied that the needs of the royal treasury did not permit the repayment of back collections, nor could it meet the proposed monthly allowance, but it was his will that such payments as the General Treasury and the Junta del Crédito Público could spare should be made as a payment on account for the most necessary expenses of the Inquisition. This last was doubtless an empty promise; the royal financiers were determined not to go back of July 21st, and it appears, by a letter of December 16th, that the royal officials were still making collections. The most that the Suprema could accomplish was to procure from the Junta del Crédito Público an order of January 9, 1815, and from the chief of the Treasury one of January 30th, to their subordinates to cease collecting from the property of the Inquisition, under the rigid condition that an account should be kept by the tribunals of their collections, so that whatever they might obtain of arrears due prior to July 21st should enure to the benefit of the Government.[2] In this, however, there was recognized the justice of a claim for the unpaid back salaries of the officials, and elaborate arrangements were made to ascertain and put these in shape, but it was labor lost. The treasury was at too low an ebb, and the claimants for services rendered during the troubled years of war and revolution were too numerous, for the Inquisition to obtain what it demanded.

The Suprema was also diligent in seeking to recover the amounts which the tribunals had been obliged to invest in Government securities, but this was as fruitless as other attempts to save fragments of the wreck. The last we hear of it is in 1819, when the Suprema was still endeavoring to meet the exigencies of the Treasury in framing lists of the dates and numbers of the bonds.[3]

It was difficult to evolve order out of the chaos of destruction, especially where the papers had been scattered, so that evidences of indebtedness and accounts were lost, interfering greatly with efforts to reclaim property. In November, 1814, we find the

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[1] Archivo de Simancas, Inq., Lib. 559.—See Appendix.

[2] Ibidem, Lib. 559.

[3] Ibidem.

Valencia tribunal issuing an edict requiring the return of all books and papers and records within fifteen days, under pain of excommunication and two hundred ducats; as to the furniture and other effects, they were to be restored under threat of legal proceedings. Although Valencia had been for two years under French occupation, it seems to have been more prompt than some others in getting its finances into intelligible condition. In November the Suprema calls upon it for a detailed schedule of resources and expenses and, in the latter it is not to omit the contribution required by the Suprema, amounting to 130,896 reales, and meanwhile it is not to pay out anything for salaries or other purposes without awaiting permission. Under this it was allowed, January 21, 1815, to pay salaries up to the end of 1814, and in May to make further payments. Yet in 1816 we find it reduced to seeking a loan wherewith to meet the salaries and a sum of thirteen thousand reales demanded by the Suprema.[1]

The Suprema itself, despite the contributions which it sought to levy from the tribunals, was in a condition of penury so absolute that, on July 3, 1815, it announced that it had no funds wherewith to pay the salaries of its officials or the postage on the official communications from the tribunals, which must therefore in future arrange with the Post-Office to prepay the postage and settle monthly or quarterly. This, however, as it explained August 19th, applied only to what was addressed to it as, under a decree of May 19, 1799, letters to the inquisitor-general and other heads of councils were carried free.[2]

There was gradual improvement, but it was slow. A carta acordada of September 3, 1818, says that the Suprema cannot view with indifference the deplorable financial condition of nearly all the tribunals, whose diminished revenues force them to allow the meagre salaries of their officials to fall into arrears, nor can it close its ears to the clamors of these unfortunates, reduced as they are to the deepest indigence. Seeking for partial remedies, it must insist on the avoidance of all expenses not absolutely indispensable, and the suppression of all superfluous offices. One of these is the notariate of the court of confiscations; when it falls vacant it is not to be filled, and its duties are to be performed by

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[1] Archivo hist. nacional, Inq. de Valencia, Leg. 17, n. 4, fol. 9, 21, 36, 57, 85, 88, 93.

[2] Archivo de Simancas, Inq., Lib. 559.

the secretary of sequestrations, whose salary will consequently be raised by fifty ducats. This was a somewhat exiguous conclusion of so solemn an exordium, seeing that the actual work of the tribunals could readily have been performed by less than half the officials who swelled their pay-rolls, but it is not without interest as showing how persistently the old inflated organization was maintained, and was struggling to support itself on the remnants of its once prosperous fortunes. Under such a system, poverty naturally continued to the last. When the Revolution of 1820 broke out, and the Seville tribunal contributed six thousand reales to the committee organized to resist the rising, it had no funds and was obliged to borrow the money on interest. As almost the first act of the successful revolutionists was to suppress the Inquisition, the lenders in this case doubtless found themselves to be involuntary contributors.[1] At this time the Seville tribunal had a force of twenty-eight officials, with a pay-roll of 92,300 reales, while the amount of its work may be gathered from the fact that the revolutionists found only three prisoners to release.[2]

Thus amid difficulties and tribulations the tribunals one by one resumed their functions. In October, 1814, Seville was prosecuting Lt. Colonel Lorenzo del Castillo for propositions; Saragossa was receiving the self-denunciation of Mathias Pintado, priest of Bujanuelo, for *heregia mista*, and Valencia was suspending the sumaria of the Capuchin Fray Pablo de Altea for *mala doctrina*, while in December Murcia was prosecuting Don Josef de Zayas, a prominent lieutenant-general of the royal army, for Free-Masonry.[3] Business, however, at the first was scanty. In the book of secret votes of the Suprema, there is an interval from December 22, 1814, until February 16, 1815. As the months of 1815 passed on, the breaks grow shorter and, by the summer of 1815, the decrees follow each other closely. Valladolid seems to have been dilatory in getting to work for, although it had three inquisitors drawing salary, no case came up from it until January, 1817, and, from this one it would seem that it had not been in operation until October, 1816.[4]

The prosecution of such a man as Zayas shows that the reorgan-

[1] Archivo de Simancas, Inq., Lib. 559; Lib. 435[2].
[2] Relacion de la Judería de Sevilla, pp. 49–51.
[3] Archivo hist. nacional, Inq. de Valencia, Leg. 100.
[4] Archivo de Simancas, Inq., Lib. 890.

ized Inquisition did not hesitate to grapple with those in high place, and another early case illustrates this still more forcibly. During the French occupation the Duke and Duchess of Sotomayor and the Countess of Mora had obtained possession of the books and indecent pictures accumulated in the Madrid tribunal. Apparently they refused to surrender them; the tribunal prosecuted them and rendered a sentence, subject to the royal permission, that these objects should be seized, but in such a manner as not to attract attention or to provoke resentment. The Suprema confirmed the sentence, ordering its execution by a single inquisitor, accompanied by a secretary, so as to reconcile the respect due to the parties with the secrecy that was essential.[1]

A politic act was the issue of a general pardon for all that had "impiously and scandalously" been uttered and done against the Inquisition under the fatal circumstances of the recent troubles.[2] It could afford to assume this attitude of magnanimity, seeing that the Government was pitilessly avenging it on its most prominent adversaries. When the Government failed in this duty, the Inquisition had no hesitation in nullifying its edict of pardon. We have seen its prosecution of Ruiz de Padron, until it found that the Bishop of Astorga was rendering this superfluous, nor was this by any means an isolated case. In August, 1815, we find the Suprema acting on sumarias from Canaries, in the cases of Mariano Romero, a priest, for a sonnet against the Inquisition, and of Francisco Guerra for a sonnet and an epitaph of the same character. So, in November, 1815, there is a prosecution of the Duke of Parque Castrillo for congratulating the Córtes on the abolition of the Inquisition and for a general order to the troops, December 2, 1812. His case dragged on until June 10, 1817, when its suspension was ordered.[3]

Yet it was not easy to revive the old-time veneration for an institution that had been so buffeted and roughly handled by the press and the Córtes. A couple of cases in Madrid, in 1814, of women in whose shops scandalous pictures and objects were exhibited, would seem to indicate that its commands were not obeyed with alacrity.[4] It was doubtless with a view of overcoming this indifference that Fernando himself assumed the office

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[1] Archivo de Simancas, Inq., Lib. 890.
[2] Ibidem, Sala 39, Leg. 1473, fol. 29.
[3] Ibidem, Lib. 890.
[4] Ibidem.

of an inquisitor, February 3, 1815, when he visited the Suprema, presided over its deliberations and participated in its decisions, examined all the offices and expressed his royal satisfaction with the methods of procedure. By royal permission the Suprema sent its president and three members to return the visit and express its gratitude for a mark of royal favor such as Ferdinand the Catholic nor any of his successors had ever made. A full report was printed in the Gaceta of February 16th, copies of which the Suprema sent to the tribunals with orders to read it to the officials and place it in the archives.[1] With the same purpose, he erected, as we have seen, the Congregation of San Pedro Martir to a knightly Order, with a habit and badge and, on April 6th, the feast of St. Peter Martyr, he presided over the Congregation, with his brothers Carlos and Antonio, wearing the insignia. In communicating this to the tribunals, the Suprema rendered it especially impressive by ordering them to commence the payment of salaries earned since July 21st and to continue it monthly.[2] Noble courtiers doubtless found that assuming office in the Inquisition was an avenue to royal favor, and we speedily see many of them submitting their genealogies for this purpose. The great Duke of Berwick and Alva, Fitzjames Stuart Silva Stolberg y Palafox, thus seeks the office of alguazil mayor of the tribunal of Córdova; the Marquis of Altamira does the same for the position of honorary secretary in that of Madrid, and we happen to hear of the Count of Mazeda, a grandee of the first class, serving as alguazil mayor of the tribunal of Santiago, and the Marquis of Iscar as honorary secretary to the Suprema.[3]

In spite of all this, the Inquisition could not regain its former position. Not only was it not respected but it dared not to enforce respect. Two Edicts of Grace for Free-Masons were issued, January 2d and February 12, 1815, when the Valladolid tribunal sent those for Medina del Campo and its district to its commissioner Victor González to be posted. The vicar-general and Ordinary, Doctor Josef Suárez Talavera, as ecclesiastical judge, demanded that they should pass through his hands, and when they were posted they bore the MS. subscription "Fixese, Doctor Suárez,"

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[1] Archivo de Simancas, Inq., Lib. 559.—Rodrigo, III, 489.

[2] Archivo de Simancas, *loc. cit.*

[3] Archivo de Simancas, Registro de Genealogías, n. 916, fol 4, 12.—Inq., Lib. 435[2]; Lib. 559; Leg. 1473.

thus assuming that it was by his permission, and arrogating to himself a jurisdiction superior to that of the Inquisition. When this was reported to the tribunal it ordered González to take them down and replace them with unsullied ones, which he did. Thereupon Suárez sent him word that, but for starting on a journey, he would make him repent and that, had he known of his being in Medina he would have cast him in prison and seen who could get him out. The tribunal meekly swallowed this flagrant insult; it was under instructions to perform no act indicating jurisdiction superior to that of the Ordinaries, so it quietly gathered evidence verifying the facts and sent the papers, September 15th, to the Suprema.[1]

The Inquisition recognized and felt acutely its altered position. In a report to the king on the subject of *visitos de navios*, made by the Suprema, in 1819, there are repeated confessions of powerlessness; the times are so unfortunate that its regulations fail to effect their object.[2] The same consciousness of weakness is manifest in the conduct of the occasional competencias which still occurred. In such of these as I have had an opportunity of examining there are a studied courtesy and evident desire to avoid giving offence, without wholly abandoning the claims of the Holy Office.

To the same cause we may, at least partially, ascribe the marked tendency to mitigation of punishment—except in the case of political offenders—and to avoid all unnecessary hardship and humiliation of culprits. When, in March, 1819, the Madrid tribunal pronounced a severe sentence on Teodoro Bachiller, for propositions, the Suprema moderated it greatly in every way, in order, it said, to make him understand its benignity in taking care of his honor and of the comfort of his family. In January, 1817, Lorenzo Ayllon was tried in Seville for abusing a priest while celebrating mass and endeavoring to snatch away the host—offences for which, of old, he could scarce have escaped the stake, but now he had only absolution *ad cautelam*, a reprimand, two years of presidio followed by six years of exile, and the Suprema relieved him of the vergüenza which had been included. Even more marked was the case of Diego Blásquez, postmaster of Villanueba de la Serena, who with some others committed the sacrilege of burying a dog with funeral rites. The Llerena tribunal commenced a prosecution and sent the sumaria to the Suprema, which

[1] Archivo de Simancas, Inq., Leg. 1473. [2] Ibidem.

contented itself with ordering a courteous note to be addressed to the secular and ecclesiastical judges, expressing a hope that they would not permit a repetition of such scandals.[1] It would be easy to multiply similar instances, but these will suffice to show how completely, in dealing with offences against the faith, the spirit of the Inquisition had been tamed, and how factitious was the claim that its existence was essential for the preservation of religion, when there were over half a hundred episcopal tribunals perfectly competent to try such offences and perfectly ready to treat them with greater severity.

Meanwhile Fernando's reign had continued as it commenced. Under the influence of a camarilla of low-caste and ignoble favorites, who pandered to his vices and enriched themselves by trafficking in offices and in contracts and in justice, his government was a compound of brutality and imbecility, and the affairs of the nation fell into complete disorder. All the abuses that had flourished under Godoy were intensified and coupled with persistent cruel persecution of those designated as Liberals, who filled the gaols through constantly recurring lists of proscriptions. De Martignac, who, as royal commissioner, accompanied the Duke of Angoulême in the invasion of 1823, was a thoroughly well-informed and unprejudiced observer, who after a vigorous description of the misgovernment of Fernando sums up by saying "We can conceive the influence of such a régime on the prosperity of the land, and yet it is difficult to realize the extent of disorder, wretchedness and weakness to which it fell. It was necessary to resort to arbitrary taxes, to exorbitant duties which destroyed commerce, to loans raised without credit. It was impossible to provide for the most pressing necessities of the State; everything was neglected or abandoned; the army was unpaid; the navy, destroyed at Trafalgar, remained in ruins; the administration, destitute of all means of action, did nothing and could do nothing to improve conditions, or even to preserve what there was. From this arose the discontent of the people."[2] It can scarce excite surprise that the crazy enthusiasm of Fernando's welcome in 1814 had evaporated.

[1] Archivo de Simancas, Inq., Lib. 890.

[2] L'Espagne et ses Revolutions, p 148—quoted by Marliani, I, 235. See also Miraflores (Apuntes, pp. 23, 26) who, as an aristocrat, had no affiliation with the Liberals.

The Revolution of 1820.

During this disastrous period, every year saw an attempt at revolution. In 1814 it was tried at Pampeluna by General Mina, who escaped; in 1815 in Galicia by Porlier, who was executed; in 1816 in Madrid by Richard, who shared the same fate; in 1817 in Catalonia by Lacy, who was shot; in 1818 in Valencia by Vidal, who was put to death. Again in Valencia a plot was formed to break out January 1, 1819, but it was betrayed and thirteen of the conspirators were hanged. O'Donnell, Count of la Bisbal, an able soldier and unscrupulous intriguer, was privy to this, but averted suspicion and was appointed to command an expeditionary force collecting at Cádiz for Buenos Ayres, against the revolted colony. With customary negligence, transports were not provided; the troops lay idle for months, discontent spread and a formidable conspiracy was organized, which counted on la Bisbal's support; he concluded that loyalty was safest and seized the leading plotters, for which he was rewarded with the grand cross of Carlos III., but suspicion arose; he was removed and replaced by the incapable Count of Calderon.

The situation, however, was growing impossible, and revolution was in the air. A portion of the troops were cantoned at las Cabezas de San Juan, a town not far from Cádiz. There, on January 1, 1820, Rafael de Riego, commander of the battalion of Asturias, assembled his men, made an inflammatory harangue, and they all declared for the Constitution. He made a dash for Arcos, where he captured Calderon and three of his generals, effected a junction with the battalions España and Corona, under Colonel Antonio Quiroga, and failed in an attack on Cádiz. Delay and irresolution followed, until January 27th, when Riego, at the head of fifteen hundred men, marched to Algeciras, where he remained until February 7th. Defeated in an attempt on Málaga, he reached Córdova on March 7th, with some five hundred despairing followers. No effort was made to capture them; the garrison and citizens looked on placidly, while Riego refreshed his men and headed for the Sierra Morena; they dropped off during the march and he was left with fifty followers; so far as he was concerned, the movement was a failure.

Still, its preliminary success had aroused the slumbering elements of discontent. On February 21st revolution broke out at

Coruña and spread to Ferrol and Vigo, when the Count of San Roman abandoned Galicia without a struggle. Saragossa followed on March 2d, the captain-general and garrison joining the magistrates and people. When the news reached Barcelona, on March 10th the people rose and sacked the Inquisition, but did no injury to the officials.[1] Within a few days Tarragona, Gerona and Mataró followed the example, the garrisons participating in the movement. In Navarre, Mina's account of the rising shows that there was prearrangement, and that the municipal authorities and military officials were fully in accord. When he reached Pampeluna with a large force, gathered on his way from the border, he found that the revolution had already been peacefully accomplished on March 11th. Meanwhile la Bisbal, seeing that the movement promised success, spared no promises to obtain command of the forces concentrating in la Mancha to put down Riego's rising. He received the appointment and, on reaching Ocaña, he induced the regiment Alejandro to cry "Viva la Constitucion." The revolution was accomplished and was bloodless, save a hideous massacre at Cádiz of the unarmed multitude, perpetrated in cold blood by Don Manuel Freyre.[2]

During the two months of this desultory movement, which prompt action could so readily have suppressed, the court was nerveless and incapable. When the news came of the rising in Galicia, Fernando issued, February 28th, a plaintive appeal, promising amendment. His terror increased as evil tidings came pouring in, and on March 3d he published a decree bewailing the state of the kingdom, and announcing that he had ordered the Council of State to prepare a comprehensive scheme of reform. This was followed, March 6th, by another calling an immediate

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[1] Many documents were gathered in the streets and sent to the United States, which have mostly perished through neglect, but some which were secured by Mr. Andrew Thorndike, then a resident of Barcelona, were presented, in 1840, to the American Philosophical Society, through whose courtesy I have been enabled to use them.

Some cases, from a similar source were translated and printed in Boston, in 1828, under the title of "Records of the Spanish Inquisition, translated from the original Manuscripts."

In Majorca the populace was more aggressive and destroyed the palace of the Inquisition.

[2] Koska Vayo, II, 133–54, 170.—Miraflores, Apuntes, pp. 26–37; Documentos, I, 73–81.—Memorias de Francisco Espoz y Mina, II, 255–72.—Martínez de la Rosa, Examen crítico de las Revoluciones de España, I, 14–22.

convocation of Córtes. It was too late; he found himself abandoned by all, even by his Royal Guard, which General Ballesteros reported was planning to retire to Buen Retiro and send a deputation asking him to swear to the Constitution. This was decisive and, on the night of the 7th, he issued another decree announcing his intention to do so. This was received, on the 8th, with popular rejoicings, but, as no further action was taken, an impatient mob, on the 9th, surrounded the palace with seditious cries and threats. The guard was impassive; Fernando was deserted and was absolutely alone when the crowd began to mount the stairs to demand that he should swear to the Constitution, but they were restrained on learning that he had ordered the reassembling of the Ayuntamiento of Madrid as it had existed under the Constitution. Its members were got together and proceeded immediately to the palace, where Fernando received them with warm expressions of affection; he took the required oath of his own free will, and ordered Ballesteros to make the army do the same. A general illumination and bell-ringing for three nights were ordered, and the people dispersed, not, however, without first visiting the Inquisition, releasing the prisoners and scattering the archives. Only two or three prisoners were found and these were political. Rodrigo tells us that the mob wanted them to pose as victims of persecution, but they prudently refused, and a neighboring cobbler was persuaded to exhibit himself as the presiding figure of the celebration.[1]

On the same day, March 9th, Fernando issued a decree abolishing the Inquisition. This bore that, as its existence was incompatible with the Constitution of 1812, for which reason it had, after mature deliberation, been suppressed by the Córtes, and in conformity with the opinion of the Junta this day established, he ordered that, from this day, the Suprema and the Inquisition be suppressed throughout the monarchy, setting at liberty all prisoners confined for political or religious opinions, and transferring, to the bishops in their respective dioceses, their cases to be determined in accordance with the decree of the Córtes.[2] This was followed, March 20th, by a royal order providing for inventories of all property pertaining to the Inquisition, and reviving the decree of February 22, 1813; the Bureau of Public Credit was to

[1] Urquinaona, La España bajo el Poder arbitrario de la Congregacion Apostólica, p. 14 (Madrid, 1835).—Miraflores, Apuntes, pp. 40–5; Documentos, I, 87–91.—Cappa, La Inquisicion española, p. 239.—Rodrigo, III, 495.

[2] See Appendix.

take possession of and administer the property, until its destination should be determined by the Córtes shortly to be assembled, while the salaries of officials were to be continued. When the Córtes met, a decree of August 9th included this with other escheated property, to be sold at auction by the Junta nacional de Crédito.[1]

During the slow progress of the Revolution, the Inquisition seems to have been watching events with full consciousness of the fate in store for it if the movement should prove successful. A letter of January 19th, from the Seville tribunal to the Suprema, states that it had delayed the arrests of the Trinitarian, Fray Juan Montes, and of Don Tomás Díaz in consequence, at first of the epidemic, and then of the insurrection, to which the Suprema replied, January 24th, that it left future action to the prudence of the tribunal.[2] Considering how feeble at the time was the demonstration of Riego, this shows that its ultimate consequences were fully apprehended. Still the Inquisition continued at work, but the last case acted upon by the Suprema was its confirmation, February 10th, of a sentence rendered January 28th, by the Toledo tribunal, on Manuel de la Peña Palacios, priest of Ontoba. As the last act of the dreaded Holy Office, after a career of three centuries and a half, it has an interest beyond its inherent trivial character, and it will be found in the Appendix.

At least one liberated prisoner gave expression to his delight at his release. Don Antonio Bernabeu, a priest, had been a member of the Córtes of Cádiz and had been arrested with the others in May, 1814, but seems to have been released in about six months. He was a Jansenist of an extreme type and, in 1813, had printed a pamphlet to prove that the State could seize all ecclesiastical property and reduce the overgrown numbers of the clergy, putting those who were left on moderate salaries. The tract was a terrible indictment of the Church for its greed of accumulation, its neglect of duty and its departure from the old standards in concentrating all power in the pope, which he attributed to the Isidorian Decretals. On his release from prison, December 14, 1814, he hastened to denounce himself for this to the Inquisition and was placed in reclusion. In 1816 he denounced himself a second time for matters at first omitted. The fiscal presented the accusation, April 20, 1817, rather cleverly drawn, for it demanded

[1] Archivo de Sevilla, Seccion VII, 1820–3, Tomo XVII, n. 2.—Rodrigo, III, 495. —Coleccion de los Decretos, VI, 33.

[2] Archivo de Simancas, Inq., Lib. 435[2].

precise definition of his opinions on the wide range of subjects, in which he charged the Church with deviation from primitive times, and specific proofs of his somewhat vague declamation as to abuses. To satisfy this would require the resources of a large library and years of research, while Bernabeu was confined in a convent and was denied even a copy of his offending pamphlet, besides being exposed to all manner of persecutions by his fellow inmates. His trial was still pending when the decree of March 9th liberated him; he was promptly returned as a deputy to the Córtes of 1820, and he celebrated his release by reprinting his pamphlet, with an account of his sufferings and his answers to the charges of the fiscal.[1]

It would carry us too far from our subject to recount in detail the extravagancies and follies with which the triumphant Liberals invited the cruel reaction that awaited them. Moderation, perhaps, was scarce to be expected of men, smarting under the persecution of the last six years, and suddenly brought from fortresses and presidios, or from exile, to take charge of the Government, and to frame laws for the nation. That they should in turn persecute their persecutors was natural but impolitic; mutual hatreds were inflamed, and the land was divided into factions between which harmony and forbearance became impossible. The long centuries of despotism and the repression of independent thought and action had rendered the people incapable of the large measure of self-government provided by the Constitution. So-called patriotic societies were rapidly formed—de Lorencini, de San Fernando, la Fontana de Oro, la Cruz de Malta, la Landaburana and others—which in reality were Jacobinical clubs, where the most radical measures were advocated, and the most violent means of effecting them were urged. An unbridled press was busy in adding fuel to the flames and in stimulating the ardor which sought to realize anarchical dreams. Masonry had

[1] España venturosa por la vida de la Constitucion y la muerte de la Inquisicion. Madrid, 1820.

Of course pamphleteers did not allow the opportunity to escape, but I have met with only two of their productions—"Memorial de la Santa Inquisicion á los Señores Ministros de Francia" and "Oracion funebre en las Exequias que se hicieron á la difunta Inquisicion en el Templo de Fanatismo de la Villa de Ignorancia, por un Ministro de la misma." Their only interest lies in their expression of the feelings of the period.

been busy in preparing the revolution, and with its success Masonry became the avenue to power and place; its lodges multiplied and were rapidly filled. Then, with the progress of advanced ideas, Masonry became too conservative for the *exaltados*, who left it and established the Comuneros, whose statutes formed a state of revolutionary character within the State. They rivalled the Masons in numbers and influence, and the virulent struggle for supremacy between the two bodies at times paralyzed the Government and neutralized the forces of order. The disorderly element existing in all communities was utilized whenever there was an object to be gained, and mob rule became of frequent occurrence, not only in Madrid but in nearly all the cities. The orders of the Government were obeyed or disregarded as suited the temper of the populace or of its instigators. Officials commissioned as captains-general or governors or magistrates were admitted or rejected; orderly administration was becoming impossible, and everywhere turbulence reigned supreme. Liberalism was committing suicide.

Yet Liberalism had need of its undivided strength to maintain itself against the opposing forces. Fernando, while playing the part of a constitutional king, was constantly plotting to throw off the yoke, and was entertaining secret relations with those who were striving to overthrow the Government. Successive Córtes seemed to take pleasure in exacerbating the hostility of the clergy, whose influence over the mass of the people was unbounded. Much of this legislation was no doubt salutary in itself but, at the moment, it was dangerous, and the blows succeeded each other so rapidly that the sufferers might well regard it as systematic persecution. August 31, 1820, a law organizing the national army exempted from service only such clerics as were actually in holy Orders. One of September 26th subjected all clerics, secular and regular, to secular jurisdiction for offences incurring corporal punishment. Within a week, another decree suppressed a large portion of the monastic Orders, and the Mendicants who were left were subjected to the bishops and consolidated into houses of not less than twelve inmates, and this was followed by other special decrees of suppression. The property of the suppressed houses was applied to the *Crédito público* and, when Fernando refused his signature, a popular tumult was organized which frightened him into acquiescence. October 26th it was ordered that dispensations for marriage within prohibited degrees should be issued without charge

to those applying *in forma pauperis*, thus cutting off a large source of income. When bands of insurgent royalists began to make their appearance, and were joined or led by priests, the bishops were ordered, April 20, 1821, to report what steps they had taken to punish them and, within eight days, to issue edicts requiring their flocks to obey the law. Then, on June 29th, without papal authority, a contribution of thirty million reales was levied on the clergy and, on the same day, the tithes were reduced one-half, while allowing some compensation in the removal of certain imposts. The clergy, not unnaturally, promoted disaffection, and to check this, decrees of November 1, 1822, authorized the Government, at discretion, to transfer from one place to another all parish priests and ecclesiastics, the cost of maintenance of those thus deported being thrown upon the bishops.[1]

In fact, the irreconcileable claims of State and Church rendered hostility inevitable. It was impossible for the latter to understand that, when it entered politics and became a political factor, it had to be treated like other political bodies. The theocracy of the middle ages had so long enjoyed power without responsibility that its immunity became part of Latin doctrine. Elsewhere the impracticability of this had been demonstrated, but in Spain the Church has never ceased to struggle for the maintenance of medievalism, or has understood that sedition in the pulpit should not be treated differently from sedition in the tribune. It refused to recognize that self-preservation is the first law of governments as of individuals, and that they cannot allow artificial privileges to work their destruction. The theory of the Liberals was that external ecclesiastical discipline was subject to the civil authority, while internal discipline was reserved to the Church. The Church asserted that in all things it ruled itself, and that any secular interference was a laying of profane hands on the Ark. The gage of battle was virtually thrown by Veremundo Arías, Archbishop of Valencia, who, on October 20, 1820, addressed to the Córtes a long manifesto, upholding all the extreme claims of the Church, and denying the distinction between external and internal discipline. On November 10th he was arrested and, on the 24th, was put on board ship and sent to France. This was the commencement of a persecution in which many bishops suffered. Alvárez

[1] Coleccion de Decretos, VI, 64, 141, 155, 258; VII, 57, 60, 245, 251; IX, 384; X, 16, 17, 31.

de Palma of Granada was set aside and replaced by the liberal Archpriest Vinegas. Uriz y Lafaga of Pampeluna was summoned to Madrid but, on the road, was rescued by royalists and conveyed to France. Blas Beltran of Coria was banished. The Bishop-elect of Santa Marta (Colombia) received his sentence of exile on his death-bed in Plasencia. Cienfuegos of Cádiz had to fly to save his life. Pablo de Sichar of Barcelona fled and remained absent until 1823. Rentería y Reyes of Lérida was carried under guard to Barcelona, narrowly escaped execution, and was detained in Málaga until 1823. Ramon Strauch y Vidal of Vich was imprisoned in Barcelona, then sent to Tarragona and on the road, under a pretext, was made to descend and was shot with his attendant. Others who were exiled were Jaime Creus of Tarragona, Ceruelo de la Fuente of Oviedo, Rafael de Velez of Ceuta and Castillon y Salas of Tarazona.[1] It is true that the worst of these acts were committed by mobs or irresponsible parties in the growing disorders of the times, but they remained unrebuked and unpunished.

A government which thus treated its clergy was not likely to maintain friendly relations with the Holy See. One of the earliest measures of the new government was an act of August 17, 1820, suppressing the Jesuits.[2] Pius VII met this with a letter of September 16th to Fernando, deploring the perils that threatened religion and the Church and reciting the obnoxious measures taken, for which he had ordered his nuncio to make reclamation, but without effect.[3] Relations were not improved when, April 21, 1821, a decree suppressed all payments, whether in money or other equivalent, for papal bulls for archbishops, bishops, matrimonial dispensations and other rescripts, in lieu of which the paltry annual sum of 9000 silver dollars was offered.[4] This was unwise but still more so was the sending to Rome as ambassador of Joaquin Lorenzo Villanueva, towards the close of 1822, when the intervention of the Holy Alliance was impending. At Turin he was met by a papal order forbidding him to come further and asking the ministry to appoint some one else. Evaristo San Miguel, the Secretary of State, insisted; the papal foreign secretary replied that the opinions expressed by Villanueva in the "Cartas

[1] H. Brück, Die geheimen Gessellschaften in Spanien, pp. 233–9, 250–60.—V. de la Fuente, III, 477–9.

[2] Coleccion de los Decretos, VI, 43.

[3] Modesto Lafuente, XXVII, 83.

[4] Coleccion de los Decretos, VII, 36.

de Don Roque Leal" and in the Córtes were such that the Holy See could never receive him. To this the answer was to send to the nuncio his passports with orders to leave Spain. The rupture with Rome was complete and, in the eyes of pious Spaniards, the government had justified the clerical definition of the Constitution as heresy.[1]

The clerical temper thus stimulated is fairly exhibited in a little pamphlet by Padre Miguel Canto, parish priest of Callosa de Segura, celebrating the downfall of Constitutionalism. He is fairly drunk with joy and consigns the Liberals to the bottomless pit for eternity with vigorous delight. That the civil power should dare to assume any control over the externals of the Church fills him with astonishment and rage, all the greater in view of the suffering which it inflicted, especially on the regulars. Canto tells us that the fabric of his church had enjoyed a revenue of four thousand pesos, and that it was reduced to such poverty that he had not wherewith to provide wafers and wine for the sacrament, or oil for the lamps.[2] Yet the resources of the Spanish Church were such that it still had ample funds for political uses. When, in October, 1823, after his release by the French, Fernando travelled from Cádiz to Madrid, he received in voluntary offerings from the chapters of Toledo, Seville, Granada, Jaen and Cuenca, 11,970,000 reales in silver, although the land was in a condition of complete exhaustion.[3]

It is not difficult to believe that the pulpit and the confessional were energetically used to inflame and organize the disaffection that rapidly succeeded to the enthusiasm for the Constitution. The new administration was no more efficient than the old. Ministries, hampered with the underhand intrigues of the king, perpetually guarding against eager rivals, and speedily engrossed with suppressing the armed resistance springing up on every hand, had little opportunity of rectifying the abuses which had made Fernando unpopular. To the people at large the only visible

[1] Koska Vayo, III, 42. In the reaction of 1823, Villanueva escaped to England where, as Menéndez y Pelayo tells us (Heterodoxos, III, 527), under the pressure of misery, he nearly or quite embraced Protestantism. Puigblanch, who was also a refugee, amused himself with writing violent diatribes against his fellows in misfortune and especially against Villanueva, who retorted in kind. He died in Dublin, reconciled to the Church, March 25, 1836, at the age of 80.

[2] Canto, El Coloso constitucional derrocado (Orihuela, 1823).

[3] Koska Vayo, III, 181.

result of the revolution was that the Liberals in turn were persecuting the *Serviles*. The nobles, moreover were alienated by the suppression of *Mayorazgos* and *Vinculaciones*, or entails and perpetual charges on lands, a reform which had long been urged by statesmen such as Jovellanos.[1] Willing and receptive listeners to clerical invective were abundant, and movements to overthrow the Government speedily began taking shape. Before the year 1820 was out, in Galicia there was organized a Junta Apostólica and in Burgos there was a crazy conspiracy of some frailes and a general.[2] Soon wandering bands of insurgents sprang up, among whom members of the clergy were conspicuous, as though it was a holy war. Suppressed in one place, they appeared in another, waging a guerrilla warfare like that against Napoleon. The land was torn with faction, and Liberals and Royalists seemed to emulate each other in contributing to its ruin. Early in July, 1822, the royal guards, with the secret connivance of the king, endeavored to gain possession of Madrid; after a sanguinary conflict in the streets they were defeated, when Fernando, from a balcony of his palace, stimulated the nationals in pursuit of the flying wretches. Civil broils are apt to be pitiless, but in Spain they assumed a ferocity not often witnessed elsewhere. If the Royalists in Catalonia massacred in cold blood the garrison of the Seo de Urgel, a Liberal *noyade* in Coruña despatched fifty-one political prisoners, many of them ecclesiastics and persons of distinction.[3]

The revolt was constantly assuming proportions more alarming, especially in Catalonia, where it had the almost unanimous support of the peasantry. The insurrectionary bands coalesced into a force of five thousand men styling itself the Army of the Faith which, on June 21, 1822, captured the Seo de Urgel and made it their stronghold. There, on August 15th, was organized a royalist Regency, composed of Creus, the exiled Archbishop of Tarragona, the Baron of Eroles, a soldier of some reputation, and the Marquis of Mataflorida. The Counter-revolution thus adopted a public and official character; the Regency assumed to speak for the king, held in durance by the Jacobins—in fact, as early as June 1st he had authorized Mataflorida to organize it, and was in constant communication with it, through one of the officials of the court. It obtained quasi-recognition abroad; it negotiated

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[1] Coleccion de los Decretos, VI, 145; VII, 4, 92, 105.

[2] Miraflores, Apuntes, p. 65.

[3] Koska Vayo, II, 317; III, 121.

a loan of 8,000,000 with the Parisian capitalist Ouvrard and, with the support of Pius VII, it opened negotiations with Austria and Russia, offering surrenders of territory in exchange for aid.[1]

Spain was rapidly drifting into anarchy. The Government was too weak to suppress disorder, whether committed by friends or foes. Compromise between the factions was not to be hoped for, and even patriots could see that the only path to order lay through intervention from abroad. That this was impending became more and more evident. The example of Spain had been followed by Naples and Portugal, and then by Piedmont, in forcing on their sovereigns constitutions like that of 1812; the Holy Alliance took the alarm; the Congresses of Troppau in 1820 and of Laybach in 1821 ordered armed intervention, and the new institutions of Naples and Piedmont were readily overthrown. In May, 1821, communications from Russia to Spain, and a Russian circular to the courts of Europe, openly expressed dissatisfaction at the success of armed rebellion, with scarcely veiled threats of action in case the Córtes should prove disobedient to the monarch; and the conflict with the royal guard, in July 1822, gave the foreign ministers in Madrid a pretext for warnings which were diplomatically veiled threats of intervention.[2] Preparations for it were already on foot in France. An epidemic of yellow fever in Barcelona served as an excuse for establishing a *cordon sanitaire* on the border, gradually strengthened until it became an army of observation and in reality a support for the Catalan insurgents, as Mina found when he conducted a successful campaign which in the beginning of 1823 forced the Regency to take refuge in France.[3]

The Congress of Verona met in the autumn of 1822. The Urgel Regency sent there the Count de España as its representative to urge that Spain should be restored to the condition prior to March 9, 1820; the Government sent no envoy, relying on the friendly aid of England, represented by the Duke of Wellington. Without his knowledge the Allied Powers signed, on November 22d, a secret treaty, in which they declared against the sovereignty of the people, representative government and the freedom of the press, and in favor of the clergy as an instrument for enforcing the passive obedience of the subject; and each signatory pledged

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[1] Miraflores, Documentos, II, 76, 79.—Koska Vayo, III, 8.

[2] Miraflores, Documentos, I, 214–25; II, 15.

[3] Mina, Memorias, III, 16, 111–13, 159, 169.

itself to a subsidy of twenty millions of francs annually to France, to which was assigned the duty of suppressing these destructive principles in Spain and Portugal, and of restoring the Peninsula to the conditions prior to 1820.[1] Even yet intervention was not certain, for France was not eager for the task, and there were some negotiations looking to modifications of the Constitution, but the Liberals would not listen to such suggestions. Châteaubriand, however, that curious compound of idealism, bombast and vanity, who, as French foreign minister and representative at Verona, takes to himself all the credit for the enterprise, is especially careful to point out that its real object was the restoration of France to the hegemony of the Continent, after the abasement of the Restoration by foreign bayonets—an object which he assumes was fully accomplished.[2]

Early in January, 1823, four notes from the Allies were presented collectively, offering, in more or less offensive fashion, the alternative of a return to absolutism or invasion.[3] These portentous communications were received with the utmost nonchalance. On the night of their reception, Secretary of State San Miguel carried them to the Grand Orient and drew up his replies, in which Fernando is said to have cunningly stimulated defiance to banded Europe. Whatever might be the decision of France, San Miguel said, Spain would tranquilly follow the path of duty and justice; its rule of conduct would be firm adhesion to the Constitution of 1812 and refusal to recognize the right of intervention on any side.[4]

These would be dignified and resolute words in a united nation facing a coalition but, under the circumstances, they were mere idle vaporing. The Government, in fact, was barely able to make head against the insurrection, save in Catalonia. Navarre, Biscay and Aragon were in open civil war, with forces equally balanced. In Murcia, the famous robber Jaime Alfonso was posing as the defender of the faith; in Castile, the Cura Merino and el Rojo de Valderas were levying war; in Andalusia, Zaldivar held his own in spite of repeated defeats; in Toledo and Cuenca, Joaquincillo and the Cura Atanasio were maintaining the rebellion;

[1] Miraflores, Documentos, II, 32–99.

[2] Ibidem, II, 114–72.—Koska Vayo, II, 317; III, 8.—Mina, Memorias, III, 88–9.—Châteaubriand, El Congreso de Verona, Traducela Cayetano Cortés, II, 379–80, 384.

[3] Miraflores, Documentos, II, 172–4, 177–80.

[4] Ibidem, pp. 174–6.

in Sigüenza the insurrection of Cuesta was organizing and was soon to break out. In short, the whole of Spain was in convulsion.[1]

The only explanation of the attitude of the Liberals is that they were living in a fool's paradise, and seem to have welcomed intervention in the belief that it would kindle national feeling and restore national unity. Hallucination was carried to the point that they anticipated a popular rising like that of 1808, that the forty thousand insurgents in arms would turn against the invader, even that the French troops would abandon their standards for those of Spain, and that England, which had calmly seen the Constitution overthrown in 1814, would provoke a war with all Europe in its defence. They closed their eyes to the fact that, in 1808, the clergy aroused the masses against the French and were now their warmest allies, eager to revenge systematic persecution; that the throne was secretly undermining them, and that they were without resources, for the treasury was exhausted, the army scarce existed save on paper, the magazines were empty, and the party in power was rent into bitterly opposing factions. A kind of delirium seized the deputies when San Miguel on January 9th laid the correspondence before the Córtes, and his replies were clamorously approved without distinction of party.[2]

Yet this effervescence soon subsided. A decisive victory gained by the insurgents at Brihuega, not far from Madrid, on January 24th, threw the capital into a tremor and, on February 16th, the Córtes adopted a decree looking to the transfer of the Government in case of necessity.[3] New Córtes opened their sessions March 1st and their first thought was to place themselves in safety, carrying with them Fernando, both as a hostage and as necessary to the assumption that the government of Spain travelled with them. Resistance on his part postponed the move until March 20th, when the exodus to Seville took place There they remained until June, when the approach of the French necessitated a further flight and, on the 9th, Cádiz was selected as the place of refuge. This time Fernando resolutely refused to fly from his liberators and, as coercion of the monarch was incompatible with the theory that he was still governing, it was assumed that he was incapacitated by reason of a temporary delirium; he was deposed and a Regency was appointed which ordered

[1] Miraflores, Apuntes, p. 163.
[2] Ibidem, pp. 172–5.
[3] Coleccion de los Decretos, X, 162.

the transfer to Cádiz; on the 12th the king and royal family left Seville; the Córtes adjourned to meet in Cádiz June 18th; in four days Fernando was declared to be again in his right mind and the Regency resigned. The spectacle of a flying Government dragging with it a captive king, whom it recognized as still actively reigning, was worse than ludicrous; it gave to Fernando a claim on the sympathy which he had forfeited, and served as an incentive and an excuse for cruel reprisals.[1]

Meanwhile the army of invasion had been gathering on the border under the Duke of Angoulême, nephew of Louis XVI. From Bayonne, on April 2d, he issued a manifesto to the effect that he did not come to make war but to liberate a captive king, to restore the Altar and the Throne, to release the priesthood from exile, and the whole people from a domination that was preparing the destruction of Spain. On April 7th the army crossed the Bidassoa, consisting of 91,000 men, of whom 35,000 were Spanish royalists. Its discipline was perfect and its conduct admirable. Everywhere it was received as a liberator, with cries of "Viva el Rey absoluto, Viva la Religion y la Inquisicion." Resistance was impossible and, although five armies had been organized, none worthy of mention was attempted, except in Catalonia, where the indomitable Mina prolonged the useless struggle until November, and at Cádiz, where the so-called Government was battling for existence. Siege was laid there on June 23d, and was prolonged until October 1st, when Fernando was ceremoniously conveyed to the camp of his French deliverers. Yet, if rhetoric could have repelled the invaders, they would have been glad to escape from the eloquence which accompanied a solemn declaration of war on April 29th, when Flórez Calderon boasted that the breasts of the deputies would make an impenetrable rampart around the constitutional King and his family.[2]

If the French came as pacifiers, they made a mistake in bringing with them a Junta Provisional of four rabid royalists, formally installed at Ozarzun, April 9th. It assumed to be the Government and issued a manifesto rescinding all the acts of the Revolution and restoring the conditions prior to March 7, 1820.[3] It

[1] Miraflores, Apuntes, pp. 185, 215; Documentos, II, 284–94.—Koska Vayo, III, 72, 101–12.

[2] Miraflores, Documentos, II, 240, 244; Apuntes, pp. 189, 191, 194.—Koska Vayo, III, 74.

[3] Miraflores, Documentos, II, 242.

used its authority in such unsparing proscriptions that even the royalists became alarmed and appealed to de Martignac, the royal commissioner accompanying Angoulême, pointing out the evils to be apprehended from such ferocity. Quarrels within the Junta afforded an excuse for superseding it, and Angoulême, on reaching Madrid, empowered the Councils of Castile and Indias to nominate a Regency, at the head of which was the Duke del Infantado. This body, on June 4th, published a manifesto promising to use its power to prevent persecutions and excesses, to maintain internal peace, execute the laws and make the royal power respected.[1]

These were fair words, belied by acts. The whole arrangement had been dictated by secret instructions from Fernando, and proscription and persecution continued as active as ever. The Regency confirmed a measure of the Junta organizing bodies of so-called Royalist Volunteers, whose duties consisted in arresting and imprisoning all whom greed or malevolence might designate as objects of suspicion, in which work they were aided by the mob, always ready for violence and rapine. In Saragossa fifteen hundred persons were dragged to prison by the populace led by priests and frailes. In Navarre, the guerrilla chief known as el Trapense committed revolting excesses. In Madrid and Córdova the gaols were crowded with prisoners. This work went on in most of the towns, as the national forces retreated, the victims being mostly citizens of wealth and position, while the pulpits resounded with exhortations to persecution and extermination and the French troops, in so far as they could, restrained the outrages.[2]

Despite his reluctance to interfere, Angoulême felt called upon to put an end to the cruelty and impolicy of these persecutions and, on his way to Cádiz, he issued from Andujar, August 8th, a decree forbidding arrests by the Spanish authorities without authorization from the commandants of the troops of the districts, who were instructed to liberate all political prisoners, and to arrest those who contravened these orders, while all periodicals were subjected to the inspection of the commandants. The foreign ministers, however, protested against this as an invasion of Spanish independence, which emboldened the Regency to remonstrate in a haughty and insolent manner. The Royalist

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[1] Miraflores, Documentos, II, 247–70.

[2] Koska Vayo, III, 97–8.—Miraflores, Apuntes, pp. 219–21.

Volunteers of Navarre, in a manifesto of August 20th, were prodigal of insults and menaces to the duke; a memorial addressed to him, August 23d, signed by Eguia and a large number of military chiefs and priests, stigmatized his effort at pacification as an attempt to perpetuate an impious faction, and demanded the restoration of the Inquisition. Wherever there were no French troops the decree was ignored and finally Angoulême, whether instructed by his court or afraid openly to oppose the Regency, issued an explanatory order, which virtually annulled the decree. Evidently there was to be no peace for the distracted land.[1] Even the Regency felt it necessary to disclaim responsibility for the horrors enacting on every hand. August 10th, it ordered the prosecution of the rioters who, at Alcalá, Guadalajara and Torrejon had committed terrible excesses under pretext of avenging the transfer of the king to Cádiz and, on August 13th, it commanded the people to restrain their zeal in making arrests but, while it was powerful to excite passion it was powerless to enforce order.[2]

When, in view of the hopelessness of further resistance at Cádiz, Fernando was informed, September 28th, that he was at liberty to seek the French camp, a tumult arose and a demand for guarantees. He summoned the ministers, telling them that he desired to give assurances and ordering José María Calatrava to draw up a decree declaring of his own free will and, on the faith of his royal word, that he would adopt a form of government assuring the happiness of the nation, the personal security, the property and the civil liberty of Spaniards, with complete oblivion of the past. The amnesty was rendered complete with elaborate details and, when it was presented to him for signature on the 30th, he said that, to remove all doubts, he would make some changes with his own hand, which he accordingly did, rendering some of the clauses clearer and more emphatic.[3] When, on the next day, he was received by Angoulême, he shut himself up with the Duke del Infantado and Victor Damien Saez, his former confessor, whom he appointed universal minister and, before the colloquy was over, there was drawn up and signed a decree of two articles; the first declared null and void all acts since March 7, 1820; the second

[1] Miraflores, Apuntes, pp. 221–4; Documentos, II, 294–6.—Koska Vayo, III, 442.

[2] Koska Vayo, III, 128.

[3] Ibidem, III, 126–154.—Miraflores, Apuntes, pp. 234–44; Documentos, II, 316–38.

confirmed the proscriptions of the Junta of Ozarzun and the Regency. Printed copies of this, together with that of the day before, were circulated to the no small perplexity of all concerned. Then General Bourmont, the French commander, learned that Ferdinand had passed secret sentence of death on some prominent liberals there present, whereupon they were conveyed on naval vessels to Gibraltar and saved from his sanguinary vengeance. This was but a foretaste of the wrath to come.[1] Proscriptive and oppressive measures followed each other and the persecution inaugurated by the Regency was sharpened and systematized.

Ten Years of Reaction.

The French had already discovered that they had raised a demon whom they could not exorcise. They had restored unconditionally to absolute power a prince who was utterly faithless, whom no promises could bind, who cared only for the gratification of his passions, and who was surrounded by vindictive counsellors, eager for the blood and spoils of their countrymen. The prisons were crowded to repletion and the untamed ferocity of the multitude, stimulated by the pulpit, was let loose upon defenceless victims. It was a scandal in the face of all Europe and was felt acutely. Effort was made to repair the mischief, but with scant success. Fernando, on leaving Cádiz, had written to Louis XVIII, expressing his gratitude, and Louis seized the opportunity, in his reply, to impress on him his own example and that of their ancestor Henry IV, as the only means of bringing peace to a distracted land, warning him that a blind despotism weakened instead of strengthening royal power. Angoulême had manifested his disapprobation of the decree of October 1st, and a coolness arose between him and Fernando, which went on increasing. They parted, October 11th, Angoulême refusing all honors on his homeward journey, and leaving Bourmont in command. The French army was gradually reduced, but the last detachments did not leave Spain until November, 1827.

Secure in this protection, Fernando was deaf to remonstrances. It is true that, when the ambassadors of the powers met him in Seville, under their pressure, he issued a decree, October 22d,

[1] Koska Vayo, III, 159–64.

holding out expectations of what he would do on reaching Madrid, but promises cost him nothing and these were as futile as those of September 30th. To emphasize the necessity of conciliation, the French cabinet prevailed upon the Russian ambassador, Pozzo di Borgo, to visit Madrid, in the name of the Holy Alliance. He arrived there October 28th and held long conferences with Fernando and Victor Saez, urging clemency and a general amnesty, but he met, in reply, with nothing but vague generalizations.[1]

If the welfare of a nation had not been at stake, the reflections of Châteaubriand on the success of his enterprise, and his correspondence with Talaru, the French ambassador, might well raise a smile. He was disgusted, he said, with having to do with a monarch who would burn his kingdom in a cigar, and he declared that the sovereigns of today seem specially created to destroy a society ready to perish. In Spain, the political sore is the king and it is almost impossible to apply a remedy. At first he assumed that he could dictate a policy, and asserted that he would not tolerate the follies of the king nor allow France to appear as an accomplice in stupidity and fanaticism. Talaru was to speak as a master; if the ministry was not to his mind, he was to have it changed, the threatened withdrawal of the troops being what would force Fernando to listen to reason. He soon found, however, that behind the ministry was the camarilla—the real power that could not be dislodged—and that the clergy was also a body to be reckoned with. Châteaubriand's effervescence wore itself out against the impenetrability to reason and argument of Fernando and his advisers, and his demands shrank to asking for a decree of amnesty—it would be badly framed, he knew, but at least it would have the appearance of doing something. After months of urgency, at last Fernando agreed to it. A fairly liberal scheme was drawn up but, after it had been submitted to the revision of the friends of Don Carlos, of the bishops, of the secret Junta de Estado and of the Council of Castile, its framers could scarce recognize it. While it offered pardon to all participants in the disturbances since 1820 in support of the Constitution, there were fifteen excepted classes, some of them vague and comprehensive. It ordered the discharge of all prisoners not comprised within the exceptions, but this was not obeyed. It ordered the bishops to contribute to bring about union, but few of them did so.

[1] Koska Vayo, III, 175, 184.

It was dated May 1, 1824, but was not published until the 20th, and the interval was employed all over Spain in gathering evidence to bring individuals under the excepted classes, so that they could be arrested simultaneously with the publication of the decree; the prisons were filled with new victims, and the courts were overwhelmed with prosecutions. The courts, moreover, were supplemented with military commissions, whose procedure was informal and summary. The *Gaceta de Madrid*, between August 24th and October 12, 1824, chronicled 112 executions by shooting or hanging. Whatever scanty favor was shown to Liberals in the decree was more than counterbalanced by another of July 1st, granting pardon for all assaults and injuries committed on them or their property except when murder had resulted.[1] The Royalist Volunteers thus had full licence, and the Liberals were virtually outlawed.

Proscription and persecution were systematized in a manner without precedent, by the compilation of lists of all suspects. During the constitutional period, Fernando had kept a *Libro Verde*, noting down the names of all who displeased him, thus marking them for future vengeance. On his restoration to power, a secret Junta de Estado, consisting chiefly of ecclesiastics, was formed, whose business it was to gather information against all who were opposed to absolutism. Denunciations were invited from priests and frailes, from enemies and from the lowest class of informers, to whom inviolable secrecy was promised, and all the scandal and false evidence thus accumulated was recorded opposite the name of the party, for use as occasion might require. The list was divided into districts, and copies were sent to the respective intendants of police, who contributed such further names and charges as they could gather from all sources however vile. Thus every man's liberty and property were at the mercy of secret and irresponsible informers. It was a Libro Verde on a scale which the Inquisition itself had never imagined, and the system was more thorough and more dangerous to the innocent than that of the Inquisition.[2] Such was the condition of Spain during the terrible ten years, from 1823 to 1833, known as the

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[1] El Congreso de Verona, II, 234, 265, 268, 302, 307, 311, 317, 319, 322, 324, 339, 342.—Martínez de la Rosa, I, 372, 392, 394, 408.—Koska Vayo, III, 319.

[2] Koska Vayo, III, 185.—Miraflores, Apuntes, p. 224; Documentos, II, 296.—Urquinaona, p. 195.

Epocha de Chaperon—Chaperon being the president of the military commission of Madrid and notorious for his cruelty.

One result of this is well set forth in a singularly outspoken representation addressed by Javier de Burgos to Fernando, January 24, 1826. He had been sent to Paris to negotiate a loan, and he ascribes his failure, not so much to the poverty of the land, as to the absence of peace essential to prosperity, and this arose from the successive proscriptions which had desolated Spain. Now, he says, simple police orders deprive of common rights whole classes, and subject them to penalties which in well-ordered countries can be inflicted only by tribunals. Much is said of the league of European bankers against Spanish credit, but this has only been made invincible by the efforts of the six or eight thousand proscribed exiles in England, France and Belgium. A few days ago the journal which represents commerce and industry said "As for Spain, it continues to fall rapidly into barbarism. It is a second Turkey, only more miserable and worse governed." Mexico, Colombia, Peru and Chile obtain loans, even though their independence is not recognized, but Spain cannot get a maravedí.[1] It is creditable to Fernando that he took this plain-speaking good-naturedly and subsequently gave the writer the cross of Carlos III, but he was impervious to the good advice.

The decrees of the Regency and of Fernando, restoring the conditions prior to March 7, 1820, and invalidating all subsequent acts, seemed necessarily to revive the Inquisition. Its officials, however, hesitated to resume their functions without positive orders, and it was known that the French were opposed to its restoration. Numerous petitions for it were made to Angoulême, but he evaded categorical replies, saying that he would procure the liberation of the king and leave him to determine what would best promote the happiness of the nation.[2] After Fernando's release, felicitations came pouring in, warmly thanking him for his proscriptive measures and among these were many urging

[1] Javier de Burgos, Añales del Reinado de Dª Isabel II, I, 46 (Madrid, 1850). A characteristic freak of Fernando was the establishment in Seville of a school of bull-fighting, with Don Pedro Ramiro at its head, on a salary of 12,000 reales. When Burgos became minister of Fomento, under Isabel II, he had the satisfaction of suppressing this.

[2] Rodrigo, III, 497.—Miraflores, Documentos, II, 299.—Barrantes, Aparato para la Historia de Extremadura, III, 43.

that the Inquisition should be set to work. If, at the moment, he desired to meet these wishes, he was restrained by the earnest opposition of the Allies, who especially shrank from the responsibility of resuscitating an institution so universally abhorred. As Châteaubriand wrote to Talaru, December 1st, "We will not permit our victories to be dishonored by proscriptions or that the fires of the Inquisition be raised as altars to our triumphs" and, on December 11th, he declared it to be necessary that the royal confessor should not be an inquisitor.[1]

Fernando, however, seems already to have questioned whether the Inquisition would really be of service to him politically and, as religion with him was merely a matter of policy, he preferred to let the question slumber, without committing himself. It is related that once, when a bishop of extreme views was urging upon him the utility which the Inquisition had always been to the crown, he walked across the room to a balcony and, looking up at the serene sky, exclaimed "What a cloud! a great storm is coming."[2] His intentions, however, were indirectly manifested, by a decree of January 1, 1824, which withdrew from the *Crédito público* the administration of the property of the Inquisition and placed it with the *Colector-general de Espolios*, who was charged to pay the salaries of all the officials of the tribunals.[3] This indicated that there was no intention to restore the institution to activity, and to this Fernando adhered, notwithstanding the urgency which continued.

In fact, as the reaction established itself, Fernando could not but recognize that he had nothing to gain from the Inquisition and might risk something. His one object was unlimited absolutism. Circumstances had enabled him to attain this to a degree which none of his predecessors had enjoyed. The defeat of the Liberals was so complete, and the servility of the Royalists so great, that he could disregard whatever remnants of the old Spanish institutions had still placed some restraints on the crown. There was no secret made of this. A royal order of October 17, 1824, destroyed at a blow all the municipal self-government of Spain; the *Ayuntamientos* of the towns were no longer to be elective; those in office were to choose their successors in thirds at a time, and the appointees were subjected to revision by the royal

[1] El Congreso de Verona, II, 283, 302.
[2] Koska Vayo, III, 206.
[3] Rodrigo, III, 498.

Audiencias while, in the preamble, the object of this was openly stated to be that there should disappear for ever from Spanish soil the most remote idea that sovereignty resided elsewhere than in the royal person, and the people should know that not the slightest alteration would ever be made in the fundamental laws of the monarchy.[1]

The only claim of the Inquisition to efficiency, greater than that of the police and royal tribunals, was in its delegated faculties from the pope and, to a monarch thus resolved to concentrate in his own hands all power, it was naturally distasteful to employ for political ends foreign authority which, nominally at least, was not under his own control. This objection he might have disregarded, if he had reason to expect from the Inquisition any special service, but such there was not. While there still was law in Spain the Inquisition might be useful as being above the law, but now that law was merely the *sic volo, sic jubeo*, the Inquisition was superfluous, while its secret procedure was more tardy and cumbrous—perhaps even less certain—than that of the military commissions; and the system described above of lists of suspects with evidence gathered from every source by thousands of informers was far more comprehensive in plan and in detail than anything that the inquisitorial organization had ever attempted.

The Inquisition thus had nothing to offer and, careless as was Fernando of the public opinion of Europe, even he could recognize the wisdom of avoiding the odium of re-establishing an institution so generally condemned. To the victims it made little difference whether their judges were called military commissioners or inquisitors; their offences were justiciable by either, for the pulpits resounded with the doctrine that all Constitutionalists and Liberals were Jansenists and heretics—a doctrine justified by a royal order of May 2, 1824, to the bishops, requiring them to celebrate, in their dioceses, Missions calling the Liberals to repentance.[2]

Yet there was a lurking Jansenism in this tacit assumption that the regalías enabled the king to prolong at his pleasure that suppression of the Holy Office which, in 1813, had been proved by learned theologians to be in violation of the canons and of the

[1] Martínez de la Rosa, I, 422.—Koska Vayo, III, 241.
[2] Koska Vayo, III, 222.

authority of the Holy See. The clerical party was restless and dissatisfied, the more so because, as Fernando's theory of government was to render his own power secure by promoting discord among his followers, he occasionally favored the moderate Royalists against the extremists. The latter were not content even with the prevailing cruel persecution, and longed for one more searching with the Inquisition as its instrument. The secret organization known as the *Junta Apostólica*, or *Angel Exterminador*, had cast its eyes upon Don Carlos as a leader who could realize their aspirations, for he was completely under priestly influence and belonged to the extreme faction, besides being heir presumptive in the probable case of Fernando dying without issue. Carlos, however, though not a man of strong character, was strictly honorable and was bound to Fernando with ties of a mutual affection which endured to the end. He was quite content to await the chances of succession, but his wife Francisca of Portugal and her sister the Princess of Beira, widow of the Infante Pedro, were ambitious. His apartments in the royal palace were the centre of intrigues, in which he did not personally participate, while Fernando who, through his spies, was kept informed of them, did not interfere, confiding in his brother's loyalty and his own ability to crush attempts against himself.

In 1824 and 1825 there were movements and risings of the extremists in various provinces, which indicated concerted action and were suppressed with more or less facility, except in Catalonia. There the hidden leaders of the conspiracy found a population discontented with what they deemed the lukewarmness of the Government, which they were told was now controlled by Free-Masons. The old members of the Army of the Faith, moreover, deemed themselves insufficiently rewarded for their services, and organized under the name of *Agraviados*, forming the nucleus of a "Federacion de Realistas puros," more royalist than the king. Towards the end of 1826 there was circulated a manifesto from the Federation urging the necessity of placing Don Carlos on the throne; its organization rapidly extended, and April 1, 1827, was appointed for the rising, which was readily suppressed and a free pardon was granted to the insurgents. The pacification was but temporary. In July, at Manresa, a *Junta superior* was formed, and in August the tolling of the bells summoned the *somatenes* or levies *en masse* to arms, when a portion of the troops joined the insurrection, which was soon supreme in Catalonia. A report

made, August 27th, by Dehesa, fiscal of the court of Barcelona, states that the war-cry of the insurgents was "Long live the Inquisition! Death to the Constitution! Death to the *negros!* Death to the police!" They were told that the rising was by order of the pope and that the king was surrounded by Free-Masons; it was supposed to be the work of the clergy, who desired the re-establishment of the Inquisition, and to make themselves all-powerful by working on the fanaticism of the ignorant mountaineers.[1]

That the situation was becoming dangerous is manifested by the only kingly act in Fernando's record, for he resolved to visit Catalonia himself, after sending the Count de España there with full powers. He reached Tarragona September 28th, being received everywhere with enthusiasm, though there was an abortive project of abducting him by a large body of Royalist Volunteers assembled as though to do him honor. From Tarragona he issued a proclamation to the effect that those who should not lay down their arms within twenty-four hours must expect no mercy, and that he would deal with their leaders as he saw fit. The secret societies had already issued orders of pacification; organized resistance was abandoned, nine of the chiefs were hanged and the land was speedily at peace. Carlos took no part in the rising, but he knew of the plans and had not opposed them, and the name of Carlists was thereafter used to designate the extreme royalists.[2]

It is significant that, when Fernando ordered the bishops to exhort their subjects to peace, some of them obeyed, but Pablo de Jesus de Corcuera y Caserta, the prelate of Vich, refused in a letter of October 6th, on the ground that he could not conscientiously do so. Fernando, he said, had not kept his promises; he had assembled a junta to examine all books in circulation, yet poisonous ones, like that of Thomas à Kempis, were allowed to be read; he had ordered the restoration of everything to the conditions prior to March 7, 1820, yet the Inquisition had not been re-established; other royal short-comings were pointed out and, in the face of all this it was impossible for a bishop not to take part in temporal matters; to preach obedience as required would be to compromise the episcopate and to become the instrument of

[1] Modesto Lafuente, XXVIII, 453–63; XXIX, 393–5.—Urquinaona, pp. 141–2.

[2] Modesto Lafuente, XXVIII, 465–71; XXIX, 7–13.—Koska Vayo, III, 305, 311.

the enemies of God, nor would it avail anything, for it would be impossible to make the people think otherwise. These outspoken sentiments of the fiery bishop explain much that is saddest in modern Spanish history; he was not punished for them but, when the Count de España came to Vich he summoned the recalcitrant prelate before him and reminded him of the fate of Acuña of Zamora, which might be repeated if it so pleased the Catholic king.[1]

After this there was no further demand for the restoration of the Inquisition, as Fernando's determination was recognized as unalterable. For awhile however it had not accepted its suppression as final, and it still sought to perform some of its functions in hopes of being again revived. This is demonstrated by the Valencia register, laboriously and faithfully compiled and brought up to the end of 1824, and the same seems to have been done in Madrid for, in a document of 1817, there is an appended note referring to the Madrid register of January 31, 1824. As the salaries were continued, an organization was kept up and a show was made of performing some kind of work. The Valencia register thus contains several cases in which it acted in 1824, though it modestly styles itself "este tribunal eclesiastico" and not "Santo Oficio." Thus Valero Andreu was accused to it of a blasphemous proposition and was duly sentenced. The criminal court of Valencia regarded it as still functioning and, when in trials there came evidence of matters cognizable by the Inquisition, the proofs would be sent to the tribunal which would summon the offender and pass judgement on him, the penalty however being not more than a reprimand. Three cases of this kind are recorded, the latest being July 3, 1824.[2] We may fairly assume that in some, at least, of the other tribunals, trivial work of this kind was similarly performed.

Some papers connected with a quarrel between the officials of the Majorca tribunal give us an insight into its internal condition in 1830. Its business consisted in the collection of the censos and other sources of revenue. There were many of these—loans to towns and villages as well as to individuals throughout the islands; payments were apt to be tardy and the labor of collection

[1] Urquinaona, p. 143.—Modesto Lafuente, XXVIII, 475.

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 100.—Archivo de Simancas, Inq., Lib. 890.

was considerable, frequently involving legal proceedings. The inquisitor had disappeared, although from another document we learn that he was named Francisco Antonio Andraca and that he was drawing his salary elsewhere. The existing head of the tribunal was a *juez subdelegado*, a representative of the old *juez de bienes;* there was a treasury and an auditing department with an *administrador tesorero*, Juan Antonio Togores, who was disabled and represented by his son, José Antonio Togores. The secretary of the secreto was Bartolomé Serra y Bennassar, acting as auditor *ad interim*, whose clerk was Pedro Mascaro, notary of sequestrations. The only other official was the portero, Sebastian Banza. Togores claims that, when the buildings were destroyed in 1820, he incurred many enmities by efforts to compel restitution of plundered materials—among others a Count of Ayamans was sued for purloining building stone. Togores constructed a wall around the site, and the heaps of stone and tiles still lay scattered there. Outside of the enclosure, a couple of small buildings were erected for offices, with a warehouse below for the storage of the rescued materials. One of the charges against him was that he had used the site of the old garden of the senior inquisitor to raise vegetables and flowers for himself.[1] There is impressiveness in this glimpse of the old officials clinging to the ruins of what had once been so formidable.

From this quarrel we learn that the central authority of the Inquisition was the General Superintendent of the Property of the Inquisition—apparently a subordinate of the Colector-general de Espolios, to whom the assets were confided by the decree of January 1, 1824. In 1830 this General Superintendent was an old inquisitor, Valentin Zorilla, and he had as fiscal another inquisitor, Vicente Alonso de Verdejo. The Inquisitor-general, Gerónimo Cavillon y Salas, Bishop of Tarazona, was still drawing his salary of 71,491 reales 24 mrs. and did not die until 1835. Of the Suprema there were but two survivors, the Dean Ethenard and Cristobal Bencomo, Archbishop of Heraclea, who by 1833 had disappeared, leaving Ethenard alone. There was still a *relator*, a private secretary of the inquisitor-general, a keeper of the archives, and four minor officials. All these, however, were mere pensioners. The active organization consisted of the superintendent and his fiscal, with a treasurer and receiver-general

[1] Archivo hist. nacional, Leg. 463, Hacienda XVI.

ad interim, Don Angel Abad, whose accounts for 1830 show that he had received by drafts drawn upon the several tribunals

From Valencia	35,000 rs.	From Santiago	52,000
Córdova	26,000	Murcia	60,000
Barcelona	28,000	Majorca	50,000
Granada	60,000	Saragossa	84,000
America	93,417.17	Canaries	112,635.17

Logroño, Madrid, Cuenca and Llerena apparently contributed nothing. The sums credited to America and Canaries were probably old balances. The receipts from prebends must have gone directly to the Superintendent, for the decree of final extinction in 1834 shows that they were still held for the benefit of the Inquisition. There were other sources of revenue, principally from censos, of which the most notable was one of the Count of Altamira, from whom was collected, in 1830, the sum of 272,335 reales 25 mrs., being arrearages that seem to run back to 1818. He was still hereditary alguazil mayor of the Seville tribunal, in which capacity he was receiving a yearly salary of 4411 reales 26 mrs. The Duke of Medinaceli, as alguazil mayor of the Madrid tribunal, was still drawing his yearly stipend of a thousand reales and personally signing monthly receipts. There are scattering entries of payments to officials of various tribunals, showing that they were gradually thinning out, and refugees from the American Inquisitions were kept on the pay-roll.[1] Such was the moribund condition of the Holy Office on the eve of its extinction.

While the Inquisition was thus suspended, the more zealous bishops replaced it with so-called *Juntas de fe*, based on the same principles, with secrecy of procedure and exercising jurisdiction in the external as well as internal forum. No record of the proceedings of these anomalous tribunals seems to have been preserved except in the case of Valencia, where the archbishopric was held by Simon López, in reward for his defence of the Holy Office in the Córtes of Cádiz. Almost his earliest act on assuming his new dignity, in 1824, was to issue a pastoral confirming the junta de fe, established by his predecessor Veremundo Arias, and empowering it to receive denunciations. He took the presidency with Dr. Miguel Toranza, the former inquisitor of Valencia as his colleague, Dr. Juan Bautista Falcó as fiscal and Dr. José Royo as secretary.[2]

[1] Archivo hist. nacional, Leg. 6462.

[2] Koska Vayo, III, 207.

Thus the old tribunal was revived under another name, and it speedily proved that such juntas were more dangerous than those of the Inquisition, as they were not subject to the supervision and control of the Suprema. A poor schoolmaster of Rizaffa, named Cayetano Ripoll, had served in the War of Liberation and had been carried as a prisoner to France, where he became a pervert. He abandoned Christianity for Deism, while at the same time he was a living embodiment of the teachings of Christ, sharing his scanty pittance with the needy, and constantly repeating "Do not unto others what you would not have done unto you." He did not seek to propagate his beliefs, but he was denounced to the Junta by a beata for not taking his scholars to mass, for not making them kneel to the passing viaticum, and for substituting in his school the ejaculation "Praise be to God" instead of "Ave María purissima." He was arrested September 29, 1824, and his trial lasted for nearly two years. The testimony confirmed the denunciation and showed that the only religious instruction which he gave his pupils was the Ten Commandments. During his prolonged trial he made no complaints; he shared his meagre prison fare with his fellow-prisoners; he openly avowed his convictions, and the repeated efforts of the theologians to convert him were futile. The sentence bore that the tribunal had consulted with the Junta de Fe and concluded that he be relaxed, as a formal and contumacious heretic, which had been confirmed by the archbishop. There was no hypocritical plea for mercy, and the Sala del Crimen of the Audiencia, to which he was handed over, gave him no hearing or opportunity for defence. Its function was purely ministerial, and he knew nothing of its action until the sentence was announced to him that, within twenty-four hours, he was to be hanged and burnt, but the burning might be figurative by painting flames on a barrel, in which his body should be thrust into unconsecrated ground. He listened to this with the patient resignation that he had exhibited throughout his trial, and his last words on the gibbet, July 26, 1826, were "I die reconciled to God and man."[1]

This barbarity scandalized all Europe and proved to be the last execution for heresy in Spain. While it gratified the zealots, who were clamoring for the resurrection of the Inquisition, it

[1] Modesto Lafuente, XXIV, 346.—Menéndez y Pelayo, III, 524.—Vicente de la Fuente, III, 482.

displeased Fernando, who caused the Audiencia to be notified that the Government recognized no such tribunals as the juntas de fe.[1] In spite of this rebuke, the episcopal juntas continued to exercise an irregular and irresponsible jurisdiction, until the sufferers sought from the Holy See the protection denied to them at home. Pius VIII listened to their prayer, whether from motives of humanity or of establishing in Spain the jurisdiction which the Inquisition had sought so sedulously to exclude, and, in a constitution of October 5, 1829, he recited the numerous prayers reaching him from those persecuted in Spain for matters of faith, asking that they might have opportunity of appealing from sentences rendered by archbishops and bishops, before being subjected to punishment. To save them from the expenses and delays of appeals to Rome, he empowered the tribunal of the Rota, in the papal nunciature, to hear all appeals in matters of faith, even twice, thrice, four or five times in succession, until three concording sentences should be rendered.[2] Fernando was less sensitive than his predecessors as to papal encroachments, and he gave this the force of law by a royal order of February 6, 1830.

Cristina.

The death of Queen Amalia, May 17, 1829, was an abundant source of intrigue, for a fourth marriage of Fernando might prove fruitful and thus destroy the prospects of Don Carlos. The efforts of the Carlists to prevent it were vain and, on December 9th, Fernando married his neice, the Neapolitan princess, María Cristina de Bourbon, whose sister Carlotta was the wife of the Infante Francisco de Paula, the second brother of Fernando. There was soon prospect of an heir to the throne, and the uncertainty as to sex rendered it advisable to determine in advance whether the Salic law excluding females from the succession was in force or not. The ancient Spanish law, as expressed in the Partidas, provided for the succession of a daughter in the absence of sons or of children of a son.[3] Under this, Spain had seen the glorious reign of Isabella the Catholic and the unfortunate one of Juana

[1] Modesto Lafuente, *loc. cit.*—V. de la Fuente, *loc. cit.*

[2] Pii PP. VIII Const. *Cogitationes nostras*, 5 Oct. 1829 (Bullar. Roman. Contin., IX, 76).

[3] Partidas, P. II, Tit. XV, ley 2.

la Loca, and female succession, in default of male children, was firmly established in the tradition of the nation until 1713, when María Luisa of Savoy persuaded her husband Philip V to effect a change. Much pressure was required to bring this about, but a pragmática, agreed to by the Córtes, provided that only in the event of the total default of male representatives should the daughters of the last reigning sovereign succeed, according to age, and all laws to the contrary were annulled.[1]

In 1784 there was talk of revoking this pragmática, but it was postponed until after the accession of Carlos IV, when the Córtes of 1789 petitioned for the revival of the law of the Partidas. The king assented but, to avoid giving offence to reigning houses whose possible claims to the succession were thus cut off, it was kept a profound secret, although filed away in the archives.[2] This was the position when Fernando, to assure the succession to a possible daughter, by a pragmática of March 29, 1830, ordered that of 1789 to be published and commanded the literal observance of the law of the Partidas.[3] The proceedings of 1789 were freely denounced as fraudulent by the Carlists; they were confident in the support of two hundred thousand Royalist Volunteers, and they regarded the new pragmática as a reason for more energetic organization.

In due time, on October 10th, a girl was born, known to history as Isabel II. Carlos believed that his rights had been sacrificed and, though he refused to snatch at the sceptre during his brother's life-time, he assured his partizans that he would not permit his neice to mount the throne. Fernando's health was rapidly giving way under repeated attacks of gout and, on September 17, 1832, his life was despaired of. The prospect was most critical. Propositions were made to Carlos about sharing the government, but he declared that conscience and honor would not permit him to abandon rights given to him at his birth by God. In the perplexity of the situation, Calomarde, who for ten years had been the king's most trusted minister, represented to Cristina the terrors of the inevitable civil war, and the dangers to herself and her children, for she had recently given birth to a second daughter, María

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[1] Autos Acordados, Lib. v, Tit. vii, Auto 5.

[2] Andrés Muriel, Hist. de Carlos IV (Mem. hist. español, XXIX, 14–29).

[3] Juan Pérez de Guzman (Revista de Arehivos, April, 1904, p. 267).—Modesto Lafuente, XXIX, 51.

Luisa Fernanda. She yielded, Fernando assented and signed a paper annulling the pragmática of 1830, which was read to the assembled ministers on the night of September 18th, under the strictest injunctions of secrecy, but it was treacherously divulged, and copies were posted about the court. Cristina's servants commenced packing her effects for departure and Carlos, in his apartments, was saluted as king.

Fernando however commenced to rally; many nobles offered their lives to Cristina and formed an association to defend the claims of Isabel. Carlotta, who was in Andalusia, hastened to Madrid, reaching it on the 22d and, being of a determined character scolded Cristina and threatened Calomarde—it is even said that she cuffed him in the face, when with ready wit he quoted Calderon—"White hands inflict no disgrace." Fernando agreed to recall the decree, when she obtained the original and the copies and destroyed them. This only led the followers of Carlos to prepare to assert his claims by force, and there was no time to be lost in organizing a party to resist them.[1]

This necessitated a reversal of the policy of the last ten years, identified with Calomarde—in fact the period was often designated as the *Epocha de Calomarde*. The ministry was dismissed; Calomarde was banished to his native place, and then was ordered to the citadel of Minorca, but he was concealed in a convent from which he escaped to France. Fernando, on October 6th signed a decree constituting Cristina regent during his illness; the next day she issued a general pardon of all political prisoners and, on the 15th, a general amnesty, including the exiles who were allowed to return, the only exceptions being those who at Seville had voted to replace the king with a regency, and those who had commanded bodies of troops against him, all of whom Fernando obstinately refused to pardon. This complete reversal of policy led to some premature insurrectionary movements by the Carlists, but they were easily suppressed.[2]

The declaration of September 18th had been destroyed, but it had not been invalidated. To effect this in the most impressive manner an assembly was held on December 31st of all the great officers of the Government, representatives of the grandees, and deputations of the provinces, in which Fernando presented a

[1] Koska Vayo, III, 342, 352, 358–68.—Modesto Lafuente, XXIX, 191.
[2] Koska Vayo, III, 369–75, 387.—Modesto Lafuente, XXIX, 152.

holograph paper setting forth that advantage had been taken of his desperate illness to threaten him with civil war and induce him to sign a revocation of the pragmatic sanction of March 29, 1830; now, convinced of his inability to alter the immemorial customs of the land, he pronounced the nullity of the declaration which had been snatched from him by surprise. Then he signed and rubricated the paper, all present were asked whether they had understood its purport, and the next day, January 1, 1833, the proceedings of the Córtes of 1789 and their confirmation by Carlos IV were published.[1]

The next step was the assembling of Córtes to take the oath of allegiance to Isabel, and for this summons were issued April 4th appointing June 20th. Carlos was got out of the way by inducing Dom Miguel of Portugal to invite him, but, when Fernando desired to remove him still further to Italy, a long and very curious correspondence ensued between the brothers, couched in the most affectionate terms, in which Carlos evaded obedience. He was the only absent member of the royal family when the Córtes met, where all, including bishops, grandees, nobles and the procurators

[1] Koska Vayo, III, 380.

That the Carlists should regard the opportune resurrection of this long-buried pragmática as a fraud was not unnatural, but the records produced in its favor bear every evidence of genuineness. From them it appears that on May 31, 1789, Carlos IV summoned the Córtes to assemble on September 23d to take the oath of allegiance to his son Fernando and to transact other business. The oath was duly taken on that day; on the 30th a petition in the customary form was addressed to the king for the abrogation of the pragmática of Philip V and the restoration of the ancient law of succession. The session continued with various acts of legislation; on October 7th Carlos obtained an approval of the measure from fourteen archbishops and bishops who had joined in the oath of allegiance; on October 30th he confirmed the pragmática, but ordered absolute secrecy to be maintained with respect to it and to this all concerned took a solemn oath. Still it did not remain wholly unknown and, in December 1809, Doña Carlota, Princess of Brazil, applied to the supreme Junta Central, then ruling the kingdom, to have her possible rights to the succession under it acknowledged. The Junta was sitting in Seville; the archives were in Madrid, then in possession of the French, and inquiries were made of such survivors of the Córtes of 1789 as could be reached, who confirmed the fact of the adoption of the pragmática and of the secrecy enjoined, whereupon the Consejo de España é Indias reported in favor of the Portuguese princess's application. That these records, with their wealth of names and dates and elaborate details could be manufactured is simply incredible.—Testimonio de las Actas de Córtes de 1789 sobre la Sucesion en la Corona de España, y de los Dictámenes dados sobre esta materia; publicado por real decreto de S. M. la Reina Nra Sra. Año de 1833, Madrid, en la Imprenta Real.

of the cities duly took the oath of allegiance. The whole kingdom followed the example, and the Biscayans, under the historic Oak of Guarnica, spontaneously recognized Isabel as the heiress of Biscay. Yet sparks of rebellion manifested themselves in one place after another, and there were symptoms of insubordination in the army, showing that the Carlist organization was at work and was awaiting only the death of Fernando.[1]

By the beginning of September he was scarce more than a living corpse and on the 29th the end came. The obsequies were held on October 3d, the leaden coffin having a glass plate through which the face could be seen and verified. The Duke of Alagon, as captain of the body-guard, commanded silence and, in a loud voice exclaimed Señor! Señor! Señor! As there was no reply, he added "Since his majesty does not answer, he is truly dead." Despite the leaden coffin, the stench was such that several persons fainted.[2] It might be said that his malignant influence lasted until the grave covered him—or, perhaps, the truth is more fully expressed by Benito Pérez Galdos: "That king, who deceived his parents, his masters, his friends, his ministers, his partizans, his enemies, his four wives, his people, his allies, all the world in fact, deceived also death, who thought to make us happy in delivering us from such a devil, for he left us his brother and his daughter, who kindled a fearful war, and the legacy of misery and scandal is yet unexhausted."[3]

It is not our province to enter into the horrors of the savage Carlist war, which broke out forthwith and lasted until the Convenio de Vergara in 1839. The rapid sketch which we have given of its antecedents suffices to show how Cristina, in order to make head against the extremists, was perforce obliged to consolidate a party composed of the moderate Royalists and the Liberals, while the progress of events threw her more and more into the arms of the latter. The solemn proclamation of Isabel's succession, October 20th, was accompanied by measures restricting the oppressive powers of the Royalist Volunteers, restoring the laws respecting mayorazgos and other reforms of the Constitutional period. That this process, once begun, should continue with accelerated momentum was inevitable, and also that it should sweep aside

[1] Koska Vayo, III, 393–425. [2] Ibidem, p. 437.
[3] Quoted by Hervaz, Ruiz de Padron, p. 160.

the poor remnants of the Inquisition. This was so much a matter of course and, in the comatose condition of the institution, was of importance so slender, that the memoir writers and historians of the period, if they allude to it at all, do so in the briefest and most perfunctory manner. Yet the profound roots which it had struck in the national life, and the hold which it had acquired on popular veneration, are manifested in the fact that the struggle for its extinction had extended over a period of more than twenty years, and required for its consummation a change in the ideals of a majority of the people. The time for this had at last come, and the final dissolution was accomplished with only so much of discussion as to show that the opinions of those called upon to decide were virtually unanimous in principle and only different as to the opportuneness of the measure.

At a meeting of the Consejo de Gobierno, July 9, 1834, there was submitted the project of a decree for the extinction of the Inquisition and the disposition of its property. This was considered, July 11th, when the majority, consisting of the Archbishop of Mexico, the Duke of Bailen, the Marquis of las Amarillas and Don José María Puig, approved of the decree, with some unessential modifications. The minority, consisting of the Marquis of Santa Cruz, the Duke of Medinaceli and Don Francisco Xavier Caro, opposed the article extinguishing the Inquisition, on the ground that it was already extinguished, matters of faith were treated in the episcopal tribunals, and it was inopportune to call public attention to an affair which all the world regarded as settled, while the application of the property ought to be submitted to the approaching Córtes. At the next meeting, held July 13th, a dictamen was adopted, embodying the views of the majority and suggesting certain amendments, of no special moment in principle, which were virtually accepted by the Regency.[1] No time was lost in making the final draft, which was published July 15th. The preamble recited the desire of the Regency to strengthen the public credit in all ways compatible with justice; that the late king had considered the imprescriptible episcopal jurisdiction and the laws of the land sufficient for the protection of religion; that

[1] Archivo de Alcalá, Ministerio de Estado, Leg. 897, n. 30; Leg. 906, n. 87, 88. —(See Appendix.)

It will be remembered that the Duke of Medinaceli was alguazil mayor of the Madrid tribunal, and as such was drawing a yearly stipend of a thousand reales.

a decree of January 4, 1834, had committed to the bishops censorship over writings on religion, morals and discipline; that the labors on the criminal code, now completed, established appropriate penalties for assaults on religion, and that the *Junta eclesiastica*, created by decree of April 22d, was occupied with proposing what was deemed necessary to this end. Therefore the Regent, in order to provide a remedy, in so far as the *Real Patronato* extended and with the concurrence of the Holy See, as far as this was necessary, after consulting the Council of Government and the ministers, decreed—

Art. I. The tribunal of the Inquisition is declared to be definitely suppressed.

Art. II. Its property is appropriated to the extinction of the public debt.

Art. III. The one hundred and one canonries annexed to the Inquisition are applied to the same object, subject to the royal decree of March 9th last, and for the time expressed in the Apostolic bulls.

Art. IV. The employees who possess prebends or obtain salaried civil offices will have no claim on the funds of the Tribunal.

Art. V. The other employees will receive from the sinking fund the exact salaries corresponding to the classification which they will establish with the Junta eclesiastica.[1]

Such was the brief and decisive decree which terminated the existence of the institution created by the piety of Isabella and the fanaticism of Torquemada.

There still remained the juntas de fe of the bishops, some, at least, of whom persisted in maintaining them, with the old inquisitorial methods, in spite of the constitution of Pius VIII and the royal decree of February 6, 1830. Their continuance was incompatible with the rapidly increasing anticlerical spirit of the dominant party, and they were prohibited by a decree of July 1, 1835, in which, after alluding to the disregard of the papal and royal utterances, Cristina ordered that they should cease immediately wherever they had been established. The ordinary episcopal courts were required to observe the law of the Partidas, the canons and the common law in all cases of faith and others, of which the

[1] See Appendix. The allusion to the concurrence of the Holy See is a pure assumption, seeing that, for political reasons, Isabel and the Regency were not recognized by the papacy for many years.

extinguished Inquisition had had cognizance, conforming their procedure to that in other ecclesiastical matters and admitting the appeals allowed by law. Cases of solicitation were provided for by a clause providing that, where scandal or offence to morals might ensue, a prudent secrecy should be observed, the hearings to be held with closed doors, in the presence of the accused and his counsel, from whom nothing was to be withheld.[1] Thus the last trace of inquisitorial procedure was forbidden on Spanish soil.

After so many centuries of conscientious intolerance, the lesson of toleration was hard to learn. On August 14, 1836, the *Motin de la Granja* forced Cristina to proclaim once more the Constitution of 1812, with its prohibition of any religion save Roman Catholicism. This instrument, with all its crudities, was soon found to be unworkable, and the Constitution of 1837 marked an advance, in its simple declaration that the State obligated itself to maintain the cult and ministers of the Catholic religion, which was that of Spaniards. Then came a reaction and, when the Constitution was revised in 1845, the principle of intolerance was reaffirmed. The European disturbances of 1848 strengthened this spirit in the Church, and it found expression in the penal code of 1851, of which Articles, 128, 129, 130 and 131 inflict imprisonment and exile for any attempt to change the religion of Spain, for public worship in other faiths, for apostatizing from Catholicism, or for publishing doctrines in opposition to it.[2] The Spanish bishops were even encouraged to call for the revival of the Inquisition under their management, but this would have been superfluous.[3] That the law was quite sufficient for the repression of Protestant propaganda was shown, in 1855 by the long imprisonment and exile of Francisco Ruet at Barcelona. It is true that in 1856, during the brief return of the Liberals to power, a Constitution on a more tolerant basis was framed, but a speedy reaction prevented this from going into effect, and the instrument of 1845 remained in force until the revolution of 1868. Ruet's chief disciple was Manuel Matamoros, who made numerous converts in Málaga, Granada and Seville, but, in 1860, prosecution caused him to fly to Barcelona, where he was thrown in gaol and taken

[1] Castillo y Ayensa, Negociaciones con Roma, I, Append. p. 156 (Madrid, 1859).
[2] Antequera, Historia de la Legislacion española, p. 419 (Madrid, 1884).
[3] Soler, Un Milagro y una Mentira, p. 5 (Valencia, 1858).

back to Granada. Some twenty more were arrested, among whom were his two principal aids José Alhama and Trigo. Matamoros and Alhama were condemned to eight years of presidio and Trigo to four, while similar sentences were pronounced in Seville on Tomas Bordallo and Diego Mesa Santaello. The affair made a sensation throughout Europe; the Evangelical Alliance bestirred itself and a deputation representing nearly every nation assembled in Madrid to intercede for the convicts. The pressure was so great that, on May 20, 1862, the sentence rendered three weeks before was commuted to nine years' of exile, which enabled the Evangelicals, from the safe refuge of Gibraltar, to maintain relations with their secret converts.[1] That under this reaction the resuscitation of the Inquisition was seriously considered, may be assumed from the publication, in 1859, of a pamphlet containing the speech of Ostolaza, in the Córtes of Cádiz, in favor of the Inquisition, and those of Muñoz Torrero and Toreno against it, with the manifesto of the Córtes, thus contributing to the debate, under the guise of impartiality, the weight of argument against the Holy Office[2].

When came the revolution of 1868, the Constituent Córtes, after a vigorous debate, affirmed, May 8, 1869, the principle of religious liberty by the decisive vote of 163 to 40. In the new Constitution, proclaimed June 6th, the free exercise, public and private, of faiths other than Catholicism was guaranteed both to foreigners and Spaniards.[3] Under this the *Código penal reformado,* which is still in force, provides penalties of fine and imprisonment for any interference with religious belief, whether by constraint to acts of worship or impeding those of the individual's chosen faith.[4] Finally, in 1876, still another Constitution, which has endured to the present time, after declaring Roman Catholicism to be the religion of the State, prohibits the molestation of any one for religious opinion or for the exercise of his cult, in so far as Christian morals are respected, but it does not permit public ceremonies other than those of the State religion.[5]

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[1] Menéndez y Pelayo, III, 682–3, 686.—Hermann Dalton, Die evangelische Bewegung in Spanien, pp. 40–5 (Wiesbaden, 1872).

[2] A. Luque y Vicens, La Inquisicion, su Pro y su Contra, Segunda Edicion, Madrid, 1859.

[3] Paredes, Curso de Derecho político, p. 720 (Madrid, 1883).

[4] Novísimo Código penal, arts. 236–41 (Valencia, 1872, pp. 126–7).

[5] Paredes, *op cit.,* p. 666.

This summary of the vicissitudes in the progress of toleration, since the suppression of the Inquisition, is not foreign to our subject, for it teaches two lessons. One is that the main assaults on the ecclesiastical system of Spain, its members and its temporalities, were committed before toleration was extended to the heretic, for the secularization of church property, the abrogation of tithes and first fruits and the suppression of the regular Orders were chiefly effected by measures adopted between 1835 and 1855. The other is that the slender results of Protestant propagandism, from the days of George Borrow to those of Pastor Fliedner, show how little Catholicism has to fear from such efforts among a people who, if they abandon the faith of their fathers, are much more apt to seek refuge in negation of religion than in heresy. Together they demonstrate that the terrors of the Inquisition were superfluous, and that the injuries which it inflicted on Spain were not compensated by any corresponding benefits, even from the stand-point of the Church.

CHAPTER II.

RETROSPECT.

No modern European nation has endured such vicissitudes of good and evil fortune as the Spanish. From the virtual anarchy of the Castilian kingdoms under Juan II and Enrique IV, the resolute wills of Ferdinand and Isabella evoked order and, by the union with Aragon, the conquest of Granada, Naples and Navarre and the acquisition of the New World, they left Spain in a most commanding position. When, under Charles V, to this were added the Netherlands, the Austrian possessions, Milan and the headship of the Holy Roman Empire, the hegemony of Europe was secured, and the prospect of attaining the universal monarchy seemed sufficiently possible to arouse the fears of Europe. The loss of the Empire and of Austria, awarded to the younger branch of the Hapsburgs, strengthened rather than weakened the inheritance of Philip II, by rendering it less cumbrous and unwieldy, while the acquisition of Portugal unified the Peninsula and the increasing wealth of the Indies promised almost unlimited resources for the extension of his power. Yet this power, so colossal in outward seeming, was already becoming a mere shell, covering emptiness and poverty, for its rulers had exhausted the nation in enterprises beyond its strength and foreign to its interests. Throughout the seventeenth century its downward progress was rapid until, at the death of Carlos II, in 1700, it had reached a depth of misery and helplessness in which it might almost despair of recuperation. Yet its efforts, in the War of Succession, showed that it still possessed a virile nationality; its decadence was arrested, and a slow upward progress was begun, accelerated under the enlightened rule of Carlos III, until, at his death in 1788, it had so far regained its position that, if not yet a power of the first rank, it might not unhopefully look forward to attaining that position. Then followed the weak and disastrous reign of Carlos IV, under the guidance of Godoy, when impotence invited the intrusion of Napoleon, resulting in the manifestation of national energy, which surprised the world in the heroic War of Liberation. After the

Restoration in 1814, the land was, for more than half a century the scene of almost unintermittent conflict between antagonistic forces, resulting in the apathy of exhaustion after attaining the form of democratic constitutional monarchy. Yet we are told that absolute monarchy has merely been replaced by absolute *Caciquismo* or, in American parlance, the rule of the political "boss."[1] Government, it seems, is exploited purely for the private interest of the office-holding class and the strength of the nation has been wasted, its development has been neglected, until the unexpected feebleness revealed in the war of 1898 led earnest patriots to declare that, if the existing maladministration were to continue, it would be better to seek shelter under England or France, and to put an end to the history of Spain as an independent nation.[2] This shock to the national consciousness, and the skilful and vigorous agitation to which it gave birth, bear promise of results in the political as well as in the material and industrial development of the land, and we may reasonably hope that a nation, which has suffered so much with fortitude, is entering upon a new career that may make amends for the miseries of the past.

Vicissitudes such as these have their causes, and we cannot conclude this long history of the Inquisition without inquiring what share it and the spirit, which at once created and was stimulated by it, contributed to the misfortunes endured, with few intermissions, by the Spanish people since its organization. These causes are numerous, many of them not directly connected with our subject, but yet to be enumerated in order that undue importance may not be ascribed to the influence of the Inquisition.

To begin with, the Spanish monarchy developed into a pure despotism, based on the maxim of the Institutes—*quod principi placuit legis habet vigorem*—the prince's pleasure has the force of law. All legislative and executive functions were concentrated

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[1] See the very interesting collection of papers published by the *Ateneo Cientifico y Literario* of Madrid under the title *Oligarquia y Caciquismo como la forma actual de Gobierno en España; urgencia y modo de cambiarla* (Madrid, 1903).

This Caciquism is described as "a despotism a hundred times worse than that of the absolute kings" (p. 33).

[2] Reconstitucion y Europeizacion de España, pp. 113, 123, 289 (Madrid, 1900). —Ricardo Macías Picavea, El Problema nacional, p. 304 (Madrid, 1899).

Another eloquent exposition of the deplorable condition of public affairs in Spain is Doctor Madrazo's *El Pueblo español ha muerto?* (Santander, 1903).

in the crown; the king issued laws, levied taxes, raised troops, declared war, made peace at his will, and the execution of the Justicia Lanuza, in 1591, without a trial, shows that the lives of his subjects were at his disposal. It was the same with their liberties, as illustrated by the imprisonment, without a hearing, of ministers like Cabarrús, Floridablanca, Jovellanos and Urquijo. For awhile the ancient fueros of the kingdoms of the crown of Aragon served as some restraint in those territories, but Philip V, in 1707 and 1714, took advantage of the War of Succession to declare them forfeited. Under such concentration of authority, the fate of the nation depended on the character and capacity of the monarch. Charles V had unquestioned ability, but his ambitious enterprises, while flattering to the national vanity, not only exhausted the resources of Spain, in quarrels foreign to its interests, but crippled its prosperity by the reckless devices employed to supply his needs. Philip II was a man of very moderate talents, irresolute and procrastinating to that degree that the Venetian envoy Vendramino, in 1595, declared that what would cost another prince ten ducats cost him a hundred, in consequence of his dilatoriness.[1] His enormous and disjointed empire was too much for his narrow intelligence, and his vast expenditures in defence of Latin Christianity consumed all his resources and kept him in perpetual financial straits. At his death, in 1598, he had nothing to show for the ruin of his country but the gloomy pile of the Escorial and the acquisition of Portugal. Holland was hopelessly lost; his rival, Henry IV, was firmly seated on the throne of a reunited France, and the papacy was alienated. The internal condition of the land is depicted in the despairing complaints of the Córtes of 1594—"The truth, which cannot be questioned, is that the kingdom is totally exhausted. Scarce any man has money or credit, and those who have it do not employ it in trade or for profit, but hoard it to live as sparingly as possible, in hope that it may last them to the end. Thus comes the universal poverty of all classes.... There is not a city or a town but has lost largely in population, as is seen by the multitude of closed and empty houses, and the fall in the rents of the few that are inhabited."[2]

With Philip III we commence the long line of favorites who

[1] Relazioni Venete, Serie I, T. V, p. 463.

[2] Clemencin, Elogio de la Reina Isabel, p. 302 (Madrid, 1821).

dominated Spain during the seventeenth century. Well meaning, but weak and incapable, he left everything to the Duke of Lerma, under whose guidance a reckless course of prodigality was followed as though the only trouble was to get rid of surplus revenues. Charles V had cast aside the severe simplicity of the old Castilian court for the stately magnificence of the Burgundian household; his successors followed his example, in spite of the remonstrances of the Córtes, but where Philip II spent on it four hundred thousand ducats a year, Philip III lavished a million and three hundred thousand, while he was begging money of his nobles and prelates and seeking to seize all the plate in the kingdom in order to coin it. He was not alone in this, for the nobility and gentry were consumed with usury and overwhelmed with debt, owing to their extravagance. The Venetian envoy Contarini, in 1605 describes the land as overspread with poverty and general discontent and all the evils attendant upon a corrupt and vicious government, under an indolent king and a rapacious and incapable minister. The worst war, he concludes, that could be made on Spain was to allow it to consume itself in peace under misgovernment, while to attack it would be to arouse the dogged determination of the people. The reports of the Lucchese envoys tell the same story.[1] Such was the condition when the expulsion of the Moriscos robbed the land of its most productive class.

Matters grew worse when Philip IV ascended the throne, in 1621. Good-natured, affable, indolent and pleasure-loving, his thirty-one unacknowledged natural children, besides the acknowledged one—the second Don John of Austria—serve to explain why he abandoned the cares of state to his favorite, the Count-Duke Olivares, after whose fall in 1643 his nephew, Don Luis de Haro, succeeded to the post. The official historiographer describes Spain, at his accession, as being in extremity, and the people crushed under their burdens; everything was in disorder, and the condition of the nation so weakened that it could only be deplored and not amended. Yet Philip's first act was to break the truce with Holland and, from that time to the end of his long reign, he was involved in almost continual war. He called together the Córtes and asked for supplies to which they replied by petitioning him to try to stop the general depopulation and

[1] Cabrera, Relaciones, *passim;* Append. pp. 582–3.—Relazioni di Ambasciadori Lucchesi, pp. 29, 31 (Lucca, 1903).

find occupation for the people, who were wandering with their families over the country in vain search for work.[1] Yet Philip, engrossed with his plebeian amours and the pleasures of his court, continued his wars and his extravagance, without giving thought to the misery of his people whom he was crushing with ever new exactions. The courtly festivities were conducted with a magnificence till then unexampled; the carnival festival of 1637 was officially admitted to cost three hundred thousand ducats and was popularly estimated at half a million.[2] In 1658 the Venetian envoy reports his giving to the son of Don Luis de Haro fifty thousand pesos for skilfully arranging a ballet for the ladies of the court. Every bull-fight cost him sixty thousand reales, and the celebration at the birth of Prince Prosper (who speedily died) involved an expenditure of eight hundred thousand pesos. All this, as the envoy remarks, was extracted from the blood of the miserable people, who were poorer in Spain than anywhere else. The immense resources of the kingdom were absorbed by the rapacity of the ministers or were dissipated by the profuseness of the king.[3]

In 1665, Carlos II, then but four years of age, succeeded to his father, under the regency of the Queen-dowager Maria Ana of Austria. We have seen how she abandoned affairs to her confessor, the Jesuit Nithard, and when he was dismissed by the efforts of Don John of Austria, in 1669, she replaced him with the worthless favorite Fernando de Valenzuela. Again Don John was called in; Valenzuela was exiled to the Philippines and Don John assumed the reins of government. His limited abilities were unequal to the task; he was driven from power and died soon afterwards in 1679. Carlos had been declared of age in 1675; he was utterly incapable and, though he can scarce be said to have had favorites, under such ministers as the Duke of Medinaceli and the Count of Oropesa, Spain sank deeper in misery and degradation until his death in 1700. The kingdom was reduced to the last extremity, without money, without industry, without means of defence to resist the aggressive wars of Louis XIV, or to defend the colonies from the ravages of buccaneers. The population is said to have shrunk to 5,000,000; in 1586 it had been estimated

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[1] Cespedes y Meneses, Don Felipe Quarto, Lib. II, cap. i, x.

[2] A. Rodríguez Villa, La Corte y Monarquía de España, p. 110 (Madrid, 1886).

[3] Zanctornato, Relazione della Corte de España, pp. 76–82 (Cosmopoli, 1672).

at 8,000,000 by the Venetian envoy Gradenigo.[1] Such was the result of two centuries of absolute government, under monarchs not wilfully evil, who merely reigned according to the light vouchsafed them.

Yet it was not so much the extravagance of the court, or the perpetual wars of the Hapsburgs, or the emigration to the colonies, that reduced the population and the power of Spain. The land could have endured all these if its rich resources and vast opportunities had been wisely developed. Lying between two seas and holding Sicily and Naples, it commanded the Atlantic and the Mediterranean; with its wealthy colonies, the source of the precious metals which revolutionized the finances of Europe and furnished the basis for the most profitable commerce that the world had seen, it was invited to become the greatest of maritime states, with a navy and a mercantile marine beyond rivalry, dominating the seas as the Catalans had dominated the Mediterranean in the thirteenth and fourteenth centuries. It was largely secured from hostile aggression by the Pyrenees, and could work out its destinies with little to fear from external enemies. It is true that much of its surface is mountainous, and that large districts suffer from insufficient precipitation, but the Moors had shown what wonders could be wrought by irrigation, and how, by patient labor, even mountain sides could be made to yield their increase. No land could boast a greater variety of agricultural products, including those of semi-tropical and temperate zones which, combined with mineral wealth, should have rendered it self-supporting. All that was needed was steady and intelligent industry, fostered by wise legislation, encouraging production and commerce, and enabling every man to work out his own career with as few artificial impediments as possible, and Spain might be today what she was in the sixteenth century, the leader among civilized nations.

This was not to be. The fatal gift of the Burgundian inheritance distracted the attention of her rulers from the true arena of her expansion in Africa and on the ocean, to distant enterprises wholly foreign to her true interests, while the undeviating determination to enforce unity of faith at home, and to combat heresy elsewhere, led her to drive out her most useful population, and involved her in ruinous expenditures abroad. To extort the means for the furtherance of this policy, industry was strangled with the most

[1] Relazioni Venete, Serie I, T. V, p. 396.

burdensome and complicated system of taxation that human folly could devise, the weight of which fell almost exclusively on the oppressed producing classes, who were least able to endure it, while the nobles and gentry and clergy, who held by far the larger portion of Spanish wealth, were exempt.[1] As taxation was virtually at the discretion of the monarch, imposts were added as the exigencies of extravagance demanded, usually with little thought as to their consequences, until the taxpayer was entangled in a network which crippled him at every step. This moreover was accompanied with regulations to prevent evasions, and to protect the consumer at the expense of the producer, which greatly enhanced the deadly influence of the anomalous and incongruous accumulation of exactions.

All this fell with peculiar weight on agriculture and on the *labradores* or peasants, on whom ultimately the support and prosperity of the nation depended. When, in 1619, the Royal Council, in obedience to the commands of Philip III, presented an elaborate consulta on the causes of depopulation, it commenced by ascribing this to the grinding and insupportable taxation of the producing taxables, and the exemption of the consuming classes—the mules and cart of the peasant were seized for taxes, he was driven from the land and hid himself in the large cities, or sought a livelihood abroad.[2] The warning was unheeded and, ten years later, Fray Benito de Peñalosa y Mondragon, while enthusiastically extolling the power and wealth of Spain, describes the condition of the labradores as the poorest, most completely miserable and depressed of all, as though all the other classes had combined and conspired

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[1] The Córtes of 1570 complained of the sale of *hidalguias*, which were bought by the richer taxpayers, whose burden was thus thrown on the poor and miserable. To this Philip II replied that his necessities compelled him to it, but that more consideration would be shown in future.—Córtes de Cordova del año de setenta, fol. 5 (Alcalá, 1575).

By the censuses of 1768 and 1787 the exempt classes were—

	1768.	1787.
Hidalgos	722,794	480,589
Clergy	183,965	151,973
	906,759	632,562

Floridablanca felicitated himself on the reduction thus shown in the exemptions, resulting from greater strictness in admitting claims, while the population had increased from 9,309,804 to 10,409,879.—Censo español en el año de 1787.

[2] Dávila, Vida de Felipe III, p. 216.

to ruin and destroy them. Their cabins and huts of mud walls are decaying and crumbling, they possess some badly cultivated lands and lean cattle, always hungry for lack of the common pasture, and they are burdened with tributes, mortgages, taxes, censos and many impositions, demands and almsgivings that cannot be escaped. In place of wondering at the depopulation of villages and farms, the wonder is that any remain. Probably most of those who go to the Colonies are labradores and they also flock to the cities, engaging in all kinds of service.[1]

The process went on without interruption. A century later an experienced financial official tells the same story, in a report to Philip V. The burden of taxation fell upon the poor; all that was unpaid was added to the levy of the succeeding year; a horde of blood-suckers lived by selling out delinquents, when the costs amounted to more than the taxes. Consequently the poor were obliged to sell their property to meet the demands of the tax-gatherer, or to let it be seized and sold, thus becoming beggars and tramps, and every year saw their numbers increase. The peasant, moreover, was subject to special and ruinous restrictions. The *tassa* or price of his grain was officially determined every year, at a maximum above which he was forbidden to sell it; moreover it could not be exported, nor could it be transported by sea from one province to another to prevent infractions of the prohibition. The result of this was that if the harvest was deficient, grain was secreted and held at exorbitant prices and this infraction of the law was winked at under necessity. The sufferer was the peasant, who had not the means of storing his grain but had to sell it to the wealthy who could withhold it, and thus, whether the harvests were abundant or scanty he fared ill. Thus production was discouraged and diminishing; the producer realized little, while the consumer paid extravagantly, checking both production and consumption. Lands were left uncultivated and labor was unemployed; everything moved in a vicious circle, and the evil was constantly growing. Trade was similarly strangled. The alcavala of 10 per cent. and the cientos of 4 per cent. were levied on every transaction, no matter how often an article changed hands. Manufactures, under this system, had almost disappeared. Spaniards were forced to sell their raw products to foreigners at low prices, for

[1] Libro de las Cincas Excelencias del Español que despueblan á España, fol. 163, 170 (Pamplona, 1629).

there were no other buyers, and to purchase them back in their finished state at the sellers' prices. The heavy tariff increased the cost to the consumer, while innumerable smugglers enabled the importers to realize the benefit of the duties. The foreigner, moreover, secured all the precious metals of the Indies, for all exports thither were of foreign goods, with which Spaniards could not compete, owing to the excessive imposts and tributes, which doubled the price of everything to the consumer. Yet of the product of these crushing burdens but little reached the treasury, owing to the system of collection, smuggling, and frauds.[1]

The disabilities thus imposed on agriculture, industry, and trade were greatly aggravated by the absence of means of intercommunication, and it is symptomatic of Spanish policy that the energies of the rulers were concentrated on the suppression of heresy, foreign wars and court festivities to the exclusion of care for internal development. It is true that, under Charles V and Philip II, considerable effort was spent on the water-ways; the Canal Imperial de Aragon was built along the Ebro, as well as the smaller canals of Jarama and Manzanares, and there were improvements in the navigation of the Tagus and Guadalquivir, but these ceased and no attention was paid to the roads which, for the most part were mere *caminos de herradura*, or mule-tracks. Even as late as 1795, Jovellanos tells us that there was no communication by wagon between the contiguous provinces of Leon and Asturias, so that the wines and wheat of Castile could not bear the expense of mule carriage to the seaboard. In 1761 Carlos III undertook to construct highways from Madrid to Andalusia, Valencia, Catalonia, Galicia, Old Castile, Asturias, Murcia and Extremadura, but in 1795 none of them had reached half-way, and no attention was paid to interprovincial wagon-roads, to enable the

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[1] Representacion al Rey D. Felipe V dirigida al mas seguro aumento del Real Erario. Hecha por D. Miguel de Zavala y Auñon, pp. 7–35, 74–97 (Madrid, 1732).

It should be observed that in none of the descriptions of the burdens imposed on the peasantry is any allusion made to what perhaps was the most grievous of all, both in amount and method of collection—the tithe by which the enormous church establishment was supported. This was wholly beyond control by the secular power and was therefore left out of consideration.

In 1820, Dr. Sebastian de Miñano, in his *Cartas del Pobrecito Holgazan*, gives a graphic picture of the ecclesiastical burdens of the peasant—the first fruits, the tithes and the obligatory "almsgiving" to all the neighboring convents.—Ochoa, Epistolario español, II, 616.

miserable peasant to get from village to village, or from market to market, save at the cost of exhausting his cattle and at the risk of losing everything in a mudhole.[1]

Another intolerable burden on agriculture was the *Mesta*, or combination of owners of the immense flocks of sheep, which wintered in the lowlands and summered in the mountains. Through privileges dating from the fourteenth century and gradually increased, the provinces, through which the *trashumantes* or migratory flocks passed, were subjected to serious disabilities. Pasturage could not be broken up for cultivation, its rental was fixed by an unalterable *tassa*, and a *mesteño* tenant could not be evicted. All enclosures were forbidden in order that the flocks when migrating might feed without payment on the stubble in the autumn and on the fallow land in the spring, although this privilege was somewhat curtailed in 1788 by permitting the enclosure of orchards, vineyards and plantations. Thus the husbandman was deprived of control over his property and the raising of horses and of stationary herds of cattle and sheep—vastly more important than the *trashumantes*—was effectually discouraged within the range of the Mesta. Equally short-sighted were the forestry laws, designed to foster the production of lumber, which was greatly needed both for building and shipping. The owner was obliged to get and pay for a permit before he could fell a tree, to obey fixed rules as to pruning, to sell against his will and at a fixed price, to admit inspections and official visits, and to answer for the condition and number of his trees—thus opening the door to unlimited extortion. In short, the freedom of action through which men seek their interests, and thus contribute to the general welfare, was destroyed by the paternalism of an absolute government, which blindly hampered all improvement and checked all individual initiative and ambition.[2]

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[1] Jovellanos, Informe en el Expediente de Ley Agraria (Obras, VII, 165–8).

The trouble still exists. In 1898 the Chamber of Agriculture of Upper Aragon states that notwithstanding large subventions to railroads and highways the greater part of the population is as isolated as ever, and it urges the expenditure of 400 or 500 millions of pesetas to convert 250,000 kilométres of mule-track into cheap wagon roads.—Reconstitucion de España, pp. 24, 89.

[2] Córtes de Leon y de Castilla, II, 344.—Jovellanos, Informe, pp. 48–80.

The exorbitant privileges of the Mesta were largely curtailed by the Córtes of Cádiz, but were promptly restored by Fernando VII, in a decree of October 2, 1514 (Coleccion de Cédulas etc., p. 170).

This explains the *despoblados* and *baldíos*—the depopulated villages and uncultivated lands—which were the despair of the statesmen who discussed the possible regeneration of Spain. According to Zavala, in the circumscription of Badajoz alone, the *baldíos* amounted to over three hundred square leagues, mostly good farm land, in which the remains of buildings could be traced, but then grown up in copses and thickets, affording refuge to wolves, smugglers and robbers. In Andalusia, Jovellanos tells us that these baldíos were immense; they were less in Extremadura, La Mancha and the two Castiles, while, in the northern provinces, from the Pyrenees to Portugal, the population was denser and the baldíos less frequent and of inferior quality.[1] We have seen the attempt made by Carlos III to reclaim these districts with the *nuevas poblaciones*, and how the promising experiment was checked by the Inquisition.

As though these blind and irrational policies were insufficient to destroy prosperity, an equally efficient factor was devised in tampering with the coinage. This began tentatively in 1566 by Philip II, in diminishing the alloy of silver in the vellon or copper coinage. In 1602, Philip III, in his financial distress, was bolder and resolutely issued a pure copper coinage with a fictitious value of seven to two, calling forth the protest of Padre Mariana which cost him his prosecution by the Inquisition. In 1605 the Lucchese envoy informs us that the treasury had already reaped a profit of 25,000,000 ducats by this fiat money, of which the marc cost 80 maravedís and had a forced circulation of 280. This was the first of a long series of violent measures continued throughout the seventeenth century, of alternate expansion and contraction. Thus, in 1642 the fictitious legal-tender value was suddenly reduced to one-sixth, followed in 1643 by raising it fourfold, and in 1651 by increasing it still further. In 1652 an attempt was made to demonetize the vellon, June 25th, which was abandoned November 14th. In 1659 the *vellon grueso* was reduced in value one-half and, in 1660 it was trebled. Attempts were made to regulate prices by decrees of *maxima* and to prevent or define the inevitable premium on gold and silver, but the unwritten laws of trade were imperative, until at last, in 1718, the *real de plata* was admitted to be worth twice the *real de vellon*, a ratio which remained nearly permanent. The largest vellon coin was the *cuartillo*, or fourth of a real, equiva-

[1] Zavala y Auñon, pp. 104–30.—Jovellanos, p. 44.

lent to about three cents of American money, which became the standard of value in Spanish trade; the coins were tied in bags of definite amount and these passed from hand to hand, for the precious metals necessarily disappeared, and were rarely seen except in Seville, in spite of the most savage decrees against their exportation.[1] It would be impossible to exaggerate the disastrous influence on industry and commerce of these perpetual fluctuations of the circulating medium. The relations between debtor and creditor, between producer and consumer, were ever at the mercy of some new decree that might upset all calculations. All transactions, from the purchase of a day's supply of bread to a contract for a cargo of merchandise were mere gambling speculations.

These causes of decadence were accentuated by an aversion and contempt for labor, which was recognized as a Spanish characteristic, attributable perhaps to the long war of the Reconquest and the endless civil broils which rendered arms the only fitting career for a Spaniard, and accustomed him to see all useful work performed by those whom he regarded as belonging to inferior races—Jews and Mudéjares. Their expulsion was destructive to all industrial pursuits, but the Old Christian still looked down on the descendants of the Conversos who were to a large extent debarred, by the statutes of Limpieza, from the Spanish resource of living without labor by entering the Church or holding office. The evil effects of this were intensified by constitutional indolence. The Spanish Conquistadores gave memorable examples of indefatigable energy and hardihood, sparing no toil when their imaginations were inflamed with the lust of conquest or the hopes of gold, but they would not work as colonists. One of them, Bernardo de Vargas Machuca, who for thirty years was Governor of Margarita, defends the enslavement of the Indians by candidly saying that Spaniards would not settle on unoccupied land, no matter how healthy or how rich in gold and silver, but would go where there were Indians, even if the land were sterile and unhealthy for, if they had not Indians to work for them, they could not enjoy its products, and its possession would be no benefit.[2] Nor were the Spaniards of whom he speaks gentlemen

[1] Relazioni Lucchese, p. 29.—For the multifarious laws respecting the coinage see *Autos Acordados*, Lib. v, Tit. xxi.

[2] Discorsos apolóxicos (Coll. de Doc. inéd., LXXI, 220).

adventurers, but were mostly drawn from the humbler classes. It was the same at home. Already, in 1512, Guicciardini, who spent two years in Spain as envoy from Florence, describes Spain as a land rich in natural resources, but sparsely populated and largely undeveloped. The people, he says, are warlike and skilled in arms, but they look upon industry and trade with disdain; artisans and husbandmen will work only under pressure of necessity and then rest in idleness until their earnings are spent.[1] The Córtes of Valladolid, in 1548, complain that agricultural laborers and mechanics would not come to work before 10 or 11 o'clock, and would break off an hour or two before sunset. A century later, Dormer, the historiographer of Aragon, reproves the indolence of the people, except in Catalonia, for they would not work as was customary in other lands, but only a few hours a day, with perhaps frequent intermissions, and they expected this to provide for them as fully as the incessant labor of other lands.[2]

Spanish indolence was a frequent theme with the Venetian envoys who describe Spain as abounding in resources, and able to supply all its needs, but dependent upon foreign nations in consequence of the rooted dislike for labor. As Gianfrancesco Morosini writes, in 1581, the people have little aptitude for any of the mechanic arts, and are most negligent in agriculture, while in manual labor they are so slow and lazy that what anywhere else would be done in a month, here takes four.[3] The Lucchese envoys, in the next century, tell the same story. There are few Spaniards, they say, except office-holders, who will work; the greater part of the workmen are foreigners, who have made a new Spain, to the great detriment of the old kingdoms. This explains why Spain is only a port through which the precious metals pass; the Spaniards consume only foreign merchandise imported by foreign merchants; among the contractors there is not a single Castilian, and there are more pieces of eight in China than in Spain.[4] So, in 1687, Luis de Salazar y Castro attributes the decline of the monarchy to its substance flowing out through every pore, and the ultimate cause of this is the lack of energy. "I say it is our indolence, ignorance and want of application ....we attribute

[1] I owe this passage to Professor James Harvey Robinson's "Readings in European History," II, 25.

[2] Colmeiro, Córtes de los antiguos Reinos, II, 223.

[3] Relazioni Venete, Serie I, T. III, p. 256, 287; V, 18; VI, 360.

[4] Relazioni Lucchese, pp. 58, 70.

to deficient population what is laziness and sloth. Could our torpidity go further than our requiring Frenchmen to makes tiles, to grind knives, to carry water and to knead bread?"[1] A moralist of the period is excessively severe upon this indolence coupled with reckless extravagance, which he compares with the tireless industry and thrift of the Frenchman.[2] To this he attributes the poverty of Spain, as we have seen (Vol. III, p. 390) had been done, in 1594, by Francisco de Idiaquez, the secretary of Philip II.

One development of this indisposition to labor is touched upon by the consulta of the Royal Council in 1619, when it alludes to the multiplication of grammar-schools, to which the peasants send their children for a smattering of education, and thus withdraw them from productive industry.[3] The Córtes of the same year asked for restrictions on this and Navarrete, in his commentary on the consulta, dwells at some length on the evils thence arising, for the sons of peasants flock thither, to gain the exemptions of the learned classes; an infinite number of them fail to reach the priesthood, becoming beggars and vagrants and criminals, while many of those who enter orders are forced to dishonorable practices, the public suffering in consequence from the lack of laborers and artisans.[4] Protests were in vain and, in 1753, Gregorio Mayans y Siscar still called attention to the crowds of half-educated students who sponged on the community—drones who sucked the honey while they might be of service in driving a plough or handling a musket—a complaint echoed with still greater vigor by Jovellanos in 1795.[5]

To this tendency may be attributed the frenzied rush for office, to which the suggestive name of *empleomanía* has been given, burdening the State with a vast superfluity of employees and depriving it of their services in useful production. In 1674 the Lucchese

[1] Discurso político (Semanario erúdito, II, 143).

A modern writer attributes to the infusion of Saracen blood this characteristic—"este carácter indolente y apático, que nos impede llegar á tiempo en nuestras empresas, ó que no nos consiente llevarlas á termino bien cumplido."—Madrazo, El pueblo español ha muerto? p. 29 (Santander, 1903).

[2] Francisco Santos, El No Importe de España, pp. 149, 203 (Madrid, 1668).

[3] Dávila, Vida de Felipe III, p. 216.

[4] Pedro Fernández Navarrete, Discursos políticos, fol. 66 (Barcelona, 1621). See also his later *Conservacion de Monarquias*, Discurso XLVI (Madrid, 1626) where he states that there were thirty-two universities and more than four thousand grammar-schools where Latin was taught.

[5] Semanário erúdito, XXVI, 108.—Jovellanos, Informe, p. 154.

envoy wonders at the revenues, estimated at seventy-five millions, without apparent result, which he ascribes partly to the waste in collecting, the collectors employed numbering two hundred thousand—a manifest exaggeration, but yet suggestive.[1] About 1740, Macanaz ranks this as the first in his enumeration of the causes of Spain's condition; there are, he says, a thousand employees where forty would suffice, if they were kept at work, and the rest could be set at some useful labor.[2] The evil still continues, if we may believe modern writers who regard it as one of the serious impediments to prosperity.[3]

From the depth of poverty, disorder and humiliation to which Spain had fallen, the process of recuperation under the Bourbons was slow and at first vacillating. Something was accomplished by Philip V, in spite of his continual wars and his melancholy madness, when he had rid himself of such adventurers as Alberoni and Ripperda and gave scope to the practical genius of Patiño.[4] The upward impulse continued under Fernando VII, while, under Carlos III and his enlightened ministers the progress was rapid. A memorial addressed by Floridablanca to the king, towards the close of his reign, enumerates the reforms and works of utility undertaken during his ministry. There were canals, both for navigation and irrigation, the drainage of marsh lands, the establishment of the *nuevas poblaciones*, the improvement of roads. The trade to the colonies was thrown open to all the ports instead of being restricted to Seville, with the result that the exports quickly trebled and the customs revenue doubled. The Banco Nacional was founded and the public credit, which had fallen very low, was speedily restored. Insurance companies were established and other trading associations, which gave life to industry and commerce. The tariff on imports was rendered uniform at all the ports, and its schedules were arranged so as to foster internal development, being light on machinery and raw materials and heavy on articles produced in Spain, not only stimulating industry to the great prosperity of the land, but in-

[1] Relazioni Lucchese, p. 89.

[2] Semanário erúdito, VII, 167, 169.

[3] Juan de Valera, Disertaciones y Judicios literários, p. 201 (Madrid, 1878).—Reconstitucion de España, p. 29.

[4] See the very instructive sketch by D. Antonio Rodríguez Villa, "Patiño y Campillo," Madrid, 1882.

creasing the customs revenue to a hundred and thirty millions when it had previously never exceeded thirty millions in the most prosperous years. The complicated and burdensome *Rentas Provinciales* were regulated so as to fall equally on the various provinces and to be easily borne; the *Millones* were reduced one-half; the formalities of the alcavala were simplified and its percentage greatly reduced, so as to bear lightly on industry, and with the expectation of its abrogation. The numbers of the exempts were diminished. All the mechanic arts were "habilitated," so that nobles engaging in them should not forfeit their nobility, thus taking away the excuse for idleness and vice of those who called themselves noble and refused to work, however poor they might be. Through this policy during the reign of Carlos III, the population of Peninsular Spain increased by a million and a half and, under his guidance it emerged from the Middle Ages and began to take position with modern nations.[1]

Much as had thus been accomplished, much remained to do, as set forth, in 1795, by Jovellanos in his celebrated "Informe." Unfortunately progress was arrested by the indolent Carlos IV and his favorite Godoy. Then came the Napoleonic wars, and the course of events, as traced in the preceding chapter, was not conducive to improvement. Yet, in all the vicissitudes which Spain has endured since then, if we may trust the growth of population as an index of advancement, the substitution of liberal institutions for absolutism has proved a success and, however real may be the abuses of which the reforming element complains, the present situation is vastly better than the past. The census of 1768 showed a total of 9,309,804; that of 1787, 10,409,879; that of 1799, something over 12,000,000. Then there was a falling off and, in 1822, it was 11,661,980. Yet, in spite of Carlist wars and political troubles, in 1885, it had risen to 17,228,776, and it is now reckoned at 19,000,000 or about double that of the period of Spanish greatness. The fair inference from this is that Spain has a future; that, while much remains to do, much has been accomplished, and that there is progress which, if continued, will restore in great measure her ancient strength, although the enormous growth of modern nations precludes the expectation that she can resume her commanding position.

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[1] Vida política y ministerial del Conde de Floridablanca. This, I believe, has never been printed. My copy is in MS.

In addition to these secular causes of Spanish decadence, there remains to be considered another class of no less importance—those arising from clericalism, or the relations of the Church to the State, and its influence on the popular character and tendencies.

The accumulation of lands and wealth by the Church, and especially by the religious Orders, was, from an early time, a source of concern to statesmen and of complaint by the people, for the exemption from the royal jurisdiction, from military service and from taxation, claimed as imprescriptible rights by the Church, weakened the power of the State and threw increased burdens upon the population. Almost all the European nations endeavored to curb this acquisitiveness by laws of which the English Statutes of Mortmain and the French *droits d'amortissement* may be taken as examples. These acquisitions came from two sources, each abundantly productive—gifts or bequests and purchase. The sinner, unable to redeem in money the canonical penance for his sins impossible to perform, would make over a piece of land and obtain absolution or, if on his death-bed, would bequeath a portion of his estate to be expended in masses for his soul—perhaps founding a *capellanía* for that purpose, or as provision for a son who would serve as chaplain. So audacious became the demands of the Church on the estates of the dying that, in 1348, the Córtes of Alcalá complained that all the Orders obtained from the royal chancery letters empowering them to examine all testaments, whereupon they claimed all bequests made to uncertain places or persons; also, if there was not a bequest for each Order, those omitted demanded one equal to the largest in the will and they further claimed the whole estates of those who died intestate. If these demands were contested, they wearied the heirs with litigation into a compromise. Alfonso promised to revoke all such letters but the Black Death, which speedily followed, brought an immense accretion of lands for the foundation of anniversaries and chaplaincies, which led to lively reclamations by the Córtes of Valladolid, in 1351.[1]

With wealth thus constantly accumulating, the church or monastery would purchase lands from the laity, and as these became exempt from taxation it could afford to pay more than a secular purchaser. Whatever thus passed into ecclesiastical possession was never alienated; it remained in the grip of the

[1] Córtes de los antiguos Reinos, I, 605; II, 55, 66, 134, 140, 143.

Dead Hand which, by constant accretions, came to hold a large portion of the most desirable lands and thus of the wealth of the kingdom.

It would be tedious to recapitulate the complaints of the Córtes and the devices attempted by legislation from the eleventh century onward to check this growth, which was regarded as threatening the most serious evils to the nation.[1] Laws were adopted only to be evaded or forgotten, and the process went on. A new element, however, was injected into the struggle when, in 1438, the Córtes of Madrigal made a vigorous representation to Juan II that, if no remedy were applied, all the best lands in the kingdom would belong to the Church, resulting in manifold injury to the people and the crown, to which the feeble king evasively replied that he would apply to the pope.[2] Hitherto Spanish independence of the papacy had regarded all such questions as subject to national regulation, but this utterance indicated that papal confirmation was beginning to be recognized as necessary in everything that affected the Church. This was not at once admitted, for Juan, in 1447, in response to the Córtes of Valladolid, and by a decree of 1452, imposed a tax of twenty per cent, on all purchases, bequests and donations,[3] but it gradually established itself and furnished a ready answer to the vigorous representations which, with growing insistence, the Córtes of the sixteenth century made in 1515, 1518, 1523, 1528, 1532, 1534, 1537, 1538, 1542, 1544, 1551 and 1573.[4] This put all remedy out of the question, for no pope could be expected to set limits to ecclesiastical wealth and influence, from which the curia derived its revenues; and the petitions of the Córtes served only to emphasize the magnitude of the evil and its universal recognition by the people.

It was not only the progressive absorption of wealth and land that was detrimental but the corresponding increase in the numbers of the clergy, regular and secular, who were released from all the duties of the citizen, and whose vows of celibacy aided in accelerating the diminution of the population. The process continued with added vigor, especially after the commencement of the seven-

[1] Córtes de los antiguos Reinos, I, 2, 24, 42, 43, 51, 244, 246, 289, 291, 360-1, 470.—Fuero viejo, Lib. v, Tit. ii, ley 1; Lib. I, Tit. i, ley 3.

[2] Córtes etc. III, 339–40.

[3] Ibidem, 516–18.—Autos acordados, Lib. v, Tit. x, Auto 1.

[4] Colmeiro, Córtes, II, 88, 98, 121, 147, 163, 168, 180, 192, 199, 207.—Córtes de Madrid del año de Setenta y tres, Peticion 57 (Alcalá. 1575).

teenth century, owing partly to a wave of religious fervor which led to the founding of chapels and convents on a greater scale than ever, and partly to the growing destitution forcing men to seek conventual refuge, where they might at least escape starvation, and inducing parents to give their sons such smattering of education as might enable them to take orders and have at least a chance to secure a livelihood free from the crushing burdens of taxation. The result of this is seen in Fray Bleda's boast, in 1618, that one-fourth of the Christians of Spain were priests, frailes or nuns, and, even though this is obviously an over-estimate, it indicates how great was the task imposed on the producing classes to support in idleness so large a portion of the population.[1] The increase was largely in the Mendicant Orders, whose systematic begging, that no one dared refuse, was a grievous addition to the tithes and first fruits.

A single instance will illustrate this inordinate growth. Cardinal Mendoza, Archbishop of Toledo, the "third king" under Ferdinand and Isabella, stubbornly refused to allow convents to be founded in his province, saying that there were already many that were injurious to the people obliged to sustain them, but this ceased with his death in 1495. His biographer, Doctor Pedro de Salazar, penitentiary of the cathedral, tells us that the city of Toledo held a privilege from Alfonso X prohibiting the erection of convents there. At that time there were six, but in 1625, when he wrote, these had been enlarged and numerous others had been founded, so that they then occupied more than fifty royal and noble houses and more than six hundred smaller ones. The disastrous influence of this on the prosperity of the place is self-evident and Salazar regards this portentous development of ecclesiasticism as the chief cause of the decline in the population of Spain, which he estimates at twenty-five per cent.[2]

The consulta of the Council of Castile, in 1619, naturally included in its enumeration of the causes of national distress the foundation of so many religious houses, which were filled with those attracted, not by vocation but by a life of idleness, while their lands were exempt from taxation.[3] In a similar mood, the Córtes, assembled by Philip IV on his accession, made a forcible and somewhat

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[1] Bleda, Coronica de los Moros, pp. 864, 1025.

[2] Salazar, Crónica del Gran Cardenal de España, Lib. 1, cap. 68 (Madrid, 1625).

[3] Dávila, Vida de Felipe III, p. 216.

rhetorical representation, asking for measures to restrain the multiplication of foundations and the purchases of land, which not only diminished the alcavalas but, in a few years, would exempt all real estate from the royal jurisdiction and accumulate all taxation on the miserable poor, thus destroying the population of the provinces, for it was evident that, if the clergy continued to increase as it was doing, the villages would be without inhabitants, the fields without laborers, the sea without mariners and the arts without craftsmen; commerce would be extinct and, marriage being despised, the world would not last for a century.[1]

At the earnest request of the kingdom, which represented that it could not support these idle multitudes or furnish soldiers for war, Urban VIII, in 1634, granted a bull reforming the religious Orders and suppressing some of the Barefooted ones, but the opposing influences were too strong and it was ineffective.[2] In 1677 the matter was again debated, including the excessive numbers of the secular clergy, but action was postponed until there was a better prospect of results. The recognized evils were too serious to remain thus pigeon-holed, and an attempt was again made in 1691, the feebleness of which demonstrates how completely the Church dominated the State and could not be reformed without its own consent. The king deplored the multiplication of convents, and the consequent relaxation of discipline, and the pope was to be asked for authority to appoint visitors with full powers. The excessive increase of the secular priesthood, he said, was the cause of numerous disorders, to cure which the pope was to be applied to for faculties enabling bishops and abbots to reduce their numbers, so that all incumbents could live decently. The clergy in minor orders were so numerous that their exemption from the royal jurisdiction and the public burdens was a grievous injury to the laity and the bishops were asked to limit their ordination. The absorption of lands by the Church was an evil which had puzzled the wisest heads in all ages; many states had adopted laws regulating this, but he hesitated to have recourse to such measures until statistics could be gathered, and it could be decided how to reduce the numbers of the secular clergy.[3] In short, the Church was an Old Man of the Sea, strangling the State, which lacked power to rid itself of its oppressor.

[1] Cespedes y Meneses, Don Felipe Quarto, Lib, II, cap. 10.

[2] Cartas de Jesuitas (Mem. hist. español, XIII, 86).

[3] Autos Acordados, Lib. IV, Tit. i, Auto 4.

With the advent of the Bourbons there was less tendency to this hopelessness and, in 1713, the plain-spoken Macanaz, in a report to the king, presented a terrible picture of the misery and impoverishment resulting from the overgrown numbers and wealth of the clergy.[1] Yet, short of revolution, effective remedy was impossible, and Philip V contented himself with a decree expressing regret that, without papal assent or a concordat, he could not afford general relief to his vassals. While awaiting this, however, he severely characterized the frauds of confessors in inducing the dying to impoverish their heirs. Such testators were declared not to be of free will, their bequests were invalid and scriveners drawing them were threatened with condign punishment.[2]

Much of this evil would have been averted had the salutary reforms prescribed by the Council of Trent been enforced,[3] but they had been a dead letter, at least in Spain. In 1723, however, Philip induced the Spanish bishops to supplicate Innocent XIII on the subject, resulting in a constitution in which he embodied at great length the Tridentine decrees as to restricting ordinations and the number of religious in convents.[4] It was a tribute to the capacious learning rather than to the consistency of Macanaz that the Regular Orders employed him to draw up a memorial to the king, protesting against the enforcement of the papal decree, in which he lavished praises on them, and argued vigorously against any restriction on numbers beyond the capacity of support.[5] This, however, was but a lawyer's argument for a client and did not prevent him, in memorials to Philip V, about 1740 and to Fernando VI, in 1746, from expressing his true opinions as to the evils which were a main cause of Spanish distress—more than half the land held in mortmain and exempt from public burdens, and the immense number of those who, in place of being good laborers were bad priests, wandering around as beggars to the scandal of religion, while the overgrown religious Orders were useless consumers, living on the rest of the nation.[6]

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[1] Llorente, Coleccion diplomática, p. 44.

[2] Autos Acordados, Lib. v, Tit. x, Auto 3.

[3] C. Trident. Sess. xxi, De Reform. cap. 2; Sess. xxiii, De Reform. cap. 4, 5, 7, 10, 11, 12, 13, 14; Sess. xxv, De Reg. et Mon. cap. 3.

[4] Innocent. PP. XIII, Constit. *Apostolici ministerii*, 13 Maii, 1723. Confirmed by Benedict XIII, September 23, 1724 (Bullar. Roman. XIII, 60).

[5] Semanário erúdito, X, 149–58.

[6] Ibidem, VII, 172, 182–4; VIII, 231–33.

In negotiating the Concordat of 1737, Philip obtained with difficulty a concession subjecting to taxation future acquisitions, but it was impossible of enforcement and repeated decrees by him, in 1745, by Fernando VII in 1756 and by Carlos III in 1760 and 1763, only attest the powerlessness of the State when dealing with the Church. In 1795 Godoy dallied with a project of secularizing Church property to meet the expenses of the disastrous war with France, but was obliged to abandon the project and only imposed a tax of fifteen per cent. on new acquisitions.[1] It was inevitable that the Córtes of Cádiz and the constitutional Government of 1820–3 should partially carry out what Spanish publicists for centuries had demanded, and should earn the bitterest clerical hostility.

As a matter of course the wealth of so numerous, powerful and worldly a Church was enormous. As early as 1563 Paolo Tiepolo states that the clergy possessed little less than one half the total revenues of Spain. He rates the income of the Archbishop of Toledo at 150,000 ducats, and in addition the church of Toledo had 300,000.[2] Exemption from public burdens gave ample opportunity of increase and, at the end of the eighteenth century, the archbishop was estimated as enjoying an income of half a million dollars.[3] Navarrete, in 1624 regards as one of the leading causes of the hatred entertained for the Church by the laity, the contrast between its affluence and the general poverty,[4] nor is this unlikely for, during the worst periods of national disaster, the Church seems always to have enjoyed superabundant resources. As its income, other than the produce of its lands, was largely derived from

[1] Novís. Recop., Lib. I, Tit. v, leyes 14, 15, 17, 18.
Under Carlos III the numbers of the clergy were:

	1768.	1787.
Parish priests	15,639	16,689
Beneficed clergy, vicars etc.	51,408	42,707
Regular clergy, males	55,453	47,515
Do. Do. females	27,665	24,559
Servants, sacristans, acolytes, etc.	25,248	16,376
Treasurers of religious houses	8,552	4,127
	183,965	151,973

The falling off in 1787 is probably due to greater rigor in scrutinizing claims to exemption.

[2] Relazioni Venete, Serie I, T. V, p. 19.

[3] Ricordi sulla Spagna nell'anno 1853 (Ibidem, III, 469).

[4] Conservacion de Monarquías, Discurso XLV.

tithes, it necessarily varied, from year to year, but was always enormous. In 1653, we find Plasencia spoken of as one of the four most lucrative bishoprics in Spain, with an income of 40,000 ducats, but that there were years in which it had been worth 80,000—and this at a time when the State was virtually bankrupt, the currency in frightful disorder, commerce and industry prostrate, and the whole land steeped in poverty.[1] Against this, it is true, must be set the habit of the monarch in calling upon the bishops, as well as on the nobles, for contributions, as we have seen in the case of Valdés; thus Cardinal Quiroga, when Archbishop of Toledo, from 1577 to 1594, is said to have given to Philip II an aggregate of a million and a half of ducats.[2] There were also certain papal grants to the crown on the revenues of the clergy at large, known as the *subsidio* and the *excusado* which, in 1573, were reckoned at 575,000 crowns a year and in 1658 at something over two million ducats.[3]

It betrays a consciousness of overgrown wealth that all knowledge of its amount was carefully concealed. In 1741, Benedict XIV granted to Philip V eight per cent. of the revenues of the clergy, regular and secular, for that year. The collection of this in Granada was delegated, with full coercive powers, to the Archdeacon Juan Bautista Simoni who, after Easter 1742, issued an edict requiring all incumbents, within ten days, to render sworn statements of their property and income. This aroused intense excitement. Under one pretext or another all, from the archbishop down, endeavored to escape the revelation of their wealth; there were meetings held and open threats were made of a *cessatio a divinis* if the measure was insisted on. A compromise was offered of payment of a double *servicio*, which was assumed to be equivalent to eight per cent., but they refused absolutely to make a return of property and income. Simoni seems to have been sincerely desirous of executing his unpleasant duty with as little friction as possible but, in reporting this repugnance to make sworn statements, he does not hesitate to say that its object was

[1] Bibl. nacional, MSS., D, 118, fol. 146, n 49.

[2] Relazioni Venete, Serie I, T. V, p. 450.

[3] Ibidem, T. VI, p. 378.—Zanctornato, p. 88.

The *subsidio* was a grant from Paul IV to arm sixty galleys, a purpose which was speedily forgotten. The *excusado* was a grant from Paul V empowering the king to claim in each parish the tithe of the largest tithe-payer, but it led to difficulties in collecting and was commuted.

to prevent the king from learning that about three fourths of all the property in Spain was in the hands of the clergy, secular and regular, and especially of the Carthusians, Jesuits, Geronimites and Dominicans. It proved to be impossible to compel the archbishop to make the return, and finally it was compromised by taking the average of a valuation made during five years of a vacancy, 1728–32, which resulted in estimating the revenues of the see at about 39,000 ducats—evidently an undervaluation, although Granada was reckoned as the poorest of the five Castilian archbishoprics.[1]

All this wealth and splendor was drawn, in its ultimate source, from the labor of the husbandman and the administration of the sacraments, casting a grievous burden on the industry of the land and counting for much in the general impoverishment. When the little development of Protestantism in 1558 excited so much dread, it was assumed as a matter of course that the people would welcome a reform that would bring relief from the burdens of the church establishment. Jovellanos asks what is left of the ancient glory of Castile save the skeletons of its cities, once populous and full of workshops and stores, and now filled with churches, convents and hospitals, which survive the misery that they have caused.[2] So, in 1820, the learned Canon Francisco Martínez Marina, in indicating the measures necessary to restore prosperity, says that the first one is to reduce the wealth of the clergy for the benefit of agriculture and the poor and oppressed peasant, and to abolish forever the unjust and insupportable tribute of the tithe, a tribute unknown to Spain before the twelfth century, a tribute which directly prevents the progress of agriculture and one of those which have inflicted the greatest misery on the husbandman.[3]

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[1] Archivo de Simancas, Inquisicion de Granada, Expedientes varios, Leg. 2.

[2] Jovellanos, Informe, p. 88.

[3] Marina, Teoría de las Córtes, P. I, cap. xiii, n. 24 (Madrid, 1820).

The burden of the tithe was the same in France under the *ancien régime*. As a recent writer remarks "Les dîmes étaient une des plus lourdes, peutêtre même celle qui pesait sur les campagnes de la façon la plus générale et la plus fâcheuse ....on ne devrait pas oublier que le droit en lui-même était, le plus souvent, bien moins odieux, moins funeste, que les abus auxquels il donnait lieu ou servait de prétexte."—Edme Champion, La Séparation de l'Eglise et de l'Etat en 1794 (Paris, 1903).

The tithes and first fruits were by no means the only ecclesiastical exaction which impoverished the husbandman. An anonymous *Presbítero secular* who, in 1828, vigorously defended the temporalities of the Church, candidly admits

A clergy thus worldly, and so far removed from apostolic poverty, was not apt to be devoted to its duties, or to set an example of morality to its subjects. A project, drawn up by a Spanish bishop, of matters to be urged on the Council of Lateran in 1512, affords a glimpse into the deplorable condition of the Church which was so deeply concerned with the salvation of the Marranos and Moriscos. Few among the laity observed the prescribed fasts and feasts, and even the Easter communion was neglected. The priests were negligent and, even in cathedrals, it was sometimes difficult to have divine service performed. Among the clergy, from bishops to the lower orders, concubinage was universal and shameless, while simony ruled everywhere.[1] The provisions of the Council of Seville in 1512, and of Coria in 1537, indicate the vicious and degraded character of the priesthood and the impossibility of restraining their habitual concubinage.[2] Alphonso de Castro argues that if it were not for the protection of God it would be difficult to preserve religion in view of the unworthiness of the priests and their wickedness. It is known to all, he says, that the contempt felt for them arises first from their excessive numbers, secondly from their ignorance and lastly from their flagitious lives.[3] Archbishop Carranza is emphatic in reproving the negligence of the clerics, who were so indifferent to their duty that they abandoned their churches and might as well be non-existent, in addition to which were their evil and scandalous lives and the abuse of their wealth.[4]

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the oppressiveness of some of its revenues. Among those enumerated was one known as *Luctuosa*—the right to the best head of cattle on the death of the peasant. The lay lords had mostly commuted this for a small money payment, but the clergy farmed it out and the farmers exacted it with the utmost rigor, not only on the death of the head of a family but on that of every member, so that the survivors, in the hour of bereavement, were often stripped of the means of cultivating their holdings. In 1787 the people of the see of Lugo, after a long struggle, obtained from Carlos III a decree restricting it to the death of the head of the family and commuting it to a money payment of sixty reales when four head of cattle were owned and lesser sums for a smaller number.—Historia y Origen de las Rentas de la Iglesia de España, pp. 90–7 (Madrid, 1828).

This exaction was by no means confined to Spain. See Burn's Law Dictionary s. v. Heriot and Du Cange s. vv. *Hereotum, Luctuosa.*

[1] Breve Memoria (Döllinger, Beiträge zur polit. kirchl. u. Cultur-Geschichte, III, 203).

[2] C. Hispalens. ann. 1512, cap. 13, 17, 23, 26, 27 (Aguirre, T. V).—Barrantes, Aparato para la Hist. de Extremadura, I, 469.

[3] De justa Hæreticorum punitione, Lib. III, cap. 5.

[4] Comentarios, fol. 167, 260.

This is confirmed by Inquisitor-general Valdés who states that when, in 1546, he assumed the archbishopric of Seville, he found the clergy and the dignitaries of his cathedral thoroughly demoralized. They had no shame in their children and grandchildren; their women lived with them openly, as though married, and accompanied them to church, and many of them kept public gaming tables in their houses, which were resorts of disorderly characters. If we may believe him, he resolutely undertook a reform and effected it at great labor and expense, owing to appeals and suits in Rome and in Granada and in the Royal Council and before apostolic judges. Then Francisco de Erasso, a favorite of Charles V, obtained a canonry and joined those who desired to return to their former dissolute life, against which, in 1556, he appeals to Philip II for protection.[1] The lower ranks of the clergy were no better, if we may believe the synod of Orihuela, in 1600, which asserts that their concubinage was the cause of the animosity of the people against them,[2] and we have seen, when treating of Solicitation, how frequent was the advantage taken of the opportunities of the confessional.

There were few prelates as conscientious as Valdés represents himself. Alfonso de Castro attributes the existence of heresy to their negligence; they were so slothful that they paid no attention to their duties; those who did otherwise were so rare that they were like jewels among pebbles.[3] The Venitian envoy, Giovanni Soranzo is less cautious in his utterance, for he describes them as living luxuriously and squandering their revenues on splendid establishments; few of them were without children, in whom they took no shame and for whose advancement they employed every means.[4] At the other end of the scale were the clerks in the lower orders, immersed in secular affairs, who took the tonsure in order to enjoy the protection from justice afforded by the Church. These were the despair of those responsible for public order. Fernando de Aragon, Viceroy of Valencia, complains, August 21, 1544, of the impossibility of enforcing justice owing to the zeal with which the church authorities protected the tonsure, whether right or wrong. The officials of the archbishops, he says, have been debased and ignorant men, whose sole aim has been to save

[1] Archivo de Simancas, Patronato Real, Inq., Leg. único, fol. 76.

[2] Synod. Oriolan., ann. 1600, cap. xxviii (Aguirre, VI, 457).

[3] Alphonsus a Castro adversus Hæreses, Lib. I, cap. xii.

[4] Relazioni Venete, Serie I, T. V, p. 79.

criminals from the punishment of their crimes. He is encouraged to hope for better things from the appointment as archbishop of San Tomas de Vilanova, and the latter follows, September 8th, with allusions to his own sufferings in consequence of his efforts to remedy this condition, which is an offence to justice and to God and a great damage to the people.[1]

A Church composed of such elements was not fitted to exercise for good the enormous influence which it enjoyed over public affairs, not only in shaping the policy of the kingdom but in directing the national tendencies. The theory was still the medieval one—that the ecclesiastical power is the sun and the royal power the moon, which derives its light from the sun.[2] To its influence, as represented by Torquemada, was due the expulsion of the Jews; by Ximenes, the enforced conversion of the Moors; by Espinosa, the rebellion of Granada; by Juan de Ribera and his fellows, the expulsion of the Moriscos. In the royal councils, which formed a bureaucracy, prelates held leading and often dominant positions, and their subordinates were largely drawn from clerical ranks. In 1602 a proposition to increase the schools of artillery was referred to a junta presided over by the royal confessor, which reported that the expense could not be afforded; the schools came to be under the charge of Jesuits and frailes and speedily dwindled to nothing.[3] The position of royal confessor was one of the highest political importance. Under Charles V he participated in all deliberations and had a preponderating influence.[4] Under Philip II, his confessor Fray Diego de Chaves, played a leading part in the tragedy of Antonio Pérez. Fray Gaspar de Toledo, confessor of Philip III boasted that, whenever he told the king that a thing must be done under pain of mortal sin or that it was sinful, he was obeyed without discussion.[5] The Regent María Ana of Austria was completely under the domination of her confessor Nithard, and the letters to him of Clement XI, on European politics, indicate that he was the real ruler.[6] The substitution of Froilan Díaz for Fray Pedro Matilla,

[1] Col. de Doc. inéd., V, 83, 85.

[2] Bleda, Corónica de los Moros, p. 910.—See Bonifacii PP. VIII, Bull. *Unam Sanctam* (Extrav. Commun., Lib. I, Tit. VIII, cap. 1). Also the *De Regimine Principum*, Lib. III, cap. x, xiii, xix, which passes under the name of Aquinas.

[3] Picatoste, La Grandeza y Decadencia de España, III, 192 (Madrid, 1887).

[4] Relazioni Venete, Serie I, T. II, p. 208.

[5] Dávila, Hist. de Felipe III, Lib. II, cap. lvii.

[6] Bulario de la Orden de Santiago, Lib. v, fol. 93, 95, 97.

as confessor of Carlos II, was the only step necessary to effect a revolution in the government and, when Díaz fled to Rome, he was reclaimed as a fugitive chief minister of state. We have seen under Philip V the power wielded by his confessors Daubenton and Robinet, and the part played by Rábago under Fernando VI. What thus ruled the court was perpetually at work in every parish and every family, where the pulpit and the confessional exercised an incalculable influence. What the Spaniard became was what the Church wished him to be. Clericalism thus, for good or for evil, was a leading factor in controlling the destinies of Spain, in exhausting its resources, in moulding the character of its people, and the Inquisition was its crowning work.

Under such influences, the toleration which had been so marked a feature of the medieval period gradually gave place to a fanaticism finding its expression in the Inquisition and inflamed into greater fierceness by the existence and reaction of that institution. There can be no question as to the sincere devoutness of Charles V, according to the unanimous testimony of the Venetian envoys, who describe his punctual discharge of all religious observances and who state that the surest avenue to his favor was the manifestation of earnest zeal for religion.[1] Shortly before his death, he expressed deep regret that he had not executed Luther at Worms, in spite of his pledged safe-conduct, for he ought to have forfeited his word in order to avenge the offence to God. In his will, executed in 1554 at Brussels, he charged Philip II in the most earnest manner to favor in all ways the Inquisition, because of the many and great offences to God which it prevents or punishes and, in the codicil of September 9, 1558, dictated on his deathbed, his first thought is to repeat the injunction and to urge his son, by the obedience due to a father, to prosecute heresy, rigorously, unsparingly and relentlessly.[2] Philip II needed no such exhortations. From his earliest youth he had breathed an atmosphere surcharged by the conflict with heresy; he had been taught that a sovereign's highest duty to God and man was to enforce unity of faith, not only as a paramount religious obligation, but because it was an axiom of the statesmanship of the time that, in no other way, could the peace of a kingdom be preserved. There is no reason to doubt his perfect sincerity when, in 1568, the Archduke

[1] Relazioni Venete, Serie I, T. I, pp. 341–2; II, 61, 213; III, 222–3.

[2] Sandoval, Vida del Emp. Carlos V, II, 740, 777, 792 (Barcelona, 1625).

Charles came to Spain, as the representative of the German princes, to urge an accommodation with the Netherlands, and Philip, besides his formal reply, gave the archduke secret instructions to tell the emperor that no human influence, or considerations of state, or all that the whole world could say or do, would make him vary a hair's breadth from the course which he had adopted and intended to pursue in this matter of religion, throughout all his dominions; that he would listen to no advice with regard to it, and would take ill any that might be offered. At the same time he wrote to Chantonnay, his ambassador at Vienna, that what he was doing in the Netherlands was for their advantage and the preservation of the Catholic faith, and that he would make no change in his policy, if it involved risking all his possessions and if the whole world should fall upon his head. So, in 1574, the instructions to the commissioners sent to Breda to confer with the deputies of William the Silent, were to declare emphatically that he would suffer no one to live under his throne who was not completely a Catholic.[1] Philip was merely translating into practice the teachings of the Church and won its unstinted admiration. Cardinal Pallavicini contrasts the vacillating persecution in France with his sanguinary rigor, which was not only grateful to heaven but propitious to his kingdom, thus saved by salutary blood-letting.[2]

It was natural that Philip, in his will, executed March 7, 1594, should reiterate to his son and successor the injunctions which he had received from his father. The Inquisition was to be the object of special favor, even greater than in the past, for the times were perilous and full of so many errors in the faith.[3] Philip III had not energy enough to be an active persecutor and if, under the guidance of Lerma, he expelled the Moriscos, under the same tutelage he made peace with England in 1605 and a truce with Holland in 1609, to the disgust of the pious who could not understand any dealings with heretics. Yet he was a most religious

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[1] Gachard, Correspondance de Philippe II, Tom. II, 27, 44, 58; III, 588.

[2] Pallavicini, Hist. Conc. Trident., Lib. xiv, cap. xi, n. 2.

See also the letter of St. Pius V, April 26, 1569, to the Duke of Anjou (Henry III) congratulating him on his victory over the Huguenots at Jarnac, and urging him to show himself inexorable to those who should plead for mercy towards heretics and rebels.—Pii Quinti Epistolar. Lib. v, p. 168 (Antverpiæ, 1640).

[3] Testamento y Codicilo del Rey Don Felipe II, p. 14 (Madrid, 1882).

prince, who spent hours every day in his devotions and in examining his conscience, and who set a shining example by the frequency with which he sought confession and communion.[1]

It was a matter of course that he should, in his will, leave to his successor the customary instructions to foster the Inquisition. As to Philip IV, we have seen abundant instances of his subservience to it, during his half-century of reign, and of his readiness to subordinate to it all other interests. He showed his consistency in this when, at the dictation of the Suprema, he incurred a war with England through his refusal to sign a treaty forbidding the persecution of Englishmen in Spain on account of their religion[2] and, in his will, executed in 1665, he laid the customary injunctions on his successor to aid and favor the Inquisition, adding an exhortation to honor and defend the clergy in all their exemptions and immunities, and earnestly to labor for the reformation of the religious Orders.[3]

Carlos II was a nonentity who need not be considered and, with the Bourbons, we enter on the dawn of a new era, in which fanaticism no longer dominates the policy of the State. It is true that Philip V, when abdicating, in 1724, enjoined on his son Luis the preservation of the faith through the instrumentality of the Inquisition as fervently as any of his predecessors and that, during the first third of the century, there was a fierce recrudescence of inquisitorial acivity, but we have seen how the spirit of the age gradually made itself felt and, although the duty of exterminating heresy was still admitted in theory, in practice its enforcement was greatly mitigated.

It is difficult for us, in the indifferentism of the twentieth century, to realize or to understand the violence of the passions excited by questions of faith, dissociated from all temporal interests, and their influence on a people so emotional as the Spaniards and so apt, as they tell us themselves, to be swayed by imagination rather than by reason. We have seen (Vol. III, p. 284) the whole king-

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[1] Relazioni Lucchese, p. 16.

[2] In his instructions to Colonel Lockhart, his envoy to France after the negotiation of the treaty of 1656, Cromwell tells him to explain to Cardinal Mazarin "what my principles are which led me to a closure with France rather than with Spaine.... viz. that the one gives libertie of conscience to the professors of the Protestant religion and the other persecuteing it with losse of life and estate."—Prof. C. H. Firth, in English Historical Review, October, 1906, p. 744.

[3] Coleccion de Tratados de Paz; Phelipe IV, P. VII, p. 685.

dom of Portugal thrown into excitement by the theft of a pyx with a consecrated host and that only the opportune discovery of the culprit saved all the New Christians from expulsion. It might seem to us a very trivial affair that, on the eve of Good Friday, 1640, there was posted, in the chapter-house of Granada, a placard ridiculing the Christian religion, praising the Mosaic Law, and blaspheming the purity of the Virgin, but it produced the greatest excitement throughout Spain. Special services were held in all the churches to appease the insulted deity and to discover the malefactor. He was detected, in the person of a hermit of the Santa Imagen del Triunfo, who was arrested, and Inquisitor Rodezno deemed it advisable to break the inviolable secrecy of the Inquisition in order to calm the public agitation, by letting the people know that the culprit had been discovered and convicted. Learned doctors improved the occasion by printing dissertations in which it was proved that he must be burnt alive, if no death more atrocious could be invented to suit the crime.[1] The fanatical hatred of heresy *per se*, thus sedulously inculcated and engrained in the moral fibre of every Spaniard is seen in the statutes of Limpieza, which closed the avenues to distinction to the descendants of Conversos and of those who had been penanced by the Inquisition, so that even arrest and imprisonment for a trivial offence inflicted, according to popular prejudice, an indelible stigma on a family. We have seen to what insane extent this was carried and what evil it wrought in the social organization, but more prolific in evil was the habit of thought by which it was engendered and which it intensified.

Yet practically the religion which was so sensitive as to purity of faith was of a very superficial character. External observances were strictly enforced, and the Inquisition was ever on the watch to punish any irreverence in act or word, yet Alfonso de Castro tells us that, in the mountainous provinces, such as Asturias, Galicia and elsewhere, the word of God was so rarely preached to the people that they observed many pagan rites and many superstitions.[2] To labor on Sunday or feast-day was a serious offence, involving suspicion of heresy, yet Carranza says that more offences against God were committed on Sundays than in all the week-days combined; those who went to mass mostly spent the time in

[1] MSS. of Bodleian Library, Arch Seld., 130.

[2] A. de Castro adv. Hæreses, Lib. I, cap. xiii.

business or in talking or sleeping; those who did not go, gratified their vanity or their appetites; the ancient Jews used to say that, on their feast-days, the demons left the cities for refuge in the mountain caves, but now it would seem that on week-days the demons avoided the people who were busy with their labors and, on feast-days, came trooping joyfully from the deserts, for then they find the doors open to all kinds of vices.[1]

Paolo Tiepolo, in 1563, observes that, in all external signs of religion, the Spaniards are exceedingly devout, but he doubts whether the interior corresponds; the clergy live as they choose, without any one reprehending them, and he is scandalized by the buffooneries and burlesques performed in the churches on feast-days.[2] The churches, in fact, seem to have been places for everything save devotion. Azpilcueta describes the profane observances during divine service, the inattention of the priests, the processions of masks and demons, the banquets and feastings, and other disgraceful profanations, so that there are few of the faithful who do not sin in church, and few who do not utter idle, vain, foul, evil or profane words; in hot weather, the coolness of the churches made them favorite lounging-places for both sexes, including monks and nuns, and much that was indecent occurred; they were moreover places for the transaction of business, and more bargaining took place there than in the markets.[3] This was not a mere passing custom. A century later Francisco Santos pictures for us a church crowded with so-called worshippers, where the services could scarce be heard for the noise; beggars crying for alms and wrangling among themselves; two men quarrelling fiercely and on the point of drawing their swords; a group of young gallants chattering and maltreating a poor man

[1] Comentarios, fol. 209.

Spain was not exceptional in this. In 1700, a pastoral of Archbishop Precipiano of Mechlin describes with equal energy this profanation of saints' days. —Collectio Synodorum Archiep. Mechliniensis, II, 434 (Mechliniæ, 1829).

[2] Relazioni Venete, Serie I, T. V, p. 18.—In 1565, Giovanni Soranzo makes the same statement and both remark on the facility with which Spanish troops passed over to the infidel.—Ibid, p. 82.

[3] Azpilcueta de Oratione, cap. v, n. 25–35.

It was not until 1772 that Carlos III prohibited, in the churches of Madrid, the dances and *gigantones* and *tarascas*, or great pasteboard figures of giants and serpents, in the processions, as causing disorder and interfering with devotion; and in 1780 this was extended over the whole kingdom.—Novís. Recop., Lib. I, Tit. i, ley 12.

who had chanced to touch them in passing; people leaving one mass that had commenced to follow a priest, who had the reputation of greater despatch in his sacred functions; in a chapel a bevy of fair ladies drinking chocolate, discussing fashions and waited on by their admirers—all is worldly and the religious observance is the merest pretext.[1] This irreverence was shared by the priests. A brief of Urban VIII, January 30, 1642, recites complaints from the dean and chapter of Seville concerning the use of tobacco in the churches, both in smoking and snuffing, even by priests while celebrating mass, and of their profanation of the sacred cloths by using them and staining them with tobacco, wherefore he decrees excommunication *latæ sententiæ* for the use of the weed within the sacred precincts.[2] It is evident that the Inquisition, while enforcing conformity as to dogma and outward observance, failed to inspire genuine respect for religion.

It will thus be seen how little really was gained for religion by the spirit of fierce intolerance largely responsible for the material causes of decadence which we have passed rapidly in review. The irrational resolve to enforce unity of faith at every cost spurred Ferdinand and Isabella to burn and pauperize those among their subjects who were most economically valuable, to expel those who could not be reduced to conformity and to institute a system of confiscation of which we have seen the destructive influence on industry and on the credit on which commerce and industry depend, while the application of this to the condemnation of the dead not only brought misery on innocent descendants but unsettled titles and involved all transactions in insecurity. This sanctified the ambition of Charles V with the halo of religion. This was the motive which underlay the suicidal policy of Philip II, leading to the endless wars with the Netherlands, to the rebellion of Granada and to the wasteful support of the Ligue. This was at the bottom of the Morisco disaffection, culminating in the

[1] Santos, El no Importe, pp. 107–31.—For a similar description by Juan de Zabaleta see his "El dia de fiesta," Obras, p. 166 (Madrid, 1728). The *El no Importe* was reprinted in 1787.

These profanities were not confined to Spain and were condemned by the Council of Tours in 1583 and by Archbishop Precipiano of Mechlin, in 1700.—Concil. Turonens., ann. 1583, Tit. xv (Harduin X, 1424).—Collect. Synod. Mechlin., II, 436).

[2] Bibliothèque nationale de France, fonds Dupuy, no. 589, fol. 30.

expulsion of 1610, just after Philip III had practically accepted the loss of Holland by the truce of 1609. The land was robbed of its most industrious classes, it was drained of its bravest soldiers, its trade and productiveness were fatally crippled, and it was reduced to the lowest term of financial exhaustion, all for the greater glory of God, and in the belief that it was avenging offences to God. To meet the exigencies arising from this, and from the thoughtless extravagance of the monarchs, the labor, on which rested the resources of the State, was crushed to earth and subjected to burdens that defeated their own ends, for they drove the producer in despair from the soil. Productive industry and commerce, enfeebled by the expulsions, were so handicapped that they dwindled almost to extinction and passed virtually into the hands of foreigners, who dealt under the mask of *testas ferrias*—of Spaniards who lent their names to the real principals, for the most part the very heretics whom Spain had exhausted herself to destroy. Trade and credit were hampered, not only through the vitiation of the currency but through the ever-impending risk of sequestration and confiscation, and the impediments of the censorship as developed in the *visitas de navios*. The blindness and inefficiency of the Government intensified in every way the evils created by its mistaken policy but, at the root of all, lay the prolonged and relentless determination to enforce conformity, at a time when the industrial and commerical era was opening, which was to bring wealth and power to the nations wise enough and liberal enough to avail themselves of its opportunities—opportunities which Spain was invited virtually to monopolize through its control of the trade of the Indies and the production of the precious metals. There is melancholy truth in the boast of Doctor Pedro Peralta Barnuevo, in his relation of the Lima auto of 1733, that the determination to enforce unity of faith at all costs had rendered Spain rather a church than a monarchy, and her kings protectors of the faith rather than sovereigns. She was a temple, in which the altars were cities and the oblations were men, and she despised the prosperity of the State in comparison with devotion to religion.[1]

Isabella and her Hapsburg descendants were but obeying the dictates of conscience and executing the laws of the Church, when they sought to suppress heresy and apostasy by force, and they

[1] Relacion del Auto de fe de 1733. Discurso isagogico, § 2 (Lima, 1733).

might well deem it both duty and good policy at a time when it was universally taught that unity of faith was the surest guarantee of the happiness and prosperity of nations. Spain, with accustomed thoroughness, carried out this theory for three centuries to a *reductio ad absurdum*, through the Inquisition, organized, armed and equipped to the last point of possible perfection for its work. The elaborate arguments of its latest defender only show that it cannot be defended without also defending the whole policy of the House of Hapsburg, which wrought such misery and degradation.[1] It was the essential part of a system and, as such, it contributed its full share to the ruin of Spain.

That occasionally even an inquisitor could have a glimmer of the truth appears from a very remarkable memorial addressed to Philip IV by a member of the Suprema, with regard to the Portuguese Jews. He states that they consider the rigor of the Inquisition as a blessing, since it drives them from Spain to other lands, where they can enjoy their religion and acquire prosperity. He wishes to prevent this exodus, which is depriving Spain of population and wealth and exposing it to peril, and to win back those who have expatriated themselves, to which end he proposes greatly to soften inquisitorial severity in regard to confiscation, imprisonment and the wearing of the sanbenito, except in the case of hardened impenitents. He would welcome them back and, even if their Catholicism were merely external, he argues that their children would become good Catholics, even as has proved to be the case with the descendants of the Castilian Jews. Indeed, he goes so far as to urge that foreigners in general should be encouraged to bring their capital to Spain, to settle and be naturalized, to marry Spanish wives and thus minister to the wealth and prosperity of the land.[2] The worldly wisdom of this was too oppugnant

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[1] P. Ricardo Cappa, S. J., La Inquisicion española, Madrid, 1888.

[2] Don A. Rodríguez Villa has printed the essential portions of this memorial in the *Boletin* for July—September 1906, pp. 87–103. It is anonymous and without date, though he tells us that a note on the MS., in a contemporary hand, attributes it to P. Hernando de Salazar or to D. Diego Serrano de Silva, of the Suprema. It is unquestionably by a member of the Suprema, for no one else would have such knowledge of the internal affairs of the Inquisition or discourse of them so freely, even to the sovereign. Allusion to the successes of the Dutch in Brazil assign it to the time, between 1620 and 1630, when there was so much discussion as to the Portuguese New Christians (see Vol. III, p. 275), to which this paper was doubtless a contribution.

to the prejudices of the time, which clamored, as we have seen, for extermination and isolation, and its sagacious counsels were unheeded. The Judaizers were driven forth, to aid in building up Holland with their wealth and intelligence, and Spain, in ever deepening poverty, continued to cherish the ideals which she had embodied in the Inquisition.

There was one service the performance of which it was never tired of claiming for itself and is still claimed for it by its advocates—that in the sixteenth and seventeenth centuries it preserved Spain from the religious wars which desolated France and Germany. This service may well be called in question, for the temperament and training of the Spanish nation render ludicrous the assumption that a couple of hundred heretics, among whom but half a dozen had the spirit of martyrdom for their faith, could cause such spread of dissidence as to endanger peace; yet even should we admit this service, its method, in causing intellectual torpor and segregating the nation from all influences from abroad, only postponed the inevitable, while intensifying the disturbance when the change should come from medievalism to modernism. The nineteenth century bore, in an aggravated form, the brunt which should have fallen on the sixteenth. When the spirit of the Revolution broke in, it found a population sedulously trained to passive obedience to the State and submissiveness to the Church. It had been so long taught, by theocratic absolutism, that it must not think or reason for itself, that it had lost the power of reasoning on the great problems of life. It was without reverence for law, for it was accustomed to see the arbitrary will of an absolute sovereign override the law, and it was without experience to choose between the sober realities of responsible government and the glittering promises of ardent idealists. Yet the Revolution passed away leaving matters as they were before. The habit of unquestioning submission, inherited through generations, has become so fixed a part of the national character that, as we are told, the people fail to recognize that they are as completely under bondage to Caciquism as erstwhile they were to monarchy—that in fact the nation is still in its infancy and is unfit to govern itself.[1]

As in temporal, so it has been in the spiritual field. In the turmoil of the Revolution the Inquisition died a natural death, but the Church filled the vacancy. It had grown so accustomed

[1] Oligarquía y Caciquismo, pp. 22, 679 (Madrid, 1903).

to the acceptance, on all hands, of its divine mission, it had so long enjoyed unassailable wealth and power, that it could not adapt itself to the necessities of the new situation and, when it could not rely upon the brute force of the State, it called into play the popular passions which it had fostered. As an irreconcileable, it provoked the attacks made on its overgrown wealth and numbers; it was uncompromising and would listen to no adjustment, for it claimed the full benefit of the canon law under which it was exempted from all interference by the State; its attitude was of immovable hostility to the new order of things, and it suffered the rough handling that inevitably resulted, courting martyrdom rather than tamely to permit profane hands to be laid upon the ark. It has thus continued to be an unassimilable element in the political situation, its policy directed from Rome and the vast influence of its perfect organization employed to retard rather than to stimulate progress in good government and material prosperity.[1] What may be the outcome of the pending struggle between Church and State, aroused by the recognition of civil marriage, it is too early to predict.

Thus the conclusion that may be drawn from our review of the causes underlying the misfortunes of Spain is that what may fairly be attributable to the Inquisition is its service as the official instrument of the intolerance that led to such grave results, and its influence on the Spanish character in intensifying that intolerance into a national characteristic, while benumbing the Spanish intellect until it may be said for a time to have almost ceased to think. The objects for which it was so shrewdly and so carefully organized were effectually attained and, in the eyes of experienced statesmen, at the time of its fullest development, it was the bulwork of the faith. In 1573, Leonardo Donato reflects the prevail-

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[1] Doctor Madrazo, while deploring the antinational policy of the ecclesiastical establishment, bears emphatic testimony to the individual virtues of the clergy, regular and secular and their efforts to realize, each in his own sphere, the ideal of Christianity. He attributes their influence on Spanish policy to the power possessed by the papacy of precipitating through them at any moment a Carlist revolt.—El Pueblo español ha muerto? pp. 140–6 (Santander, 1903).

In a very thoughtful paper, Professor Rafael Altamira and his colleagues of the University of Oviedo allude to the theocratic reaction which opposes all progress in the direction of toleration and culture and which threatens a civil war that would be the end of Spain.—Oligarquía y Caciquismo, p. 192.

ing view in governmental circles when he speaks of its authority and severity as absolutely necessary, for the number of the New Christians was everywhere so great, recently baptized with God knows what disposition, and with ancestral memories still vivid, that, if it were not for the incessant watch kept over them by the Inquisition, there would be great danger that Spain would lose her religion. In 1581, Gioan Francesco Morosini declares that, although the Spaniards were in appearance the most devout and Catholic of nations, yet, what between the Jews, Moriscos and heretics, Spain would be more infected than Germany or England if it were not for the fear inspired by the severity of the Inquisition; and the same views are expressed by Giambattista Confalonieri in 1591, and by the Lucchese envoy Damiano Bernardini, in 1602.[1] Yet the faith, thus sedulously preserved at such fearful cost, was largely, as we have seen, one of exterior observance, without corresponding internal piety, ready to burst into flame for the maintenance of a dogma like the Immaculate Conception, and to earn heaven by paying for masses and anniversaries and chaplaincies, but not to labor for it by purity of life and self-abnegation, or by obeying the divine command to earn its bread by the sweat of its brow. The natural result of this, when brought face to face with modern conditions, is that Cánovas del Castillo, in a debate in the Córtes of 1869, declared with sorrow that Spain, of all nations, was the one most indifferent to religion, and a recent author asserts that there would be no hazard in affirming the Spaniards to be the most irreligious, indifferent, and practically atheist people in Europe.[2]

In fact, the dissociation of religion from morals—the incongruous connection of ardent zeal for dogma with laxity of life—was stimulated by the Inquisition. As we have seen, it paid no attention to morals and thus taught the lesson that they were unimportant in comparison with accuracy of belief. No matter how dissolute was the conduct of the confessor with his spiritual daughters, he was safe so long as he did not commit a technical transgression inferring suspicion of misbelief as to the sacrament, and even when he neglected these precautions we have seen how benignant was the treatment extended to him. It is true that,

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[1] Relazioni Venete, Serie I, T. VI, p. 371; T. V, p. 288.—Spicilegio Vaticano, I, 461.—Relazioni Lucchese, p. 21.

[2] Ortí y Lara, La Inquisicion, p. xiv.—Macias Picavea, El Problema, p. 229.

towards the end of the sixteenth century, the Inquisition showed remarkable ardor in prosecuting those who gave utterance to the common opinion that there was no sin in simple fornication between the unmarried, and that in large measure it suppressed the utterance, but, as it punished only the utterance and not the sin, this did nothing to advance morality. The same may be said of its ignorant destruction of works of art which it regarded as indecent and the occasional prohibition of a book or play that evoked its disapprobation. In the absence of more serious work a few cases may be found of its undertaking to vindicate morals, but they are too rare for us to attribute to them any motive save a desire to intermeddle. The advancement of morality in fact was no part of its functions as a bulwark of the faith; rather, indeed, it aided in disseminating corruption by its custom of reading at the autos de fe sentences *con méritos* of which the details were an effective popular education in vice.[1] The result is seen in the seventeenth century, when the only heretics were the scattered and persecuted Portuguese, and yet there has probably never existed a society more abandoned to corruption—so abandoned, indeed, that even the sense of shame was lost. Padre Corella was no rigorist but, towards the close of the century, he draws a hideous picture of social conditions; everywhere, he says, is vice and crime, lust and cruelty, fraud and rapine, in the seats of trade, in the halls of justice, in the family, in the court, in the churches, while the clergy, if possible, are worse than the laity. Philip IV, who so religiously supported the Inquisition, was not only notorious for his licentiousness, but amused himself with scandalously sacrilegious comedies and farces in his palace theatre, where the scenes and persons of Scripture were made subjects of ridicule, and this style passed into popular literature and rhymes which escaped the censure.[2]

Spanish theology, which was supreme in the sixteenth and early seventeenth centuries, made only one real contribution—the invention of Probabilism by Bartolomé de Medina in his commentaries on Aquinas in 1577. On this was founded the new

[1] In the Toledo auto of January 1, 1651, in the sentence of Ana de Cervantes for sorcery, there is a wholly superfluous account of how she had "tratado torpemente con otras mugeres como si esta fuese hombre, usando para ello un instrumento que llaman baldres."—Archivo hist. nacional, Inq. de Toledo, Leg. 1.

[2] Corella, Praxis Confessionis, P. II, Perorat. n. 3.—Picatoste, III, 113-23, 158, 162.—Villa, La Corte y Monarquía, p. xvi.

science of Moral Theology, devoted to evading the penalties of sin, and to applying to the decrees of God the favorite Spanish device for eluding those of the king, by obeying and not executing. Escobar, held up to an infamous immortality by Pascal, merely compiled what he found in theologians of the highest authority and, when the laxity of the Jesuit Moya's *Opusculum* called forth a papal prohibition in 1666, repeated in 1680, the Spanish Inquisition asserted its independence by refusing to put the work on the Index.[1] The practical influence of all this is described in a memorial of nine Spanish bishops, in 1717, to Clement XI, against the *Consultas Morales* of the Capuchin Martin de Torricella, in which they state that Probabilism had undermined all morality and all obedience to divine, municipal and canon law, and that multitudes lived disorderly lives under appeal to probabilistic casuistry, for so-called probable opinions could be had to justify whatever men desired to do.[2]

If the power of the Inquisition thus was withheld when it might have been exerted with benefit to society, it was actively employed, under the later Hapsburgs, to loosen the bonds of social order and stimulate contempt for law. To it was largely attributable the virtual anarchy of Spain, during the seventeenth century, arising from the numerous competing jurisdictions and the contempt felt for the royal officials. This found its origin in the insolent audacity with which the Inquisition enforced its claims to jurisdiction. When the royal officials were excommunicated, arrested and imprisoned without scruple, and the highest courts were treated with contempt and contumely, respect for law and its ministers was fatally weakened. That the other privileged jurisdictions—the Cruzada, the spiritual, and the military—should follow the example was inevitable, and the social condition of Spain became deplorable.[3] In 1677, the Council of Castile represented to Carlos II the evils thus inflicted on the people by the two chief offenders, the Inquisition and the Cruzada, the most oppressive form of which was the abuse of excommunication for matters purely secular. The Council had endeavored to remedy this, but its authority had been suspended and it was powerless to protect the vassals of the crown. Carlos feebly replied that,

[1] Chapters from the Religious History of Spain, p. 102.

[2] Döllinger u. Reusch, Moral-Streitigkeiten, I, 319.

[3] For this social anarchy see Picatoste, III, 86–9.

although he could deprive them of the royal jurisdiction which they abused, yet he deemed it better not to do so, and he contented himself with prohibiting the use of censures in temporal matters—a prohibition which of course was disregarded.[1] In the very next year Carlos was made to feel his powerlessness in the face of the arrogant superiority asserted by the Inquisition.

When, in 1678, the raid on the whole trading community of Majorca gave promise of immense confiscations, Carlos prudently ordered, May 30th, the viceroy to look after the safety of the sequestrations. The viceroy thereupon asked for inventories or statements and, on their refusal, made threats of taking further measures. The tribunal reported to the Suprema which instructed the inquisitors to defend their jurisdiction by censures and, if necessary, by a *cessatio a divinis*, when, if this did not suffice, they were to entrust their prisoners to the bishop and sail for Spain, reporting to the pope. After despatching this defiant and revolutionary missive, the Suprema, on August 8th, condescended to inform the king of it in the form of a stinging rebuke. The request of the viceroy, it said, was an unexampled assault on religion and the Holy See, and also a profanation of the most venerable sacredness of the Inquisition; sequestrated property was ecclesiastical property until confiscated, and to allow a layman to control it would be subversive of all law, as well as a violation of the secrecy of the Inquisition. Carlos humbly apologized; he had not meant to show distrust and would punish the viceroy if he had exceeded his instructions, but he complained that, without notice to him, the inquisitors should have been ordered to leave Majorca, and thus cause irreparable evils. The Suprema, in reply, followed up its advantage. The abandonment of Majorca by the inquisitors would be a less evil than violating the secrecy of the Inquisition; the viceroy should have positive orders to keep his hands off, and the king ought to have consulted it before issuing such instructions; this would have prevented all trouble, for the operations of the Inquisition were so special and peculiar that even his superior intelligence could not understand them without explanations.[2] This insolence accomplished its purpose; Carlos was effectually snubbed, and we have seen how small was the share of the spoils eventually doled out to him.

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[1] Roda, Dictamen á una Consulta (MS. *penes me*).

[2] Archivo de Simancas, Inq., Lib. 69, fol. 2, 8.

The Inquisition, in fact, was virtually an independent power in the state, which asserted itself after the vigorous personality of Ferdinand had been forgotten. Its aspiration to dominate the land was revealed in the projected Order of *Santa María de la Espada blanca* which Philip II was shrewd enough to crush while yet there was time, but the measure of independence which it had already attained was seen when the Córtes of the kingdoms of Aragon sought to get the signature of the inquisitor-general, as well as of the king, to the concessions which they secured, and when the Inquisition ignored the royal agreements, even to the point of deliberately contravening them in the matter of confiscations. It was manifested, in the affair of Antonio Pérez, when Philip II was obliged to call it to his assistance, and it followed its own interests in disregard of the royal policy. So, in the long struggle with Bilbao over the *visitas de navios*, it virtually set at defiance both the crown and all the authorities of Biscay. If it helped the monarchy in the struggle with Rome over the regalías, when it had thus secured its independence of the papal Inquisition it had no scruple in turning its powers of censorship against the royal prerogative. But for the advent of the Bourbon dynasty, it might reasonably have looked forward to becoming eventually dominant, for it combined legislative and executive functions, temporal and spiritual jurisdiction, and asserted, like the Church, the right to define the limits of its own powers. Its whole career, indeed, shows how baseless is the modern theory that it was an instrument of the State in establishing the autocracy of the monarch. If the fallacy of this requires further proof it is sufficiently demonstrated, even under the first of the Bourbons, by the fate of Macanaz, whom it dismissed from power and condemned to a life of poverty and exile because, in the service of the king, he endeavored to render it what Ranke and Gams fancy it to have been. It is true that, in its period of decadence, it joined forces with the crown to withstand the inroad of free thought, which was equally threatening to both, and that it employed its expiring power to suppress political as well as spiritual heresy, but in this it was fighting its own battle as much as that of the monarchy on which it depended for existence.

Defenders of the Inquisition, in the controversy over its suppression and since then, have relied largely on the assertion that, during its existence, no voice was raised against it, that all organs

of public opinion and all writers praised it, as the protector of religion, and as extremely careful to administer exact justice. So far from this being the case, we have seen its own admissions (Vol. I, p. 538) of the hearty hatred felt for it and its officials, and we have heard the complaints of the Córtes of Valladolid in 1518 and 1523, of Coruña in 1520 and of Madrid in 1575, besides the ceaseless struggles of Aragon and Catalonia, whose Córtes had not been reduced to servility. What was its reputation throughout Europe may be gauged by the fact that, in 1535, when João III was endeavoring to have an Inquisition of his own in Portugal, and there was talk of referring the subject to the general council then expected shortly to assemble, his ambassador at Rome, Martinho, Archbishop of Funchal, warned him that, if the matter was broached in the council, it would result in abolishing the Inquisition of Spain.[1] In Spain, its reputation is to be gathered from the unbiased reports of the Venetian envoys, who lauded its services in the suppression of heresy, and to whom, as practical statesmen, it was an object of wonder and admiration, as a machine perfectly devised to keep the people in abject subjection. In these reports it is observable that, while all are emphatic as to its rigor, not one hazards approval of its justice. The envoys were profoundly impressed by the universal awe which it inspired. As early as 1525, Gasparo Contarini tells us that every one trembled before it, for its severity and the dread entertained for it were greater even than for the Council of Ten. In 1557, Federico Badoero speaks of the terror caused by its pitiless procedure. In 1563, Paolo Tiepolo, after dwelling on the secrecy and unsparing rigor of its judgements, says that every one shudders at its very name, as it has supreme authority over the property, life, honor and even the souls of men. Two years later Giovanni Soranzo speaks of the great fear inspired by it, for its authority transcends incomparably that of the king. In 1567, Antonio Tiepolo echoes these assertions, and all agree in their comments on the influence of the mysterious secrecy of its operation and the relentless severity of its action.[2]

It scarce needs this testimony to explain why no unfavorable opinion of the Inquisition is to be expected of Spaniards during

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[1] Corpo Diplomatico Portugues, III, 247.

[2] Relazioni Venete, Serie I, T. II, p. 40; T. III, p. 252; T. V, pp. 22, 83, 144, 288, 392, 485; T. VI, pp. 367, 412.

its existence, except by those who spoke as mandatories of the people in the Córtes or high officials in contests over competencias. Terror rendered silence imperative, and secrecy made ignorance universal. The discharged prisoner was sworn to reveal nothing of what he had endured and any complaint of injustice subjected him to prosecution. Criticism was held to be impeding its action and was a crime subject to condign punishment. Writers had ever to keep in view its censorship, with the certainty that any ill-judged word would ensure the suppression of a book, and any attempt at self-justification would lead to worse consequences, as Belando found when a petition to be heard cost him life-long imprisonment and prohibition to use the pen. When, in the yearly Edict of Faith, every one was required, under pain of excommunication, to denounce any impeding, direct or indirect, of the tribunal, or any criticism of the justice of its operation, restraint became universal and habitual and, in the instinct of self-preservation, men would naturally seek to teach themselves and their children not even to think ill of the Inquisition lest, in some unguarded moment, a chance utterance might lead to prosecution and infamy. The popular *refran, Con el Rey y la Inquisicion, chiton!*—Silence as to the king and the Inquisition—reveals to us better than a world of argument, the result of this repression through generations, and its efficiency is seen in the fact that in Toledo, from 1648 to 1794, there was but a single trial for speaking ill of the Holy Office. Such training bore its fruits when autocracy broke down under the Revolution and the experiment of self-government was essayed.

The Spaniard was taught not alone to repress his opinions as to the Inquisition but to keep a guard on his tongue under all circumstances, not only in public but in the sacred confidence of his own family, for the duty of denunciation applied to husband and father, to wife and children. Even as early as 1534, the orthodox Juan Luis Vives complained to Erasmus that in those difficult times it was dangerous either to speak or to keep silent.[1] The cautious Mariana tells us that the most grievous oppression caused by the introduction of the Inquisition was the deprivation of freedom of speech, which some persons regarded as a servitude worse than death.[2] We have seen how seriously were treated even the

[1] Erasmi Epistolæ, Auctarium, p. 114 (Londoni, 1642).

[2] Mariana, Hist. de España, Lib. XXIV, cap. xvii.

most trivial and careless expressions, which could be tortured into disregard of some theological tenet or disrespect for some church observance, and it behooved every one to be on his guard at all times and in all places. The yearly Edict of Faith kept the terror of the Inquisition constantly before every man and was perhaps the most efficient device ever invented to subject a population to the fear of an ever-impending danger. No other nation ever lived through centuries under a moral oppression so complete, so minute and so all-pervading.

That the Inquisition inspired a dread greater than that felt for the royal authority is illustrated by a curious instance, in which it was utilized for good in subduing a lawless community. In 1588, Lupus Martin de Govilla, Inquisitor of Barcelona, in a visitation came to Montblanch, where no inquisitor had been for many years. He found it a populous town, torn by factions so bitter that men were slain in the streets, battles were fought in the plaza, and women at their windows were shot with arquebuses. After publishing the Edict of Faith he discovered that witnesses were afraid to come to him through the streets and, regarding this as a contempt of the Inquisition, he issued a proclamation forbidding the carrying of arquebuses and cross-bows, and his order was obeyed. He made an example of one offender by requiring him to hear mass as a penitent, banishing him and confiscating his arquebus, which quieted the people, so that the Inquisition could be carried on. Then a murder occurred, and the regidors procured from the viceroy full powers for him to pacify the town; by general agreement all placed themselves under the jurisdiction of the Inquisition, as there was no safety under the royal, and they gave thanks to God that peace was restored, and that men could move around without arms. Govilla went to Poblet, when news was brought him of another murder; he returned and imprisoned and penanced those guilty, who complained to the viceroy, but the Audiencia, after examination dismissed the complaint, and this strange jurisdiction of the Inquisition seems to have continued for some ten years.[1]

Before dismissing the impression produced by the severity of the Inquisition it will not be amiss to attempt some conjecture as to the totality of its operations, especially as regards the burn-

[1] Archivo de Simancas, Inq. de Barcelona, Córtes, Leg. 17, fol. 74.

ings, which naturally affected more profoundly the imagination. There is no question that the number of these has been greatly exaggerated in popular belief, an exaggeration to which Llorente has largely contributed by his absurd method of computation, on an arbitrary assumption of a certain annual average for each tribunal in successive periods. It is impossible now to reconstruct the statistics of the Inquisition, especially during its early activity, but some general conclusions can be formed from the details accessible as to a few tribunals.

The burnings without doubt were numerous during the first few years, through the unregulated ardor of inquisitors, little versed in the canon law, who seem to have condemned right and left, on flimsy evidence, and without allowing their victims the benefit of applying for reconciliation, for, while there might be numerous *negativos*, there certainly were few pertinacious impenitents. The discretion allowed to them to judge as to the genuineness of conversion gave a dangerous power, which was doubtless abused by zealots, and the principle that imperfect confession was conclusive of impenitence added many to the list of victims, while the wholesale reconciliations under the Edicts of Grace afforded an abundant harvest to be garnered under the rule condemning relapse. In the early years, moreover, the absent and the dead contributed with their effigies largely to the terrible solemnities of the quemadero.

Modern writers vary irreconcileably in their estimates, influenced more largely by subjective considerations than by the imperfect statistics at their command. Rodrigo coolly asserts as a positive fact that those who perished in Spain at the stake for heresy did not amount to 400 and that these were voluntary victims, who refused to retract their errors.[1] Father Gams reckons 2000 for the period up to the death of Isabella, in 1504, and as many more from that date up to 1758.[2] On the other hand, Llorente calculates that, up to the end of Torquemada's activity, there had been condemned 105,294 persons, of whom 8800 were

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[1] Historia verdadera, III, 509.

[2] Die Kirchengeschichte von Spanien, Bd. III, Abt II, p. 74.—Cf. Hefele, Der Cardinal Ximenes, pp. 327 sqq.

Father Gams exposes his ignorance when he tells us that he excludes the burnings for other crimes than heresy, as if there were such, except the rare cases of unnatural crime in Aragon. He even implies that the Inquisition burnt for usury and smuggling.

burnt alive, 6500 in effigy and 90,004 exposed to public penance, while, up to 1524, the grand totals amounted to 14,344, 9372 and 195,937.[1] Even these figures are exceeded by Amador de los Rios, who is not usually given to exaggeration. He assumes that, up to 1525, when the Moriscos commenced to suffer as heretics, the number of those burnt alive amounted to 28,540, of those burnt in effigy to 16,520 and those penanced to 303,847, making a total of 348,907 condemnations for Judaism.[2] Don Melgares Marin, whose familiarity with the documents is incontestable, tells us that, in Castile, during 1481, more than 20,000 were reconciled under Edicts of Grace, more than 3000 were penanced with the sanbenito, and more than 4000 were burnt, but he adduces no authorities in support of the estimate.[3]

The only contemporary who gives us figures for the whole of Spain is Hernando de Pulgar, secretary of Queen Isabella. His official position gave him facilities for obtaining information, and his scarcely veiled dislike for the Inquisition was not likely to lead to underrating its activity. He states at 15,000 those who had come in under Edicts of Grace, and at 2000 those who were burnt, besides the dead whose bones were exhumed in great quantities; the number of penitents he does not estimate. Unluckily, he gives no date but, as his Chronicle ends in 1490, we may

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[1] Hist. crít., T. IX, pp. 209, 211, 213, 214 (Madrid, 1822).

The total of Llorente's extravagant guesses, from the foundation of the Inquisition to 1808, is:

Burnt in person	31,912
Burnt in effigy	17,659
Heavily penanced	291,450
	341,021

Hist. crít, IX, 233.

This is slightly modified by Gallois in his abridgement of Llorente's work (Histoire abregée de la Inquisition d'Espagne, 6e Ed., p. 351–2, Paris, 1828). He gives the figures:

Burnt alive	34,658
Burnt in effigy	18,049
Condemned to galleys or prison	288,214
	340,921

It will be observed that Gallois unscrupulously classifies all personal relaxations as burnings alive and all penances as galleys or prison.

[2] Hist. de los Judíos de España, III, 492–3.

[3] Procedimientos de la Inquisicion, I, 116–17 (Madrid, 1886).

assume that to be the term comprised.[1] With some variations his figures were adopted by subsequent writers.[2] Bernáldez only makes the general statement that throughout Spain an infinite number were burnt and condemned and reconciled and imprisoned, and of those reconciled many relapsed and were burnt.[3]

Imperfect as are the records, we may endeavor to test these various estimates by such evidence as is at hand respecting a few of the tribunals. In this we may commence with Seville, which was unquestionably the most active. The Inquisition had started there, as the centre of crypto-Judaism; it was the most populous city of Castile, with nearly half a million of inhabitants, and its unrivalled commercial activity rendered it peculiarly attractive to the Conversos, while Isabella's Andalusian decree of expulsion must have largely increased the number of pseudo-proselytes. In 1524, there was placed over the gateway of the castle of Triana, occupied by the tribunal, an inscription of which the purport is not entirely clear, but signifying that, up to that time, it had caused the abjuration of more than 20,000 heretics and had burnt nearly 1000 obstinate ones.[4] This is probably an understatement, if we are to believe Bernáldez, who asserts that in eight years, from the founding of the Seville tribunal up to 1488, it had burnt in person more than 700 heretics, besides many effigies of fugitives and an infinite number of bones; those reconciled during the same period he estimates at 5000.[5] Still its activity must soon have greatly diminished for, in 1502, Antoine de Lalaing, visiting the Castle of Triana, describes it as containing more than twenty heretic prisoners which he evidently regards as a large number, but which would argue a very moderate amount of persecution in view of the leisurely procedure that was becoming usual.[6] There is therefore an apparent tendency to exaggerate the achievements of the Holy Office in the statement of its secretary Zurita, some

[1] Pulgar, Cronica, P. II, cap. lxxvii.

[2] L. Marinæi Siculi de Reb. Hispan., Lib. XIX.—Illescas, Hist. Pontifical, P. II, Lib. VI, c. xix.—Mariana, Hist. de España, Lib. XXIV, cap. xvii.—Páramo, p. 139.—Garibay, Comp. Hist., Lib. XVIII, cap. xvii.

[3] Hist. de los Reyes Católicos, cap. xliv.

[4] Zuñiga, Annales de Sevilla, año 1524, n. 3 —Varflora, Compendio de Sevilla, P. II, cap. 1.

[5] Bernáldez, *ubi sup.*

[6] Lalaing, Voyage de Philippe le Beau (Gachard, Voyages des Souverains, I, 203).

half-century or more later, that in Seville alone, up to the year 1520, there were more than 4000 culprits burnt and more than 30,000 reconciled and penanced, besides the numerous fugitives, and he adds that an author, very diligent in the matter, affirms these figures to be exceedingly defective and that, in the archbishopric of Seville alone, there were condemned as Judaizing heretics, more than a hundred thousand persons, including those reconciled.[1] Cardinal Contarini, when Venetian envoy in 1525, was evidently misled by this tendency to amplification, when he describes the Inquisition as having made a slaughter of the New Christians impossible to exaggerate.[2]

Unfortunately no authentic records have seen the light by which to test the accuracy of these varying estimates of the activity of the most destructive tribunal during the early period. It is otherwise with several of those that ranked next to it in importance. For the province of Toledo, as we have seen, the first tribunal was established at Ciudad Real where, in its two years of existence, it relaxed in person 47 and in effigy 98.[3] Transferred to Toledo, in 1485, its operations at first were energetic, but they diminished greatly towards the end of the century until, in 1501, it had a spasmodic period of activity through the discovery of "La Moça de Herrera" (Vol. I, p. 186) a young Jewish prophetess, to whose numerous believers no mercy was shown, for those who had been reconciled thus incurred the penalty of relapse. The total operations of the Toledo tribunal, from its origin in 1485 until 1501, amount to 250 relaxed in person, over 500 in effigy, about 200 imprisoned and 5200 reconciled under Edicts of Grace. Of the personally relaxed, nearly half, or 117, were followers of the prophetess, leaving only 139 ordinary Judaizers and, of those

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[1] Zurita, Añales, Lib. xx, cap. xlix. The fact that so careful an historian as Zurita, who sought everywhere for documentary evidence, had no official statistics to cite shows that none such existed in the Suprema relating to the early years of the Inquisition.

[2] Relazioni Venete, Serie I, T. II, p. 40.

[3] Archivo hist. nacional, Inq. de Toledo, Leg. 262.—It is possible that these figures may be only of residents of Ciudad Real. Páramo (p. 170) states the numbers for the tribunal, during its two years of existence, at 52 relaxations in person, 220 in effigy and 183 reconciliations. The record just cited gives for Ciudad Real, from 1484 to 1531, 113 relaxed in person, 129 in effigy, 16 reconciled, 11 penanced, 19 absolved, 3 discharged on bail and 8 of which the sentence is not stated—all, apparently, residents of the town.

imprisoned, about 140 may be accounted for in the same way.[1] Saragossa was reckoned as one of the most deadly tribunals in Spain—indeed, Llorente remarks that if he had taken it and Toledo as the basis of his calculations, he would have tripled the number of victims.[2] For this we have the details of the sixty-five autos, held from 1485 to 1502, furnished by the record printed in the Appendix to Volume I. Summarized, this gives the totals of 119 burnt alive, 5 quartered, beheaded or strangled prior to burning, 3 bodies burnt, 29 effigies burnt and 458 penanced, or an aggregate of 614.[3] The *Libro Verde de Aragon*, moreover, gives us an official list of the residents of Saragossa burnt, from 1483 to 1574, in summarizing which it appears that, during these ninety-two years, the total of relaxations in person was 125 and in effigy 77, including seven witches, three sorcerers and four Protestants. Tabulation by years emphasizes the diminution of activity after the close of the fifteenth century.[4]

Barcelona is another important tribunal of which we have accurate statistics during its early years, furnished by the royal archivist, Pere Miguel Carbonell. From its foundation to the

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[1] Relacion de la Inquisicion Toledana (Boletin, XI, 292 sqq).

The Córdova tribunal also burned 90 residents of Chillon, who had been duped by the prophetess of Herrera (Ibidem, p. 308).

[2] Hist. crit., IX, 210.

[3] See Appendix of Vol. I. It must be borne in mind that, in the early years, small autos were held elsewhere than in the centres. Thus, in the *Libro Verde* there are allusions to them in Barbastro, Huesca, Monzon, Lérida and Tamarit (Revista de España, CVI, 250–1, 263–4, 266). The aggregate for these, however, would make little difference in the totals.

[4] Libro Verde (Revista de España, CVI, 570–83). The relaxations by years were:

1483— 1	1495— 9	1512—4	1542—1
1485— 4	1496— 1	1520—1	1543—1
1486—26	1497—18	1521—2	1546—2
1487—25	1498— 2	1522—1	1549—1
1488—13	1499—13	1524—1	1561—4
1489— 2	1500— 5	1526—1	1563—1
1490— 1	1502— 2	1528—2	1565—1
1491—10	1505— 1	1534—1	1566—1
1492—15	1506— 5	1535—1	1567—2
1493—11	1510— 1	1537—1	1574—2
1494— 1	1511— 5	1539—1	

The number in 1486–7–8 is attributable to the assassination of San Pedro Arbués.

end of Torquemada's career, in 1498, there were thirty-one autos celebrated in Barcelona, Tarragona, Lérida, Gerona, Perpignan, Vich, Elne and Balaguer. In these the totals are only 10 strangled and burnt, 13 burnt alive, 15 dead and 430 burnt in effigy, 1 reconciled in effigy, 116 penanced with prison and 304 reconciled for spontaneous confession.[1]

Valencia, of all the tribunals, was the one which best maintained its activity throughout the sixteenth century, owing to the dense Morisco population. We have a list of all persons imprisoned for heresy, from the beginning in 1485 up to 1592 inclusive, amounting in all to 3104, of whom 530 were contributed by the last four years, 1589–92, when the persecution of the Moriscos was particularly active. There is also an alphabetical list of persons relaxed, from the beginning until 1593, unfortunately imperfect and ending with the letter N, but, by adding twenty-five per cent. we can obtain a reasonably close approximation to the total. The list as we have it gives 515 relaxations in person and 383 in effigy, or, with the addition of twenty-five per cent., 643 of the former and 479 of the latter, being nearly an average of six per annum of the former and four and a half of the latter.[2]

Valladolid had the most extensive territory of all the tribunals, but it comprised the northern provinces, where the New Christians were comparatively few. It was not organized for work until 1488, making its first arrest on September 29th of that year, and holding its first auto on June 19, 1489, when, after nine months' work on new ground, there were but eighteen relaxations in person and four in effigy. The next auto recorded did not occur until January 5, 1492, when the relaxations in person numbered thirty-two and in effigy two.[3] This, while sufficiently cruel, indicates that the victims in the northern provinces bore but a small proportion to those in the southern.

At the other extremity of Spain was the little tribunal of Majorca, which acquired a sudden and sinister reputation by the occurrences of 1678 and 1691. It started in 1488 and for some years was fairly active, lapsing in time into virtual torpor, as far as persecution was concerned, so that, including its autos of 1678 and 1691, the whole aggregate of its work for over two centuries

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[1] Carbonell de Gestis Hæret. (Col. de Doc. de la C. de Aragon, XXVII, XXVIII).

[2] Archivo hist. nacional, Inq. de Valencia, Leg. 98, 300.

[3] Cronicon de Valladolid (Col. de Doc. inéd., XIII, 176–9, 187).

amounted to 139 relaxations in person, 482 in effigy and 637 reconciliations, in addition to 338 reconciled under Edicts of Grace in 1488 and 1491.[1]

In the later periods there are records which enable us to reach a fairly accurate computation of the activity of some at least of the tribunals. A few of these I have had the opportunity of consulting and the researches of future students will doubtless in time compile tolerably complete statistics for the second and third centuries of the Inquisition, after the Suprema had compelled the tribunals to render periodical reports.

We have those of Toledo, from 1575 to 1610, not wholly complete, for the auto of 1595 is omitted, and the MS. breaks off at the commencement of that of 1610. Toledo, at the time, was the most important tribunal in Spain, for it included Madrid, yet during these thirty-five years the relaxations amount to only eleven in person and fifteen in effigy, so that, allowing for the omissions, there may have been one in person every three years and one in effigy every two years, while the various penances number in all nine hundred and four.[2] Small as are these results they continued to diminish. For the same tribunal we have a record extending from 1648 to 1794 and, during this century and a half, there were only eight relaxations in person and sixty-three in effigy, the latest execution occurring in 1738. This gives us an average of one of the former every eighteen years and one of the latter every two years and a quarter. In addition, there were a thousand and ninety-four penanced in various ways.[3] It is true that, about 1650, a separate tribunal was erected in Madrid, but a list of relaxations there, from its foundation up to 1754, when relaxation had virtually become obsolete, gives us only an aggregate of nineteen in person and sixteen in effigy, or one in every five years of the former and in six years of the latter.[4] During the height of the renewed persecution of Judaizers in the eighteenth century, in the whole of the sixty-four autos celebrated throughout Spain from 1721 to 1727, the total number of relaxations was seventy-seven in person and seventy-four in effigy, making an average of about eleven a year of each class—a grim record enough, but

[1] Archivo de Simancas, Inq., Lib. 595.
[2] MSS. of Library of Univ. of Halle, Yc, 20, T. I.
[3] Archivo hist. nacional, Inq. de Toledo, Leg. 1.
[4] Archivo de Simancas, Inq., Lib. 1020.

vastly less than has been popularly accepted.[1] Nor must it be forgotten that, in the vast majority of cases, the victim was merci-

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[1] Royal Library of Berlin, Qt. 9548.

To illustrate the discrepancy between the facts as stated above and the reckless computations of Llorente, which have been so largely accepted, it may not be amiss to compare the facts with the corresponding figures resulting from his system of calculation, for the tribunals and periods named:

			Records.	Llorente.
Toledo,	1483–1501.	Relaxed in person	297	666
		Relaxed in effigy	600	433
		Imprisoned, about	200	6,200
		Reconciled under edicts	5200	
Do.	1575–1610.	Relaxed in person	11	252
		Relaxed in effigy	15	120
		Penanced	904	1,396
Do.	1648–1794.	Relaxed in person	8	297
		Relaxed in effigy	63	129
		Penanced	1094	1,188 up to 1746.
Saragossa,	1485–1502.	Relaxed in person	124	584
		Relaxed in effigy	32	392
		Penanced	458	7,004
Barcelona,	1488–98.	Relaxed in person	23	432
		Relaxed in effigy	430	316
		Imprisoned	116	5,122
		Reconciled under edicts	304	
Valencia,	1485–1592.	Relaxed in person	643	1,538
		Relaxed in effigy	479	869
		Tried	3104	16,677 penanced.
Valladolid,	1485–92.	Relaxed in person	50	424
		Relaxed in effigy	6	312
		Penanced	?	3,884
Majorca,	1488–1691.	Relaxed in person	139	1,778
		Relaxed in effigy	482	978
		Penanced	975	17,861
All tribunals,	1721–27.	Relaxed in person	77	238
		Relaxed in effigy	74	119
		Penanced	811	1,428

It will thus be seen how entirely fallacious was the guess-work on which Llorente based his system.

An even more conclusive comparison is furnished by the little tribunal of the Canaries. After 1524, Llorente includes it among the tribunals by which he multiplies the number of yearly victims assigned to each. He thus makes it responsible, from first to last, for 1118 relaxations in person and 574 in effigy. Millares (Historia de la Inquisicion en las Islas Canarias, III, 164–8) has printed the official list of the *quemados* during the whole career of the tribunal, and they amount in all to eleven burnt in person and a hundred and seven in effigy. The number of the latter is accounted for by the fact that, to render its autos interest-

fully strangled before the fire was set. We have seen how very small was the proportion of impenitents who persevered to the last and refused to earn the garrote by professing conversion.

The material at hand as yet is evidently insufficient to justify even a guess at the ghastly total. Yet, after all, it is not a matter of as much moment, as seems to have been imagined, to determine how many human beings the Inquisition consigned to the stake, how many bones it exhumed, how many effigies it burnt, how many penitents it threw into prison or sent to the galleys, how many orphans its confiscations cast penniless on the world. The story is terrible enough without reducing it to figures. Its awful significance lies in the fact that men were found who conscientiously did this, to the utmost of their ability, in the name of the gospel of peace and of Him who came to teach the brotherhood of man. It is enough to know that the inquisitors used their utmost efforts to stamp out what they deemed heresy, and the tale of their victims is not the gauge of their cruelty but of the number of heretics whom they could discover. Save when pride or cupidity or ambition may have been the impelling motive, the men are not to be blamed, but the teaching which gave them such a conception of the duty so relentlessly performed, and framed a system of procedure which shrouded their acts in darkness and deprived the accused of his legitimate means of defence. The good Cura de los Palacios was evidently a kindly natured man, but he declares that the fires lighted by the Inquisition shall burn to the very heart of the wood, until all Judaizers are slain and not one remains, even to their children if infected with the same leprosy.[1]

In the hurried work of the early period there was no effort made to induce the conversion that would save the accused from the stake, but, in later times, the persistent labor bestowed on the condemned, during the three days prior to the auto, is evidence that the tribunals did not act through thirst of blood and that they were sincerely desirous to save both the body and soul of

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ing, it was often in the habit of prosecuting *in absentia* Moorish and negro slaves who escaped to Africa after baptism and who thus were constructively relapsed.

Dr. Schäfer (Beiträge, I, 157), after an exhaustive examination of the accessible records, has collected references to 2100 persons tried for Protestantism during the second half of the sixteenth century. Protestants were punished with special severity, but in these cases the total of relaxations in person was about 220 and in effigy about 120, and all these, as we have seen, were largely foreigners.

[1] Bernáldez, Hist. de los Reyes Católicos, cap. xliv.

the heretic, in the same spirit that torture was sometimes piously administered in order to confirm the sufferer in the faith. Still, at times, there was doubtless a certain pride in affording to the populace the spectacle of a relaxation and thus demonstrating the authority of the Holy Office. That the public should relish the entertainment thus provided was natural, both from the inherent attraction which the sight of suffering has for a certain class of minds, and from the assiduous teaching that heresy was to be exterminated and that the slaying of a heretic was an acceptable offering to God. The Inquisitor Lorenzo Flores relates that, at the great Valladolid auto of 1609, where there were seventy penitents, many of them reconciled or sentenced to abjuration *de vehementi*, the people murmured because the one condemned to relaxation had professed conversion in time and had thus escaped the stake, and there were many complaints that the auto was not worth the expense of coming to see. He adds that, at Toledo, where there was no one relaxed, the people declared that the auto was a failure.[1]

There is something terrible in the fierce exultation which fanaticism experienced in the agonies of the misbeliever. Padre Garau, in his account of the Mallorquin auto of May 6, 1691, gloats with an exuberance, which he knew would be shared by his readers, on the agonies of the three impenitents who were burnt alive. As the flames reached them they struggled desperately to free themselves from the iron ring which clasped them to the stake. Rafael Benito Terongi succeeded in releasing himself but to no purpose, for he fell sideways into the fire. His sister Cathalina, who had boasted that she would cast herself into the flames, when they began to lick her, shrieked to be set free. Rafael Valls, who had professed stoical insensibility, stood motionless as a statue so long as only the smoke reached him, but, when the flames attacked him, he bent and twisted and writhed till he could no more; he was as fat as a sucking-pig and burnt internally, so that, after the flames left him, he continued burning like a hot coal and, bursting open, his entrails fell out like those of Judas. Thus burning alive they died, to burn forever in hell.[2] Such were the lessons which

[1] Archivo de Simancas, Inq., Lib. 979, fol. 40.

[2] Garau, La Fee triunfante, pp. 86, 91.

It should not be forgotten that it was only in 1790 that in England the burning of women for high and petty treason was commuted to drawing and hanging by 30 Geo. III, cap. 48 (Statutes at Large, XVI, 57).

the Church inculcated and such was the training which it gave to Spain, so that the auto de fe came to be regarded as a spectacular religious entertainment on the occasion of a royal visit, or in honor of the marriage of princes. Incidental to this was the cruel perpetuation of ancestral disgrace by the display of sanbenitos in churches, which Philip II rightly reckoned as the severest of inflictions. It intensified the terror inspired by the tribunal which, with a word, could consign a whole lineage to infamy. It kept alive and vigorous the horror of heresy and was aggravated by the statutes of Limpieza.

I hesitate to impugn the motives of those who were active in these terrible "triumphs of the faith," as they were fondly termed and, as stated above, the efforts to induce conversion show that there was no absolute thirst of blood, yet it is impossible, in reviewing the career of the Inquisition, not to recognize how powerful an adjunct to fanaticism was the profitableness of persecution. Had the Holy Office been a source of expense instead of income, we may reasonably doubt whether the ardor of Ferdinand and Isabella would have sufficed for its introduction, and it certainly would have had but a comparatively short and inactive career. We have seen how closely Ferdinand watched its expenditures and endeavored to keep down its cost, while enjoying the results of its productiveness, and how grudgingly the crown ministered to its necessities when aid was unavoidable. We have seen moreover how eagerly the Inquisition itself grasped at all sources of gain, how it was stimulated to convict its victims by the prospect of their confiscations, and how fines and penances were scaled, not by the guilt of the culprits but by its necessities; how jealously it guarded its receipts, and how little it recked of deception and mendacity when there was attempt to investigate its finances. After all is said, the Inquisition was an institution with a double duty—the destruction of heresy and the raising of money to encompass that destruction—and there are not wanting indications that the latter tended to supersede, or at least to obscure, the former. We may well question the purity of zeal which provided punishments and disabilities for heresy and at the same time chaffered over the market price of commutations and dispensations through which those penalties could be evaded. Not only confiscation but pecuniary penance and fines were a source of revenue provocative of continual abuse, and the rage for Limpieza provided abundant opportunities for extortion. The filthy odor of gain

pervades all the active period of the Inquisition, and its comparative inactivity during its later career may perhaps be attributed as much to the absence of wealthy heretics as to the diminishing spirit of intolerance.

Various ingenious theories have been framed to relieve the Inquisition of responsibility for the remarkable eclipse of Spanish intellectual progress after the sixteenth century.[1] It is one of the interesting problems in the history of literature that Spain, whose brilliant achievements throughout the Reformation period promised to make her as dominant in the world of letters as in military and naval enterprise, should, within the space of a couple of generations, have become the most uncultured land in Christendom, without a public to encourage learning and genius, and without learning and genius to stimulate a public. For this there must have been a cause and no other adequate one than the Inquisition has been discovered to account for this occultation.

Indeed, but for the effort to argue it away, it would seem superfluous to insist that a system of severe repression of thought, by all the instrumentalities of Inquisition and State, is an ample explanation of the decadence of Spanish learning and literature, especially when coupled with the obstacles thrown around printing and publication by their combined censorship. The tribulations of Luis de Leon and Francisco Sánchez illustrate the dangers to which independent thinkers were exposed; the great printing-house of Portonares was ruined by the exigencies of the Inquisition in the matter of the Vatable Bible. All *a priori* considerations cast the responsibility on the censorship of thought, whether printed or expressed verbally in what were known as "propositions," and the burden of proof is thrown upon those who deny it. Their reliance is on the fact that Isabella stimulated the development of Spanish culture and, at the same time, established the Inquisition, which thus was in existence for more than a century before the decadence became marked. This is quite easily explicable. The Inquisition was founded to extirpate Jewish and Moorish apostasy; in this it long had ample work without developing its evil capacity in the direction of censorship, save in such a sporadic instance as

[1] Juan de Valera, Del Influjo de la Inquisicion (Disertaciones, p. 108).—Menéndez y Pelayo, II, 707.—Ortí y Lara, La Inquisicion, p. 270.—P. Ricardo Cappa, La Inquisicion española, p. 146.

Diego Deza's prosecution, in 1504, of the foremost scholar of his time, Elío Antonio de Nebrija, for venturing to correct the errors of the Vulgate for the Complutensian Polyglot, in the service of Ximenez who protected him and, when inquisitor-general, allowed him to resume his labors.[1] With the advent of Lutheranism there gradually commenced the search for errors; crude Indexes of condemned books were compiled, reading and investigation became restricted; the pragmática of 1559 forbade education at foreign seats of learning and an elaborate system was gradually organized for protecting Spain from intellectual intercourse with other lands, while at home every phrase that could be construed in an objectionable sense was condemned. For awhile the men whose training had been free from these trammels persisted, in spite of persecution more or less severe, but they gradually died out and had no successors. In 1601 Mariana explained that he translated his History from the original Latin because there were few who understood that language; such learning brought neither honor nor profit and he feared the unskilfulness of those who threatened to undertake the task.[2] It is true, however, that Latin was widely studied as essential to gaining place in Church or State, but to the neglect of everything else. Fray Peñalosa y Mondragon, in 1629, while boasting of the thirty-two universities and four thousand Latin schools and of Spanish pre-eminence in the supreme science of theology, for which there were infinite rewards, admits that there were none for the other sciences and arts, which were not regarded with favor or estimated as formerly.[3] The intellectual energy of the nation, diverted from more serious channels, continued through another period to exhibit itself in the lighter fields of literature, where the names of Cervantes, Lope de Vega, Tirso de Molina, Calderon de la Barca, Quevedo de Villegas and others show of what Spanish intellect was still capable if it were allowed free play. Even these however passed away and had no successors in the growing intellectual torpor created by obscurantist censorship, and a dreary blank followed which even the stimulation attempted by Philip V could not relieve.

To produce and preserve this torpor, by repressing all dangerous intellectuality, Spain was carefully kept out of the current of

[1] Estudio del Maestre Nebrija, pp. 53–7, 97 (Madrid, 1879).

[2] Historía de España, Prólogo.

[3] Las Cinco Excelencias del Español, fol. 49, 52 (Pamplona, 1629).

European progress. In other lands the debates of the Reformation forced Catholics as well as Protestants to investigations and speculations shocking to Spanish conservatism. The human mind was enabled to cast off the shackles of the Dark Ages, and was led to investigate the laws of nature and the relations of man to the universe and to God. From all this bustling intellectual movement Spain was carefully secluded. Short-sighted opportunism, seeing the turmoil which agitated France and England and Germany, might bless the institution which preserved the Peninsula in peaceful stagnation, but the price paid for torpidity was fearfully extravagant, for Spain became an intellectual nonentity. Even the great theologians and mystics disappeared from the field which they had made their own, and were succeeded by a race of probabilistic casuists, who sought only to promote and to justify self-indulgence. How intellectual progress fared under these influences may be estimated by a single instance. When, in England, Halley was investigating the periodicity of the comet which bears his name, in Spain learned professors of the universities of Salamanca and Saragossa were publishing tracts to reassure the frightened people, by proving that the dreadful portent boded evil only to the wicked—to the Turk and the heretic.[1] The perfect success of the Inquisition in its work is manifested in the contrast between the eighteenth and the early sixteenth century, as illustrated by the statement of Juan Antonio Mayans y Siscar, that a cartload of the precious MSS. bestowed by Ximenes on his University of Alcalá was sold to the fire-works maker Torrecilla, for a display in honor of Philip V, and that several other similar collections had shared the same fate.[2] Even after half a century of Bourbon effort to revitalize the dormant intellect of Spain, Father Rábago, the royal confessor, grudged the money spent on historiographers and academies; it was a pure gift, he says, for it yields no fruits.[3] In fact, the awakening from intellectual stupor was slow, for Dom Clemencin tells us that there was less printing in Spain at the commencement of the nineteenth century than there had been in the fifteenth under Isabella.[4]

[1] See tracts by Laurean Pérez of Salamanca and Gerónimo López of Saragossa in Bodleian Library, A, Subt. 16.

[2] Revista crítica de Historia y Literatura, T. VI, p. 6.

[3] Ochoa, Epistolario español, II, 182.

[4] Elógio de la Reina Católica Doña Isabel, p. 51 (Madrid, 1821.)

It is impossible not to conclude that the Inquisition paralyzed both the intellectual and the economic development of Spain and it is scarce reasonable for Valera to complain that, when Spain was aroused from its mental marasmus, it was to receive a foreign and not to revive a native culture.[1]

That science and art and literature should thus be submerged was a national misfortune, but even more to be deplored were the indirect consequences. Material progress became impossible, industry languished, and the inability to meet foreign competition assisted the mistaken internal policy of the government in prolonging and intensifying the poverty of the people. Nor was this the chief of the evils that sprung from keeping the mind of the nation in leading-strings, from repressing thought and from excluding foreign ideas, for the people were thus rendered absolutely unfitted to meet the inevitable change that came with the Revolution. To this, in large measure, may be attributed the sufferings through which Spain has passed in the transition from absolutism to modern conditions.

We have thus followed the career of the Spanish Inquisition from its foundation to its suppression; we have examined its methods and its acts and have sought to appraise its influence and its share in the misfortunes which overwhelmed the nation. The conclusion can scarce be avoided that its work was almost wholly evil and that, through its reflex action, the persecutors suffered along with the persecuted. Yet who can blame Isabella or Torquemada or the Hapsburg princes for their share in originating and maintaining this disastrous instrument of wrong? The Church had taught for centuries that implicit acceptance of its dogmas and blind obedience to its commands were the only avenues to salvation; that heresy was treason to God, its extermination the highest service to God and the highest duty to man. This grew to be the universal belief and, when Protestant sects framed their several confessions, each one was so supremely confident of possessing the secret of the Divine Being and his dealings with his creatures that all shared the zeal to serve God in the same cruel fashion.

The Spanish Inquisition was only a more perfect and a more lasting institution than the others were able to fashion—as regards

[1] Del Influjo de la Inquisicion (Disertaciones, pp. 108, 121).

witchcraft, indeed, a more humane and rational one, for no one can appreciate the service which in this matter it rendered to Spain who has not realized the horrors of the witchcraft trials in which Catholic and Protestant Europe rivalled each other. The spirit among all was the same, and none are entitled to cast the first stone, unless we except the humble and despised Moravian Brethren and the disciples of George Fox. The faggots of Miguel Servet bear witness to the stern resolve of Calvinism. Lutheranism has its roll-call of victims. Anglicanism, under Edward VI, in 1550 undertook to organize an Inquisition on the Spanish pattern, which burnt Joan of Kent for Arianism, and the writ *De hæretico comburendo* was not abolished until 1676.[1] Much as we may abhor and deplore this cruelty, we must acquit the actors of moral responsibility, for they but acted in the conscientious belief that they were serving the Creator and his creatures. The real responsibility can be traced to distant ages, to St. Augustin and St. Leo the Great and the fathers, who deduced, from the doctrine of exclusive salvation, that the obstinate dissident is to be put to death, not only in punishment for his sin but to save the faithful from infection. This hideous teaching, crystallized into a practical system, came, in the course of centuries, to be an essential feature of the religion which it distorted so utterly from the love and charity inculcated by the Founder. To dispute it was a heresy subjecting the disputant to the penalties of heresy, and not to enforce it was to misuse the powers entrusted by God to rulers for the purpose of establishing his kingdom on earth.

In Spain, under peculiar conditions, this resolve to enforce unity of belief, in the conviction that it was essential to human happiness here and hereafter, led to the framing of a system of so-called justice more iniquitous than has been evolved by the cruellest despotism; which placed the lives, the fortunes and the honor, not only of individuals but of their posterity, in the hands of those who could commit wrong without responsibility; which tempted human frailty to indulge its passions and its greed without restraint, and which subjected the population to a blind and unreasoning tyranny, against which the slightest murmur of complaint was a crime. The procedure which left the fate of the accused virtually in the hands of his judges was rendered doubly vicious by

[1] Strype's Memorials, II, 214–15.—Burnet's Reformation, Vol. II, Collections, n. 33.—xxix Car. II, c. 9 (Statutes at Large, II, 390).

the inviolable secrecy in which it was enveloped—a secrecy which invited injustice by shielding its perpetrators and enabling them to make a parade of benignant righteousness. It was the crowning iniquity of the Inquisition that it thus afforded to the evil-minded the amplest opportunity of wrong-doing. History affords no parallel to such a skilfully organized system, working relentlessly through centuries.

The inquisitors were men, not demons or angels, and when injustice and oppression were rife in the secular courts it would be folly not to expect them in the impenetrable recesses of the Holy Office. If we have occasionally met with instances of kindliness and genuine desire to do right, we have incidentally encountered the opposite too often for us to doubt its frequency. That the rulers of the Inquisition recognized the danger of this and sought to diminish it by moral influences is evident from the admirable prayer the utterance of which, by a carta acordada of April 13, 1600, was ordered daily after mass at the opening of the morning session. This implored the Holy Spirit to fill their hearts and guide their judgements, so that they might not be misled by ignorance or favor, or be corrupted by gifts or acceptance of persons; that their decisions might be in unison with His will, so that in the end they might earn eternal reward by well-doing.[1] Yet we might feel more confidence in the sincerity of this attempt to curb by moral influence the evil tendencies fostered by the system if there had been stern repression and punishment of official wrong-doing, instead of the habitual mercy which served as an encouragement.

After all, the great lesson taught by the history of the Inquisition is that the attempt of man to control the conscience of his fellows reacts upon himself; he may inflict misery but, in due time, that misery recoils on him or on his descendants and the full penalty is exacted with interest. Never has the attempt been made so thoroughly, so continuously or with such means of success as in Spain, and never has the consequent retribution been so palpable and so severe. The sins of the fathers have been visited on the children and the end is not yet. A corollary to this is that the unity of faith, which was the ideal of statesman and churchman alike in the sixteenth century, is fatal to the healthful spirit of

[1] Archivo de Simancas, Inq., Lib. 942, fol. 53.—MSS. of Royal Library of Copenhagen, 218b, p. 200.—See Appendix.

competition through which progress, moral and material, is fostered. Improvement was impossible so long as the Holy See held a monopoly of salvation and, however deplorable were the hatred and strife developed by the rivalry which followed the Reformation, it yet was of inestimable benefit in raising the moral standards of both sides, in breaking down the stubbornness of conservatism and in rendering development possible. Terrible as were the wars of religion which followed the Lutheran revolt, yet were they better than the stagnation preserved in Spain through the efforts of the Inquisition. So long as human nature remains what it is, so long as the average man requires stimulation from without as well as from within, so long as progress is the reward only of earnest endeavor, we must recognize that rivalry is the condition precedent of advancement and that competition in good works is the most beneficent sphere of human activity.

APPENDIX.

I.

ABJURATION OF JOSEPH FERNANDEZ DE TORO, BISHOP OF OVIEDO.

(Bulario de la Orden de Santiago, Libro V, fol. 150).
(See p. 75).

EGO Joseph Fernandez de Toro, olim episcopus Ovetensis, coram Sanctissimo in Christo Patre et Domino nostro Domino Clemente Divina Providentia papa undecimo humiliter genuflexus vobis E^mis^ et R^mis^ DD. cardinalibus contra hæreticam pravitatem Generalibus Inquisitoribus ei assistentibus, sacrosancta Dei Evangelia coram me posita manibus tangens, sciens neminem salvum fieri posse extra illam fidem quam tenet, credit, profitetur ac docet Sancta Catholica et Apostolica Romana Ecclesia contra quam fateor et doleo me graviter errasse quia tenui et docui respective errores et hæreses formales ac dogmata contra veritatem ejusdem S. Ecclesiæ, et præcipue quia tenui et credidi quod non peccaverim nec peccare fecerim ex speciali Providentia Dei in quibusdam actibus turpibus a me habitis cum fœminis. Quod concussiones et corporis tremores cum pollutione sequuta attribuendi essent operationi Dæmonis ideoque absque peccato essent. Quod actus exteriores amplexuum, osculorum aliarumque operationum inhonestarum essent supernaturales in causa, adeoque a Deo et a Jesu procederent. Quod prædicta oscula et amplexus essent immunes a motu libidinis et essent motiva maximæ humiliationis ex supposita unione cum Deo. Quod facta turpia cum fœmina complici procederent ex redundantia amoris erga Jesum adeoque a parte inferiore procederent et ex motu ipsius Jesu impellerentur. Quod stante supposita tam mea quam fœminæ complicis unione cum Deo, posset utriusque status componi una simul cum exterioribus actibus peccaminosis omnesque impulsus quos in eandam fœminam habebam, Dei et Jesu essent impulsus. Quod pessima doctrina a me insinuata Dei esset doctrina. Quod a Deo haberem donum discretionis, spirituum impulsus et illustrationes ad agnoscendum spiritualem animæ statum, ipsaque spirituum discretio ac doctrinarum cognitio, esset lux mihi a Deo infusa,

essem super omnes illustratus, ideoque essem omnibus superior. Quod facta turpia a me habita cum fœmina complici essent exercitium et martyrium a Deo missum ad utriusque humiliationem et purificationem. Quod deosculando et amplectendo fœminam complicem in me adesset Jesus ipseque Jesus mediante me ita ageret et loqueretur. Quod stante dicta supposita unione cum Deo ab ipso motæ essent potentiæ meæ, memoria, intellectus et voluntas, ipseque Deus esset meus intellectus, memoria, voluntas et spiritus idque esset idem, ac tres distinctæ personæ, una Majestas et unus Deus, et alias credidi propositiones et dogmata mihi in processu contestata; quæ quidem propositiones tanquam temerariæ, erroneæ, scandalosæ, Christianæ disciplinæ relaxativæ, male sonantes, periculosæ, præsumptuosæ, errori proximæ, abusivæ verborum Sacræ Scripturæ, injuriosæ in Sanctos, insanæ, sacrilegæ, hæresim sapientes, de hæresi suspectæ, impiæ, blasphemæ, coincidentes cum propositionibus Molinos et hæreticæ respective censuratæ et qualificatæ fuerunt. Nunc de prædictis erroribus et hæresibus dolens, certus de veritate fidei Catholicæ, corde sincero ac fide non ficta abjuro, detestor, maledico, anathematizo et respective retracto omnes supradictos errores et hæreses, quos et quas tenui et credidi, et promitto ac juro me nunc toto corde absque ulla hæsitatione credere et in futurum firmiter crediturum quicquid tenet, credit, prædicat, profitetur ac docet eadem S. Catholica Ecclesia, et abjuro, detestor, maledico et anathematizo non solum supradictos errores et hæreses verumetiam generaliter omnem alium errorem dictæ sanctæ Ecclesiæ contrarium, omnemque aliam hæresim et promitto et juro me neque corde neque voce neque scripto unquam recessurum quacunque occasione sive prætextu a sancta fide Catholica nec crediturum vel edocturum aliquem errorem eidem contrarium seu aliquam hæresim. Promitto etiam me integre adimpleturum omnes et singulas pœnitentias mihi a Sanctitate vestra impositas sive imponendas et si unquam alicui ex dictis meis promissionibus et juramentis (quod Deus avertat) contravenero me subjicio omnibus pœnis a sacris canonibus aliisque constitutionibus generalibus et particularibus contra hujusmodi delinquentes inflictis et promulgatis. Sic me Deus adjuvet et illius sancta Evangelia quæ propriis manibus tango. Ego Joseph Fernandez de Toro supradictus abjuravi, juravi, promisi et me obligavi ut supra et in fidem veritatis præsentem schedulam meæ abjurationis propria mea manu subscripsi eamque recitavi de verbo ad verbum. Romæ, in palatio Quirinali hac die, 17 Julii, 1719.— Ego Joseph Fernandez de Toro Episcopus abjuravi ut supra manu propria.

II.

Abstract of the Case of Catalina Matheo in 1591.

(Relacion de las causas despachadas en el auto de la fee que se celebro en la Inquisicion de Toledo, Domingo de la SS^{ma} Trinidad, nueve dias de Junio, 1591 años.—Königl. Universitäts Bibliothek of Halle, Yc, 20, T. I.).
(See p. 224).

Catalina Matheo, viuda, vezina del Cazar, de edad de cinquenta años fue presa por el vicario de Alcala con diez y seis testigos de que en la dicha villa de quatro años a esta parte abian muerto quatro o cinco criaturas de muertes violentas que era imposible averlas hecho sino bruxas, y de que la dicha Catalina Matheo y Olalla Sobrina y Joana Yzquierda eran tenidas por tales publicas, y specialmente la dicha Matheo. Hizòle proceso y diòle tormento y en el la dicha Catalina Matheo dixò que era berdad, que podria aber quatro o cinco años que Olalla Sobrina la abia dicho si queria ser bruxa, ofreciendole que el Demonio tendria con ella aceso torpe y que era buen officio. Y que una noche por medio de la dicha Joana Yzquierda la abia llamado a su casa adonde estando todas tres abia entrado el demonio en figura de cabron, y hablando aparte primero con las dichas Olalla y Joana las abia abraçado y despues a la dicha Matheo, porque ellas le abian dicho que tambien ella queria ser bruxa, y que el dicho Demonio le abia pedido alguna cosa de su cuerpo, y ella le abia ofrecido una uña de un dedo del medio de la mano derecha, y que por regozijo del concierto abian bailado con el dicho cabron y el se abia echado carnalmente con todas tres en presencia de todas. Y que aquella noche la dicha Olalla la abia untado las coiunturas de los dedos de pies y manos y en compañia del dicho cabron abian ydo a una casa y llebando unas brosas en una teja abian entrado por una ventana a las doze de la noche y echando sueno a los padres con unas dormideras y otras yerbas puestas debaxo de la almohada, les abian sacado una niña de la cama y apretandola por las arcas la abian ahogado, y encendido lumbre con lo que llebaban, y la quemaron las partes traseras, y quebrantando los braços, y que al ruido abian despertado los dichos padres, y ellas se abian buelto con el dicho cabron por el ayre a casa de la dicha Olalla, adonde se abian bestido y ydo cada una a su casa, y que a la yda y buelta yban por el ayre desnudas. y diziendo de viga (?) con la yra de Sancta Maria. Y que de alli a pocos dias el dicho cabron abia ydo una noche a casa de la dicha Matheo y hallandola acostada la abia forçado y tenido cuenta carnal con ella, diziendo en esto algunas particularidades y lo mesmo

abia tenido otras diez o doze noches, y en los dichos quatro años otras vezes a menudo, y lo mesmo abia hecho en las carceles del dicho vicario. Y que a cabo de algunos pocos dias en casa de la dicha Olalla le abia dado un cuchillo y con el se abia cortado la uña que le abia mandado y se la abia entregado. Y otras noches untandose en casa de la dicha Olalla y en compañia de lo dicho cabron abian ydo a otra casa y ahogado un niño y arrancadole sus berguenzas, y despues a otras dos casas en diferentes noches y ahogado otras dos criaturas. Y que una sola vez abia inbocado al demonio diziendole Demonio ven a mi llamado y mandado. Y pasadas las oras del derecho se ratifico en la dicha confesion, y el dicho vicario hiço acareacion de la dicha Catalina Matheo con la dicha Olalla y en su presencia la dicha Matheo le dixo todo lo arriba dicho, afirmandose en ello, y la otra negandolo. Y en este estado remitio a la dicha Matheo a este S^to^ Off^o^ al qual aviendo sido trayda presa en la primera audiencia que con ella se tubo dixo que pedia misericordia del grave pecado que havia hecho en lebantarse a si y las dichas Olalla y Yzquierda lo que dellas avia dicho y de si confessado ante el dicho vicario lo qual avia dicho por miedo del tormento. Y abiendose examinados diez y seis testigos en el Cazar consto ser verdad que los dichos niños abian sido muertos y se hallaron de la misma manera y forma muertos y maltratados que la sobredicha Matheo lo abia confessado. Y aviendose substanciado su processo fue puesta a question de tormento, y abiendose pronunciado la sentencia y abaxadola a la camara para executarse antes de desnudarse abiendo sido amonestada dixo ser berdad todo lo que abia dicho antel vicario de Alcala, y en efecto lo refirio en substancia, aunque en algunas circonstancias mudo alguna cossa, asegurando mucho ser berdad ansi en la manera del confesar como del jurarlo, y pasadas las oras del derecho se ratifico en sus confesiones, y en otras audiencias que con ella se tubieron despues dixo lo mesmo, negando saber de que fuesen hechos los dichos inguentos ni aber tenido otro pacto tacito ni expresso con el Demonio mas de que abia dicho, y dixo las causas que abia tenido de bengarse de los padres en la muerte de sus hijos que son las mesmas que los padres testificaron, por donde sospechaban que ellas se los obiesen muerto. Y subtenciose su causa y votose auto con coroça, levi, doçiento açotes y reclusa por el tiempo que pareciere.

III.

Letter of the Suprema on the Tumult of May 2, 1808.

(Archivo histórico nacional, Inquisicion de Valencia, Cartas del Consejo, Legajo 17, No. 3, fol. 31).
(See p. 401).

Las fatales resultas que se han experimentado en esta Corte el dia 2 del corriente por el alboroto escandaloso del bajo Pueblo contra las tropas del Emperador de los Franceses hacen necesaria la vigilancia mas activa y esmerada de todas las autoridades y cuerpos respetables de la Nacion para evitar que se repitan iguales excesos y mantener en todos los pueblos la tranquilidad y sosiego que exige su propio interes no menos que la hospitalidad y atencion debida á los oficiales y soldados de una nacion amiga que á ninguno ofenden y han dado hasta ahora las mayores pruebas de buen orden y disciplina, castigando con rigor á los que se propasan ó maltratan á los Españoles en su persona ó bienes. Es bien presumible que la malevolencia ó la ignorancia haian seducido á los incautos y sencillos para empeñarles en el desorden revolucionario so color de patriotismo y amor al Soberano, y corresponde por lo mismo á la ilustracion y zelo de los entendidos el desimpresionarles de un error tan prejudicial, haciendoles conocer que semejantes movimientos tumultuarios lejos de producir los efectos propios del amor y lealtad bien dirigidos, solo sirven para poner la Patria en convulsion, rompiendo los vinculos de subordinacion en que esta afianzada la salud de los Pueblos, apagando los sentimientos de humanidad y destruyendo la confianza que se debe tener en el Gobierno, que es el unico á quien toca dirigir y dar impulso con uniformidad y con provecho al valor y á los esfuerzos del patriotismo. Estas verdades de tanta importancia ninguno puede persuadirlas mejor que los Ministros de la Religion de Jesu Cristo, que toda respira paz y fraternidad entre los hombres igualmente que sumision, respeto y obediencia á las autoridades; y como los individuos y Dependientes del Santo Oficio deban ser y han sido siempre los primeros en dar exemplo de Ministros de paz y que procuran la paz, hemos creydo, Señores, conveniente y muy propio de la obligacion de nuestro Ministerio el dirigiros la presente carta para que enterados de su contexto y penetrados de la urgente necesidad de concurrir unanimemente á la conservacion de la tranquilidad publica la hagais entender á los subalternos de ese Tribunal y á los Comisarios y Familiares del Distrito, á fin de que todos y cada uno contribuir (*sic*) por su parte con quanto zelo, actividad y prudencia les fuere posible á tan interesante objeto. Tendreislo entendido, y

del recibo de esta dareis el correspondiente aviso. Dios os guarde. Madrid 6 de Maio de 1808.—Dr. D. Gab[l] Nevia y Noriega.—D. Raimundo Eltenhard y Salinas.—Fr. Man[l] de San Joseph.—Rubricado. Recibida en 9 de Mayo de 1808.—SS. Bertran, Laso, Acedo, Encina.—Executese como S. A. lo manda. Rubrica. Valencia.

Certifico el infrascrito Secretario del Secreto del Santo Oficio de la Inquisicion de Valencia que en el dia once del mes de Mayo del año mil ochociento y ocho, estando en su audiencia de la mañana los S[res] Inquisidores Dr. D. Mathias Bertran, Licen[do] D. Nicolas Rodriguez Laso, Dr. D. Pablo Acedo Rico y Dr. D. Fran[co] de la Encina, entraron en ella los Ministros, Calificadores, Titulados, Notarios y Familiares que viven en esta ciudad, á los quales, precedida convocacion para este fin, se les leyó esta carta de los Señores del Consejo de S. M. de la Santa y General Inquisicion y en seguida se les exortó por el Señor Inquisidor Decano á su mas exacto cumplimiento. Y para que lo susodicho conste doy la presente Certificacion que firmo en la Camara del Secreto de la Inquisicion de Valencia, en el dia 11 del mes de Mayo de 1808.—D. Man[l] Fuster y Bertran, Secretario. Rubricado.

IV.

Decree of Fernando VII, September 9, 1814, Restoring the Property of the Inquisition.

(Archivo de Simancas, Inquisicion, Libro 559).
(See p. 427).

Exc[mo] Señor:—Por Real decreto de veintiuno de Julio ultimo, se sirvio S. Magestad mandar restablecer en todos sus dominios el Santo Oficio de la Inquisicion al pie y estado en que se hallaba el año de mil ochocientos ocho y que para la subsistencia y decoro de los Ministros y demas empleados de sus tribunales se restituyesen toda clase de bienes y efectos pertenecientes á su dotacion, como son frutos, creditos, reditos de censos, vales y caudales que se hallan impuestos en la Caja de consolidacion, asi como de los rendimientos de las canongias perpetuamente anejas al Santo Officio afectas por Brebes apostolicos.

Comunicado este Real decreto al supremo Consejo de Inquisicion para su observancia consulto á S. Magestad lo que en su razon tubo por combeniente al cabal cumplimiento de las piadosas Reales intenciones, manifestando al propio tiempo los ruinosos y destruidos que se hallaban los edificios destinados al tribunal del Santo Oficio, estravio

de sus papeles mas interesantes, ya de causas de fe, ya de la Hacienda del Real fisco que fueron presa de los executores de los decretos de abolicion de los tribunales de Inquisicion. Enterado S. Magestad de todo y deseoso de llevar á debido efecto su citado Real Decreto de veinteuno de Julio ha resuelto se pongan desde luego sin demora ni detencion alguna á disposicion de los tesoreros de los respectivos tribunales de Inquisicion todas las fincas y efectos de qualquiera clase que sean pertinecientes al tribunal y que en este concepto hayan sido secuestrados, confiscados, detenidos ó aplicados á lo que se llama hacienda publica ó Nacional, devolviendo todos los titulos de propiedad y legitimacion de creditos que hubiesen recebido y cortando la cuenta el dia veinteuno de Julio del presente año den razon de las personas obligadas al pago de sus arrendamientos y obligaciones con expresion de sus cantidades y procedencias.

De orden del Rey lo comunico á V. E. para su inteligencia y puntual cumplimiento, y á fin de que esta real resolucion la haga circular á los Gobernadores, Intendentes, Directores del credito publico ó sugetos encargados de la Real recaudacion de intereses en los Pueblos de sus distritos. Dios guarde á V. E. muchos años. Madrid, 3 de Setiembre de 1814.

S^{r} Virrey y Capitan General de etc.

V.

Decree of Suppression, March 9, 1820.

(Miraflores, Documentos á los qué se hace referencia en los Apuntes histórico-criticos, I, 93.—Rodrigo, Historia Verdadera, III, 494). (See p. 436).

Considerando que es incompatible la existencia del Tribunal de la Inquisicion con la constitucion de la Monarquia Española promulgada en Cádiz en 1812 y que por esta razon lo suprimieron las Córtes generales y estraordinarias por decreto de 22 de Febrero de 1813, previa una madura y larga discusion: oida la opinion de la Junta formada por decreto de este dia, y conformandome con su parecer, he venido en mandar que desde hoy quede suprimido el referido Tribunal en toda la Monarquia y por consecuencia el Consejo de la Suprema Inquisicion, poniendose inmediatamente en libertad á todos los presos que estén en sus cárceles por opiniones políticas ó religiosas, pasandose á los Reverendos Obispos las causas de estos últimos en sus respectivas

Diócesis para que las sustancien y determinen con arreglo en todo al espresado decreto de las Córtes estraordinarias. Tendréislo entendido y dispondréis lo conveniente á su cumplimiento. Palacio, 9 de Marzo de 1820. Esta rubricado. Al Secretario de Gracia y Justicia.

VI.

The Last Vote of the Supreme Council, February 10, 1820.

(Libro de Votos Secretos, Archivo de Simancas, Inquisicion, Libro 890). (See p. 437).

Toledo.—Don Manuel de la Peña Palacios.

En el consejo á 10 de Febrero de 1820. Señores Hevia, Ettenhard, Amarilla, Galarza, Martinez, Beramendi, Prado.—Hagan justicia como lo tienen acordado.

Voto del Tribunal. En el Santo Oficio de Toledo en 29 dias del mes de Enero de 1820, estando en la audiencia de su mañana el Señor Inquisidor Doctor Don José Francisco Bordujo y Rivas (que asiste solo) haviendo visto esta causa contra Don Manuel de la Peña Palacios, Presbitero Cura que fué del lugar de Ontoba y actualmente de Torrejon del Rey en este arzobispado por delitos de proposiciones y propagar doctrinas peligrosas contrarias al sentir de la Iglesia: Dixo, Que su voto y parecer es que á este reo á puerta cerrada en la sala de Audiencia y a presencia del Secretario de la causa se le reprenda amoneste y conmine por las proposiciones propaladas ya en sus sermones ya en sus conversaciones familiares; se le absuelva ad cautelam y por quince dias se le exercite spiritualmente en el convento de Padres Carmelitas Descalzos de esta Ciudad al cargo de Director que se le señale; se le advierta que por ahora le trata el Tribunal con toda conmiseracion y clemencia por haverselo implorado en las audiencias que con él se han tenido y por esperar su total enmienda en el modo irregular con que hasta aqui se ha conducido con sus Feligreses y se estará á la mira de su conducta y operaciones; y antes de executarse se remita á S. A. con todos los expedientes que han precedido para su aprobacion; y lo rubricó de que certifico. Está rubricado.—D. Domingo Sanchez Fijon, Secretario.

VII.

Dictamen of the Consejo de Gobierno on the Decree Extinguishing the Inquisition.

(Archivo de Alcalá Ministerio de Estado, Legajo 906, n. 88).
(See p. 467).

Señor Secretario de Estado y del Despacho de Gracia y Justicia.

Ex^mo^ Señor: He recibido el oficio de V. E. de 9 del presente con el proyecto de decreto en que se declara suprimido el Tribunal de la Inquisicion, se adjudican sus bienes y rentas á la estincion de la deuda publica y se fija la suerte de los dependientes del Tribunal, cuyo proyecto remite V. E. de Real orden al Consejo por que lo examine y esponga su dictamen.

Enterado de todo y despues de una detenida discusion ha acordado el Consejo manifieste á V. E. que reconoce la conveniencia de coadyubar al sostenimiento del credito del Estado por cuantos medios esten al alcance del Gobierno y reconoce asi mismo que los bienes de la Inquisicion (suprimida á lo menos de hecho por el Rey difunto que nunca permitió que restableciese) podran proporcionar algun ausilio á la caja de amortizacion sin agravio de nadie, pues en el proyecto de Decreto se establece el conveniente para asegurar á los empleados del Tribunal las asignaciones que les correspondan segun sus circunstancias y clasificaciones.

Por estas consideraciones no halla reparo el Consejo en que S. M. apruebe en lo substancial el proyecto de Decreto aunque en su dictamen podrian hacerse en el las siguientes modificaciones.

1ª En la parte del preambulo donde hablando de la autoridad Pontificia se usa de la espresion: *Primado de la Iglesia universal*, cree el consejo que podria seguirse el uso constante de designar dicha autoridad Pontificia con el nombre de Santa Sede ó Sumo Pontifice; no porque el Consejo desconozca la propiedad del titulo de Primado de la Iglesia universal con arreglo á los sacros canones, sino porque en materia de denominaciones y fórmulas es siempre preferible el uso de las establecidas y mas comunes que inovarlas, porque puede darse lugar à que se crea que la inovacion envuelva algun designio que la malignidad interpreta segun su antojo.

2ª Cuando en el Artº 1º se dice *que se declara suprimido el Tribuno de la Inquisicion* podra darse motivo á que se infiera por esta espresion que el Gobierno lo había creido subsistente hasta el dia de derecho: cuya idea no parece enteramente exacta, pues el Señor Don Fernando 7º resistiendo siempre á las gestiones de alcunas corporaciones para

su restablecimiento, y habiendo restituido á los Arzobispos y Obispos el conocimiento sobre las causas de fe que les corresponde por derecho comun dió bastante á entender que su Real animo estaba decidido á la estincion de la Inquisicion aunque por ciertas consideraciones no la hubiere pronunciado mas esplicitamente, cree pues el Consejo preferible que en dicho articulo se haga algun mencion de lo hecho por el difunto Rey sobre esta materia, á que aparezca dicha estincion como un acto de la Regencia en su totalidad: Y si no juzga S. M. que haya necesidad de ello, por lo menos el Consejo cree que al espresado articulo combendra añadir la palabra definitivamente, para que diga se declara suprimido definitivamente el Tribunal de la Inquisicion.

3° El consejo entiende que en la actualidad convendria suprimir enteramente el Art° 4° por el que se autoriza al Señor Secretario del Despacho de Hacienda para la pronta enagenacion de las fincas: pues habiendose vendido muchas de ellas en tiempo del Gobierno constitucional, y no siendo posible todavia hacer distincion alguna entre las que se enageraron y las que no se enageraron en dicha época hasta que las Córtes examinen la grave cuestion relativa á los compradores de bienes nacionales, podria darse motivo á que se sospechase que se decidia este punto general por el presente Decreto de una manera indirecta, mandando vender todos los bienes de la Inquisicion indistintamente y sin hacer diferencia alguna entre los enagenados y los non enagenados. Parece pues que por ahora combiene limitarse á lo que se previene en el Art° 2° aplicando la masa de los bienes de la Inquisicion á la estincion de la deuda publica sin mas esplicacion.

4° El art° 6° en que se ordena que los sueldos de los empleados del Tribunal se paguen del Tesoro público, cree el Consejo que podria modificarse mandando que este pago se hiciese por la caja de Amortizacion pues no parece justo imponer este nuebo gravamen al Real Tesoro cuando nada es mas natural que satisfacer el gravamen vitalicio que pesa sobre los bienes y rentas del Tribunal por el mismo establecimiento adonde han á ingresar sus productos. Esto no ofrecerá inconveniente aun despues que se vendan todas las fincas que pertenecian á la Inquisicion, pues siempre quedarán las ciento y una Canongias de que habla el Art° 3° del proyecto que no son susceptibles de enagenacion, y con cuyo producto habrá mas que lo suficiente para pagar a los cesantes del ramo cuyo número se hallará muy reducido por los que han fallecido ó pasado á otros destinos desde el año de 1823 hasta el dia, y se reducira todabia mas por las disposiciones de los Art°s 5° y 6° del mismo proyecto de Decreto.

Lo que por acuerdo del Consejo digo á V. E. en contestacion á su citado oficio con devolucion del Proyecto.

Dios etc. Madrid, 13 de Julio de 1834. El Conde de Ofalía.

VIII.

Decree of July 15, 1834, Abolishing the Inquisition.

(Printed by Castillo y Ayensa, Negociaciones con Roma, Madrid, 1859. Tom. I, Append. p. 165).
(See p. 468).

Deseando aumentar el crédito público de la Nacion por todos los medios compatibles con los principios de justicia: teniendo en consideracion que mi augusto Esposo (Q. E. E. G.) creyó bastante eficaz al sostenimiento de la Religion del Estado la nativa é imprescriptible autoridad de los muy RR. Arzobispos y RR. Obispos, protegida cual corresponde por las leyes de la Monarquia: que mi Real decreto de 4 de Enero próximo pasado ha dejado en manos de dichos Prelados la censura de los escritos concernientes á la fe, á la moral y disciplina, para que se conserve ileso tan precioso depósito: que están ya concluidos los trabajos del Código criminal en que se establecen las convenientes penas contra los que intenten vulnerar el respeto debido á nuestra Santa Religion; y que la Junta eclesiástica, creada por mi Real decreto de 22 de Abril se ocupa de proponer cuanto juzgue conducente á tan importante fin, para que provea yo de remedio hasta donde alcance el Real Patronato, y con la concurrencia de la Santa Sede en cuanto menester fuere: en nombre de mi excelsa Hija Doña Isabel II, oido el Concejo de Gobierno y el de Ministros, he venido en mandar lo siguiente: Articolo I°. Se declara suprimido definitivamente el Tribunal de la Inquisicion. 2° Los predios rústicos y urbanos, censos ú otros bienes con que le habia dotado la piedad soberana ó cuya adquisicion le proporcionó por medio de leyes dictadas para su proteccion, se adjudican á la extincion de la Deuda pública. 3° Las ciento una canongias que estaban agregadas á la Inquisicion se aplican al mismo objeto, con sujecion á mi Real decreto de 9 de Marzo último y por el tiempo que expresan las Bulas apostólicas sobre la materia. 4° Los empleados de dicho Tribunal y sus dependencias que posean prebendas eclesiásticas ú obtengan cargos civiles de cualquiera clase con sueldo, no tendrán derecho á percibir el que les correspondia sobre los fondos del mismo Tribunal, cuando servian en él sus destinos. 5° Todos los demas empleados, mientras no se les proporcione otra colocacion, percibirán exactamente de la Caja de Amortizacion el sueldo que les corresponda, segun clasificacion que solicitarán ante la Junta creada al efecto. Tendréislo entendido y dispondreis lo necesario á su cumplimiento. En San Ildefonso á 15 de Julio de 1834.—A. D. Nicolás María Garelly.

IX.

Prayer Recited Daily at Opening of Morning Session.

(Biblioteca nacional, Seccion de MSS. D, 122, fol. 1).
(See p. 583).

Adsumus Domine, Sancte Spiritus, adsumus quidem peccati immanitate detenti, sed in nomine tuo specialiter aggregati. Veni ad nos, adesto nobis, dignari illabi cordibus nostris; doce nos quid agamos, quo gradiamus; ostende quid officere debeamus ut, te auxiliante, tibi in omnibus placere valeamus. Esto salus et suggestor et effector judiciorum nostrorum, qui solus cum Deo patre et ejus Filio nomen possides gloriosum. Non nos patiaris perturbatores esse justitiæ qui summam diligis æquitatem, ut in sinistrum nos ignorantia non trahat, non favor infectat, non acceptio muneris vel personæ corrumpat, sed junge nos tibi efficaciter solius tuæ gratiæ dono ut simus in te unum et in nullo deviemus a vero quatenus in nomine tuo collecti, sic in cunctis teneamus cum moderamine pietatis justitiæque ut hic a te in nullo dissentiat sententia nostra, ut in futuro pro bene gestis consequamur premia sempiterna. Amen.

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